“CLEANING UP HELL WITH A TOOTH BRUSH:” PROHIBITION, BOOZE, AND
BOOTLEGGING IN MEMPHIS, TENNESSEE, 1909 – 1939

By

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To my parents, Peggy and Larry Lyon
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# TABLE OF CONTENTS

ACKNOWLEDGMENTS .......................................................................................................................... 4  
LIST OF FIGURES ............................................................................................................................. 8  
ABSTRACT ........................................................................................................................................ 12  

## CHAPTER

1. INTRODUCTION ........................................................................................................................... 14  
2. “PRIMROSE PATH TO THE EVERLASTING BONFIRE”: ANTILQUOR SENTIMENT AND LEGISLATION IN TENNESSEE, 1877 - 1909 ............................................. 30  
5. THE RISE AND FALL OF “WILLIE CLOSE”: NUISANCE ACT ENFORCEMENT AND VIOLATION ............................................................................................................. 184  
7. “THE GREATEST NUISANCE THAT EVER ENCUMBERED THE EARTH”: BOOTLEGGERS, TRADE CRAFT, AND ILLICIT LIQUOR ......................................................... 271  
8. “THERE’S PLENTY OF LIQUOR HERE”: DRINKERS AND DRINKING IN PROHIBITION-ERA MEMPHIS .............................................................................................. 362  
9. “WE WILL GET THEM, BY AND BY”: LAWMEN, LIQUOR, AND PROHIBITION ENFORCEMENT, 1919 – 1939 .............................................................................................. 424  
10. LAST CALL FOR NO ALCOHOL: FEDERAL AND STATE REPEAL IN MEMPHIS, 1933 - 1940 ......................................................................................................................... 499  
11. “COLD-WATER BLUES”: THE CRACKDOWN OF 1940 ....................................................... 527  
12. LESSONS NOT LEARNED: THE AFTERMATH OF PROHIBITION ................................. 546  
REFERENCES .................................................................................................................................... 550  
BIOGRAPHICAL SKETCH .................................................................................................................. 575
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1</td>
<td>Edward Hull Crump, 1909</td>
<td>18</td>
</tr>
<tr>
<td>1-2</td>
<td>“The Poor Fish!”</td>
<td>24</td>
</tr>
<tr>
<td>2-1</td>
<td>Temperance Sheet Music</td>
<td>41</td>
</tr>
<tr>
<td>2-2</td>
<td>J.S. Andrews Liquor Company</td>
<td>48</td>
</tr>
<tr>
<td>2-3</td>
<td>A) Tennessee Governor Malcom Patterson B) Edward Carmack</td>
<td>68</td>
</tr>
<tr>
<td>2-4</td>
<td>“Tennessee Aflame Against Patterson.”</td>
<td>77</td>
</tr>
<tr>
<td>2-5</td>
<td>“The Vital Issue.”</td>
<td>81</td>
</tr>
<tr>
<td>2-6</td>
<td>“The Prohibition Picture in Tennessee.”</td>
<td>87</td>
</tr>
<tr>
<td>3-1</td>
<td>“The Last Chance.”</td>
<td>89</td>
</tr>
<tr>
<td>3-2</td>
<td>“Well We’re Off.”</td>
<td>91</td>
</tr>
<tr>
<td>3-3</td>
<td>A) “They’ve Had Their ‘Booze’ Cut Out!” B) “Poor Team and Bad Driver.”</td>
<td>93</td>
</tr>
<tr>
<td>3-4</td>
<td>“State Gone Dry, Stillmore Whiskey to Be Had!”</td>
<td>94</td>
</tr>
<tr>
<td>3-5</td>
<td>“The Parting.”</td>
<td>96</td>
</tr>
<tr>
<td>3-6</td>
<td>Relocation Advertisements</td>
<td>99</td>
</tr>
<tr>
<td>3-7</td>
<td>Non-Alcoholic Beverage Advertisements</td>
<td>101</td>
</tr>
<tr>
<td>3-8</td>
<td>“The Great Temperance Beverage.”</td>
<td>105</td>
</tr>
<tr>
<td>3-9</td>
<td>Tennessee Brewing Company</td>
<td>106</td>
</tr>
<tr>
<td>3-10</td>
<td>“Shall the Dives Elect the Next Mayor?”</td>
<td>124</td>
</tr>
<tr>
<td>4-1</td>
<td>“Temperance Meeting Pledges Support for Law Enforcement,”</td>
<td>149</td>
</tr>
<tr>
<td>4-2</td>
<td>Memphis Liquor Men</td>
<td>155</td>
</tr>
<tr>
<td>4-3</td>
<td>Memphis Wholesale Liquor Dealers’ Association</td>
<td>158</td>
</tr>
<tr>
<td>4-4</td>
<td>“Water, Water, Everywhere, But Not a Drop to Drink.”</td>
<td>161</td>
</tr>
<tr>
<td>4-5</td>
<td>Memphis at Night</td>
<td>164</td>
</tr>
</tbody>
</table>
4-6. A) Z.N. Estes campaign flyer B) “Vote for Estes and Close the Dives.” ............ 166
4-7. Interstate Commerce Liquor Shipping Advertisements. ..................................... 169
4-8. A) “Special Attention to Memphis.” ................................................................. 170
4-9. Excursion Trip Advertisement. .......................................................................... 173
4-10. Memphis Riverfront and Mississippi River. ...................................................... 175
4-11. A) Tennessee Club, 1906 B) Business Men’s Club, 1912................................. 180
4-12. Hotels Chisca, Peabody, and Gayoso................................................................. 181
5-1. Law and Order Pledge Cards................................................................................ 186
5-2. Locker Club Delivery. ......................................................................................... 190
5-3. Brewette advertisement. ....................................................................................... 205
6-1. “Provide Adequate Instrumentalities to Enforce the Prohibition Law in Memphis or Repeal It.” .................................................................................... 258
7-1. “The Constant Menace.” ...................................................................................... 272
7-2. “Huh! Who’s Afraid!?!?” ................................................................................... 273
7-3. 2,000 Gallon Still .................................................................................................. 280
7-5. “Fashionable Home Scene of Still Raid.” ............................................................ 288
7-6. “Prohibition Unit (Cow Shoes), 6/28/24.” ............................................................ 299
7-7. “I’m Glad We Got Laws in This Here Country!” .................................................. 301
7-8. Abercrombie & Fitch Liquor Valise ....................................................................... 308
7-10. A) Memphis Waterways B) The Wolf River ......................................................... 315
7-12. Jurisdiction on the Mississippi River ................................................................... 330
7-13. “Knock De ‘Gin’ Outen Dey Ginerosity.” ............................................................ 343
8-1. “Boehler’s Saloon and Eating Place.” ................................................................. 367
8-3. Beale Street and Its Neighboring Streets, 1925. ..................................................... 373
8-4. A) Beale Street, 1906. B) Beale Street, 1920 .......................................................... 375
8-5. “That’s The Stuff Boy; Tell the Truth About It!” .................................................. 378
8-6. “Inman’s Inn.” ........................................................................................................ 381
8-7. A) “Pete & Joe’s Place.” B) “Prohibition Tea.” ......................................................... 383
8-9. A) Carrie Nation B) Nation’s Handiwork in a Kansas Saloon .................................... 392
8-10. A) Lynnhurst Sanitarium B) The Wallace Sanitarium ........................................... 396
8-12. A) “Drunkards Cured in 24 Hours.” B) She Stopped Her Son From Drinking.” C) “Stop Whiskey.”................................................................................................. 399
8-13. A) “The Old Family Medicine, Duffy’s Pure Malt Whiskey.” B) “This Fine Old Gentleman Calls Duffy’s the ‘Elixir of Life.’” ................................................................. 402
8-15. Prescription Liquor Form ....................................................................................... 405
8-16. “Drink and Be Merry and Tomorrow Ye May Die.” ............................................. 419
9-1. “Poison!” ................................................................................................................ 425
9-3. “Black Maria.” ........................................................................................................ 464
9-4. “Applause From the ‘Gallery.’” ............................................................................. 472
9-5. Tyree Taylor ............................................................................................................ 497
10-1. “Prohibition Failed!” ............................................................................................. 500
10-2. Crump Correspondence................................................................. 503
10-3. "Liquor Store on Cotton Row, Front Street, Memphis, 1939." ......................... 517
10-4. “30 Minutes Work, Two Hours Rest for Dice Dealer.” ..................................... 523
12-1. “There’s a Reason!” ........................................................................ 549
This project seeks to understand prohibition, illicit liquor, and bootlegging in Memphis, Tennessee between 1909 and 1939. Many studies frame prohibition as something that happened between 1920 and 1933—the parameters of the Eighteenth Amendment, banning the sale and manufacture of alcohol in the United States—yet by that start date, Memphis had already spent ten years fighting this battle under Tennessee law. Two scenarios might have compelled the Memphis liquor industry to dismantle itself and go gently into that good night when statewide prohibition began in 1909. First, if rank-and-file Memphians bought into temperance, and wanted to see liquor laws obeyed. Second, if those above them, the city’s municipal leaders, made a commitment to enforcement and directed energy into making liquor laws work. Those scenarios were not realistic, and they certainly did not happen. The production, quantity, quality, price, and availability certainly changed, but no law, speech, or sermon—as sincere as they might have been—succeeded.

Instead, the decade of state-level prohibition acted as a training camp and incubator for illicit liquor. This allowed Memphis bootleggers, I contend, to hit the ground running in a way that outpaced their peers in other cities when federal prohibition began.
in 1920. Anti-prohibitionists referenced Memphis in the 1910s as proof positive that state-level statutory bans on alcohol were a fool’s errand, and booze bribery scandals during federal prohibition made headlines across America. Yet history does not remember Memphis in the dominant narrative of prohibition, and this project seeks to correct that silence. Understanding how official and illicit power melded to create and then sustain a sophisticated bootlegging network, and recreating an on-the-ground view of bootleggers, drinkers, and lawmen, I argue, offers new insight into Memphis history, liquor control in the South, and the history of prohibition-era America generally.
CHAPTER 1
INTRODUCTION

“Wherever the law is, crime can be found.”

—Aleksandr Solzhenitsyn, 1973

On August 3, 1820, the young city of Memphis, Tennessee convened its very first court, tried its first prisoner, and issued its first guilty verdict. With the recipient of this dubious distinction—a popular tavern-owner, caught selling booze without a license—began Memphis’ contentious relationship with alcohol.¹ This dissertation examines that relationship, and specifically its most dramatic episode: the long and ultimately unsuccessful drive for prohibition. For many American cities and states, the effort to ban booze started in earnest with the Eighteenth Amendment in 1920, and ended when the Twenty-First Amendment lifted those restrictions in 1933. In Tennessee, however, the story was far more complex. Prohibition started sooner, lasted longer, and in no locale was it less effective than Memphis.

¹ The defendant in this case was Patrick “Paddy” Meagher, operator of the Old Bell Tavern. He admitted to the crime, pleading guilty and paying the $1 fine, but it is worth noting that arresting officer, and Memphis’ first sheriff, Samuel Brown might have acted on motivation beyond civic duty: Brown also owned a saloon (regarded as the city’s very first), operating in direct competition with the Old Bell. In any event, the Bell Tavern is a rather important establishment in local lore, and appears in some of the best-known histories of Memphis. Regarded as the city’s first hotel, it also acted as a store, gambling joint, storage facility, and even church. It also allegedly claimed some of the biggest names of the day as customers, like Davy Crockett and Sam Houston. Legend even claims that the city’s three founders, land speculators James Winchester, John Overton, and soon-to-be President Andrew Jackson, drew up plans for the city around one of Paddy’s tables in 1818. Paddy was friends with Jackson, the story goes, and Jackson even got into a fistfight with Colonel Jesse Benton at the Old Bell Tavern. None of this was true, of course. Andrew Jackson was one of the three original investors, but he was also never visited the city he helped create. Still, this was an important landmark in Memphis, and given how contentious the battle over alcohol became, it is only fitting that the city broke its teeth in on a booze infraction. Gerald Mortimer Capers, The Biography of a River Town; Memphis: Its Heroic Age (Chapel Hill, NC: University of North Carolina Press, 1939), 50, 69; John M. Keating, History of the City of Memphis, Tennessee (Syracuse, NY: D. Mason & Co., 1888), 184; John Trotwood Moore and Austin P. Foster, Tennessee, the Volunteer State, 1769-1923 (Chicago, IL: S.J. Clarke Publishing Company, 1923), 766; Thomas E. Watson, The Life and Times of Andrew Jackson (Thomson, GA: Jeffersonian Publishing, 1912), 79, 145; Linton Weeks, Memphis, A Folk History (Little Rock, AR: Parkhurst, 1982), 136.
This project reconstructs the history of prohibition in Memphis, with particular attention to the interplay between liquor legislation as social policy, the people it intended to “fix,” and how those efforts really played out—or perhaps more accurately, crashed and burned—at the local level between 1909 and 1939. Resituating regular (that is, mostly forgotten) people into this framework offers new insight into some of the most accepted tropes about early-twentieth-century Memphis: that it was a booze-soaked, violent town of bootleggers, gangsters, and official corruption, all orchestrated by Mayor E.H. “Boss Crump”—a man who built and sustained one of the most successful political machines in American history.\(^2\)

In many ways, this is an unmined topic. Save the film *Thunder Road*, a moonshining drama set in the late 1950s, Memphis is all but absent from popular culture’s discussion of prohibition—and that is not a small discussion. Countless books, movies, television programs, documentaries, board games, video games, and even Halloween costumes keep America’s thirteen-year ban on alcohol in the collective consciousness. Yet in those renderings, prohibition was something that happened (or at least was interesting) in the North, in urban cities like New York, Boston, Chicago, Philadelphia, and now thanks to HBO’s *Boardwalk Empire*, Atlantic City. When the South appears in this Northern-centric narrative, it is usually in one of two ways: either as barefooted-Appalachian moonshiners,\(^3\) or Miami smugglers linking international

\(^2\) As historian Roger Biles argues, of “all the twentieth-century urban bosses none dominated his city as completely for as long as Edward Hull Crump did in Memphis, Tennessee.” Roger Biles, *Memphis in the Great Depression* (Knoxville, TN: University of Tennessee Press, 1986), 29.

\(^3\) East Tennessee and its Appalachian moonshining game is a fascinating topic, yet it does not feature prominently in this study. There certainly were similarities between the two regions—notably official corruption and public apathy towards prohibition in urban areas—but geography, infrastructure, and demography (among other factors) made illicit liquor very different in east and west Tennessee. Further, the hundreds of miles and mountains between the two sides of the state ensured there was not a massive
suppliers with American syndicates. Those are interesting and certainly not false tropes, but without including the urban South, the picture remains incomplete.

Like its northern counterparts, Memphis had a thriving underworld of “professional sinners” who were well versed in gangsterism, and happy to fill the void when outside forces turned the city’s large, previously tax-paying liquor industry illegal. Unlike its northern counterparts, however, that transition did not happen overnight. It took the better part of a decade, but the result was ultimately a booming world of illicit liquor. The second half of this dissertation examines its three main actors: bootleggers, drinkers, and lawmen. These topical chapters reconstruct the modus operandi of those producing, consuming, and policing alcohol in Memphis to offer as close to a ground-level—or more aptly, a barstool or riding shotgun—view as possible. Yet, understanding the amount of overlap or business between Memphis and eastern moonshine markets like Knoxville and Chattanooga. Each section tended to manufacture and sell on its respective side of the state, and distribute to other nearby locales. Historians have produced excellent work on Appalachian moonshining, however. For more on that history, and the creation of the accompanying stereotypes, see Bruce E. Stewart, *Moonshiners and Prohibitionists: The Battle over Alcohol in Southern Appalachia* (Lexington, KY: The University Press of Kentucky, 2011); Wilbur R. Miller, *Revenuers and Moonshiners: Enforcing Federal Liquor Law in the Mountain South, 1865 – 1900* (Chapel Hill, NC: University of North Carolina Press, 1991); Joseph E. Dabney, *Mountain Spirits: A Chronicle of Corn Whiskey from King James’ Ulster Plantation to America’s Appalachians and the Moonshine Life* (Fairview, NC: Bright Mountain Books, 1984).

4 By the mid-1920s, bootleggers were importing liquor along the coastline of Georgia, Virginia and through the port of New Orleans, but Miami remained a chief “rum row,” and the amount of booze moved from the Bahamas and Caribbean through the state was staggering. For more on South Florida and international liquor smuggling, see: Sally J. Ling, *Run the Rum In: South Florida During Prohibition* (Charleston, SC: The History Press, 2007), Stan Zimmerman, *A History of Smuggling in Florida: Rumrunners and Cocaine Cowboys* (Charleston, SC: The History Press, 2006).


these three groups requires understanding how their world came into existence, and that happened first through legislation.

For all the topics within this dissertation that have received less scholarly attention, Tennessee’s political wrangling over prohibition is not among them. Indeed, the alcohol question dominated state politics in the early-twentieth century. Liquor fueled debates, created enemies, directed elections, prompted a deadly pistol duel, and brought the state’s Democratic Party—the powerhouse of Southern politics—to its knees. Still, for all the studies highlighting state liquor laws, very few make prohibition the primary focus. Instead, those laws are a component, or a vehicle to examine other issues. Even today, the only professional monograph on prohibition in Tennessee is Paul Isaac’s *Prohibition and Politics*, but as the title suggests, its top-down lens focuses more on official organizations and formal power and since the study stops in 1920, there is little attention to the state’s experience under federal prohibition. Further, while it has held up well, Isaac’s study is also now fifty years old—a characteristic it shares with most of the extant work on state-level prohibition in Tennessee. Indeed, that scholarship continues to be limited (the number of unpublished theses and dissertations

7 As legal historians James W. Ely and Theodore explain, prohibition was Tennessee’s “principal issue during the first decade of the century.” The Democratic Party’s struggle against factionalism opened the door for Republicans (who were particularly solid in East Tennessee) to gain ground and remain more competitive than elsewhere in the South. James W. Ely and Theodore Brown, A History of the Tennessee Supreme Court (Knoxville, TN: University of Tennessee Press, 2002), 153.

8 To be sure, *Prohibition and Politics* is an excellent book that has aged rather well. Historians reference it as one of the better state studies of prohibition, and Isaac dramatically expanded the understanding of Tennessee temperance organizations, who he ultimately credits for the successful passage of statewide liquor laws. *Prohibition and Politics* is largely a top-down study of teetotalers and lawmakers, not the people living under prohibition laws, so it is logical that his study concludes when federal authority superseded Tennessee law. Paul Isaac, *Prohibition and Politics: Turbulent Decades in Tennessee, 1885–1920* (Knoxville, TN: University of Tennessee Press, 1965).

dramatically outweighs journal articles and monographs\(^{10}\), aging (mostly written before 1970), and focused more on political consequences of liquor legislation than its effect on nonpolitical actors.

Figure 1-1. Edward Hull Crump, 1909. Excluding minor positions before winning the mayor’s office in 1909, Crump’s political career synchronized closely to the start of statewide prohibition in Tennessee. Memphis Public Library.

The same dynamics also ring true for studies of Memphis.\(^{11}\) After the civil rights movement and tumult of the 1960s, traditional politics is arguably the most well covered


\(^{11}\) In 1947, *Commercial Appeal* reporter Boyce House (who later wrote for the *New York Times*) lamented the lack of scholarly books on Memphis. “Why, if New Orleans, New York and San Francisco rate book after book, shelves of books, whole libraries of books,” House declared, “surely Memphis should someday have at least one!” House was a bit off here; even in 1947, there were already important studies of Memphis. Still, given the city’s size and importance in the region, it is surprising that it has not commanded more attention. Taking stock of historiography examining nineteenth or early-twentieth-century Memphis shows it not exactly scarce, but largely dated, and often clustered around certain topics or lines of inquiry. In terms of older, general surveys of the city, Gerald M. Capers’ *Biography of a River Town*—drawn from his Yale dissertation and published in 1939—has arguably withstood the scrutiny of
topic in Memphis historiography. Virtually every study of Boss Crump—and there are many—addresses prohibition, because it was such a turning point in his career.\textsuperscript{12}

Indeed, Crump was a big reason Tennessee passed an ouster law to remove public officials for dereliction of duty, and that centered specifically on his open refusal to enforce prohibition. Yet these treatments rarely go beyond discussing the state’s attempt to boot Crump out of office using that ouster law in 1915, and the subsequent effect on city and county politics. In these studies, regular people are the faceless masses who hated prohibition, violated it, and voted—or in the case of African Americans \textit{were} voted—to keep Crump in power. Like Isaac’s \textit{Prohibition and Politics}\textsuperscript{time best. Others have received more criticism, but remain useful for general information (provided it is crosschecked against other sources), like the two-volume \textit{History of the City of Memphis and Shelby County}, volume one written by J.M. Keating and volume two by O.F. Vedder (1888), Shields McIlwaine’s \textit{Memphis Down in Dixie} (1948), J.P. Young, \textit{Standard History of Memphis, Tennessee} (1912), and James D. Davis’ \textit{Complete History of Memphis} (1873). In terms of more recent scholarship, Charles Crawford’s \textit{Yesterday’s Memphis} (1976), Robert Sigafos’ \textit{Business History of Memphis} (1879), Paul Coppock’s \textit{Memphis Memoirs} (1980), and especially Beverly Bond and Janann Sherman’s examination of black Memphis and Blues music in \textit{Memphis in Black and White} (2003), stand out. Besides the book itself, Bond and Sherman make a huge contribution with the oral histories they conducted with musicians and Beale Street characters to write \textit{Memphis in Black and White}—interviews they have generously donated to the Memphis Public Library. William D. Miller’s \textit{Mister Crump of Memphis} (1964) and Robert A. Lanier’s \textit{Mister Crump in the Twenties} (1979) prove particularly helpful for fleshing out the city’s character in the early-twentieth century. Boyce House, \textit{Cub Reporter: Being Mainly About Mr. Mooney and the Commercial Appeal} (Dallas, TX: Hightower Press, 1947), 154; Gerald Mortimer Capers, \textit{The Biography of a River Town; Memphis: Its Heroic Age} (Chapel Hill, NC: University of North Carolina Press, 1939); Keating, \textit{History of the City of Memphis}; O.F. Vedder, \textit{History of the City of Memphis and Shelby County, Tennessee} (Syracuse, NY: D. Mason Co., 1888); Shields McIlwaine, \textit{Memphis Down in Dixie} (New York, NY: E.P. Dutton, 1948); J.P. Young, \textit{Standard History of Memphis, Tennessee} (Knoxville, TN: H.W. Crew and Co., 1912), James D. Davis, \textit{Complete History of Memphis} (Memphis, TN: Hite, Crumpton & Kelly, 1873); Charles Wann Crawford, \textit{Yesterday's Memphis} (Miami, FL: E.A. Seemann Publishing, 1976); Robert Sigafos, \textit{Cotton Row to Beale Street: A Business History of Memphis} (Memphis, TN: Memphis State University Press, 1979); Paul R. Coppock, \textit{Memphis Memoirs} (Memphis, TN: Memphis State University Press, 1980); Beverly G. Bond and Janann Sherman, \textit{Memphis in Black and White} (Charleston, SC: Arcadia, 2003); William D. Miller, \textit{Memphis During the Progressive Era} (Memphis, TN: Memphis State University Press, 1957); Robert A. Lanier, \textit{Memphis in the Twenties} (Memphis, TN: Zenda Press, 1979).

\textsuperscript{12} Of the literature considering Edward H. Crump, the most helpful for this study have included William D. Miller’s biography, \textit{Mister Crump of Memphis} (1964) and Wayne Dowdy’s \textit{Mayor Crump Don’t Like It: Machine Politics in Memphis} (2006). For more on Crump’s later career and subsequent impact, see David Tucker \textit{Memphis Since Crump} (1980). William D. Miller, \textit{Mister Crump of Memphis} (Baton Rouge, LA: Louisiana State University Press, 1964); Boyce House, \textit{Cub Reporter: Being Mainly About Mr. Mooney and the Commercial Appeal} (Dallas, TX: Hightower Press, 1947); G. Wayne Dowdy, \textit{Mayor Crump Don’t Like It: Machine Politics in Memphis} (Jackson, MS: University Press of Mississippi, 2006).
for the state level, there is only one source focused exclusively on prohibition in Memphis, a dissertation written by Yao Modey at Memphis State in 1983—another aging study that examines the topic through a top-down lens of institutions, organizations, and politicians.\textsuperscript{13}

This lack of attention to prohibition in Memphis should not suggest the topic is not interesting—quite the opposite, in fact. The city was important in the region—politically, geographically, economically, socially—and the effort to ban alcohol brought out its color. Indeed, temperance might have been a manifestation of Progressive Era reform fervor but that spirit did not move most Memphians. They argued it neither necessary nor wanted, voted accordingly, and felt more than a little resentment when Tennessee lawmakers forced it on them anyway, first through the Statewide Law of 1909, then the Nuisance Act of 1914, and the Bone Dry Laws of 1917 before the Volstead Act supplanted all three.\textsuperscript{14} Had Tennesseans obeyed the first law in 1909, the subsequent acts would have been unnecessary; yet they did not, and state authorities consistently referenced Memphis’ open defiance as justification for supplementary enforcement measures.\textsuperscript{15} Governor Ben Hooper actually ran for reelection in 1912—a contest that

\begin{footnotes}
\item[13] Although this dissertation does consider the topic through 1930, Modey’s treatment is far more thorough concerning state-level than federal prohibition. Yao Foli Modey, “The Struggle Over Prohibition in Memphis, 1880 – 1930,” Ph.D. dissertation, Memphis State University, 1980.
\item[14] Governor Ben Hooper summed up the position of prohibitionists and supporters of statutory prohibition in a 1911 speech to the General Assembly. “If the drinking of any liquor, the eating of any food, or the wearing of any apparel robs him of his reason, destroys his moral stamina, reduces him to the level of a beast, and makes him a menace to his fellow man,” he declared, “the state has a right to restrain him, not for the petty purpose of tyrannizing over him, but for the great and righteous purpose of protecting society.” That logic did not gain traction in a city like Memphis that valued local autonomy over state authority. Ben W. Hooper, “Prohibition Laws,” House Journal of the Fifty-Seventh General Assembly of the State of Tennessee (Nashville, TN: McQuiddy Printing Co., 1911), 170.
\item[15] To be sure, Memphis was not the only Tennessee city refusing to take the bit on prohibition. The experience of the state’s other large urban areas—Nashville, Chattanooga, and to a certain extent, Knoxville—were stormy, as well. Indeed, a Southwestern Presbyterian University recruiter grumbled it was difficult to convince parents to send their children to the Clarksville campus due to the “twenty
\end{footnotes}
hinged almost entirely on the prohibition question—promising to specifically “clean out every saloon and low down dive in Memphis.” \(^{16}\) Hooper won that election, but he certainly did not win the fight against liquor (or Boss Crump) in Memphis, and the size and scope of illicit liquor only grew as time progressed.

Thus, the extant scholarship leaves ample room for the first half of this dissertation, which examines the evolution of temperance sentiment and prohibition legislation in Tennessee through its impact on Memphis before 1919. These chapters inject local people and nuance back into the narrative by examining the social context surrounding liquor laws, and more importantly, their application (or lack, thereof) on the ground. Prohibitionists might have anticipated the triumphant application of righteous new laws, but in Memphis, things were messy, with a clear disjunction between “law” and “enforcement.” Chapters two through five get at what that really meant, not only for the citizens who lacked wealth or power (the bread and butter of social history) but also for business owners, landlords, patrolmen, deputies, attorneys, and other cogs in the municipal wheel—people equally likely to be overlooked.

To accomplish its goals, this dissertation draws on a variety of primary resources including public official correspondence,\(^ {17}\) oral histories,\(^ {18}\) early-twentieth-century

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\(^ {16}\) William D. Miller, *Memphis During the Progressive Era*, 173 -76.

\(^ {17}\) The papers of E.H. Crump, Rowlett Paine, and Watkins Overton (all housed at the Memphis Public Library) are the three main manuscript collections used in this project. Crump’s papers are easily the most voluminous, and most helpful—particularly for letters from private citizens asking for his intervention with errant saloons in their neighborhoods. E.H. Crump Collection, Rowlett Paine Collection, Watkins Overton Papers, Memphis & Shelby County Room, Memphis Public Library.

\(^ {18}\) This dissertation utilizes primarily two oral history projects. First, interviews conducted between 1972 and 1976 with blues musicians and Beale Street characters by journalists Margaret McKee and Fred
studies of Memphis, city reports, and the two most important: court records and daily periodicals. When bootleggers had their day in court, their cases produced files with documents like warrants, affidavits, writs of error, and prays for appeal that offer insight into the geography and demography of illicit liquor, how criminals adapted to (and found loopholes within) liquor laws, and law enforcement efforts to stay apace. Records for defendants who appealed their convictions are even more thorough, and some even have the holy grail of social and cultural history: direct testimony, (sometimes

Chisenhall. These became the foundation for their equally important text, Beale Black & Blue: Life and Music on Black America’s Main Street, and are now available at the Memphis Public Library and some at the Library of Congress. Second, “Memphis During the Crump Era,” a series of interviews conducted by historian Charles Crawford of Memphis State University. These provide critical insight into the Crump machine and electoral politics, and Memphis State has generously made these available online through archive.org. Margaret McKee and Fred Chisenhall (Beale Black & Blue: Life and Music on Black America’s Main Street (Baton Rouge, LA: Louisiana State University Press, 1993); Everett R. Cook Oral History Collection, Memphis Public Library; Memphis During the Crump Era Oral History Collection, Oral History Research Office, Memphis State University.

Memphis became the subject of several sociological and criminology studies—both independent and city-commissioned—that examined social problems like crime, prostitution, policing, and homicide. The most oft referenced of these is “A Study of Crime in the City of Memphis, Tennessee,” a late 1927 survey by nationally-known criminologists Andrew A. Bruce and Thomas S. Fitzgerald of the American Institute of Criminal Law and Criminology. Conducted at the behest of Memphis Mayor Rowlett Paine, this was an attempt to discredit Prudential Insurance Company statistician Frederick L. Hoffman, and his ongoing claims that Memphis’ astronomical homicide rate made it the “murder capital of America.” Negative publicity like this unsurprisingly ran counter to city booster attempts to attract commercial interest and investment. Andrew A. Bruce and Thomas S. Fitzgerald, “A Study of Crime in the City of Memphis, Tennessee,” Journal of Criminal Law and Criminology 19 no. 2, part 2 (Aug. 1928), 1 – 124.

From the 1880s through the 1910s, Memphis’ large municipal departments kept meticulous statistical data—no doubt reflecting the Progressive Era’s obsession with recordkeeping—that were tabulated and published annually. Not many of these reports survive to the present day, and by the 1920s, it was more common to keep but not publish this information due to budget constraints. Still, yearly reports from the Police, Fire, and Health departments prove incredibly useful for gauging the official reaction to, and plan for social problems like disease and crime. Interested parties can find these scattered between the Memphis Public Library, Tennessee State Library and Archives, New York Public Library, and Shelby County Archives.

Law enforcement and bootleggers played leapfrog; bootleggers assembled the best criminal defense teams that money could buy.
handwritten) depositions, and first-hand accounts from people accused of criminal activity—typically an endeavor where the object is not leaving a paper trail.\textsuperscript{22}

It is important to note, however, virtually all court cases used come from the federal level; specifically, the District Court of Western Tennessee. Liquor violators faced prosecution at the city, county, and state level, too, but contemporary documentation and subsequent preservation has been unequal. According to legal databases, for example, the Tennessee Supreme Court issued opinions on at least two dozen Memphis and Shelby County cases, yet only four of those files exist in the Tennessee State Library and Archives today. Information proves equally scant at the local level, although it was not for a lack of cases. Indeed, a random sample of the five-hundred-page reference docket for 1915 to 1917 reveals, on average, seven to ten liquor-related cases per page. Yet when traced into the actual case files, they contain little beyond basic information, and sometimes do not list the case outcome.\textsuperscript{23}

This makes it impossible to draw quantitative conclusions about arrest rates, convictions, or to make numerical comparisons between courts. Yet, this is far less problematic than it might seem, because arrestees were never a good reflection of who

\textsuperscript{22} The exception being accounts written by illicit liquor participants, and that is a genre filled largely by successful international smugglers. Most published in the late 1920s and 1930s, but a small Connecticut publishing house, Flat Hammock Press, has actually started reissuing the best of these accounts—many that had been out of print for decades. Those of note include the recollections of Gertrude Lythgoe, who orchestrated the shipment of English whiskey from Nassau to the United States. Scotsman Alastair Moray, who kept and then published his diary of a tumultuous eleven-month trip moving Scotch between Glasglow to the United States, and James Barbican, another Scot who smuggled booze to America when he could not find work after his military discharge following the First World War. Gertrude Lythgoe and Robert McKenna, \textit{The Bahama Queen: The Autobiography of Gertrude "Cleo" Lythgoe, Prohibition's Daring Beauty} (Mystic, CT: Flat Hammock Press, 2007); Alastair Moray, \textit{The Diary of a Rum-Runner} (London: P. Allan & Company, 1929). James Barbican, \textit{The Confessions of a Rum-Runner} (London: Blackwood, 1927). The recollections of Coast Guard man Harold Waters are really the only first-hand account that shows the flipside. Harold Waters, \textit{Smugglers of Spirits; Prohibition and the Coast Guard Patrol} (New York, NY: Hastings House Publishers, 1971).

\textsuperscript{23} Federal court records are at the National Archives at Atlanta, Tennessee Supreme Court records at the Tennessee State Archives in Nashville, and the Shelby County Archives houses city and county records.
bootleggers really were in Memphis. Anyone who could use payoffs, political
connections, or a patsy to avoid arrest, did so. Those who could not, or would not pay
for immunity—or made the serious mistake of crossing Boss Crump—were more likely
to find themselves in hot water. Periodic “clean up” campaigns did swell arrest numbers,
but those enforcement drives were episodic and usually (conveniently) timed around
election season. Further, when bootleggers did face trial, many got off on technicalities,
through high-powered defense attorneys, or because Memphis juries constantly refused
to convict liquor law violators even with airtight evidence. Instead, it is the qualitative
information within these case files that proves useful, as they offer insight into the
business and best practices of local bootleggers, and how law enforcement agents did
their jobs.

Figure 1-2. “The Poor Fish!” Commercial Appeal, May 6, 1925. Well-connected
bootleggers were far less likely to face arrest, or prosecution. Size, power,
political affiliation, and clientele could translate into immunity for “big fish,”
unlike the smaller operators, or “1/2 pint peddler” depicted here.
Even more insight emerges from local newspapers. Prohibition was a newsworthy topic, and it received a lot of attention. The local press published stories, editorials, and cartoons on everything from legislative battles to liquor busts, and because of that (often-daily) coverage and the otherwise forgotten detail or texture it provides, periodicals are foundational to this dissertation. Those of note include the Memphis Press-Scimitar, Memphis World, various national newspapers found through the Library of Congress’ Chronicling America database, and most importantly: the Memphis Commercial Appeal.

The Commercial Appeal is a cornerstone of this project. Besides being the largest newspaper in Memphis, it was also one of the most important periodicals in the region, dubbed the “Voice of the Confederacy” during the Civil War and later the “Bible of the Mid-South.” Under the leadership of highly-respected managing editor C.P.J. Mooney—whose editorship coincided closely with the start of statewide prohibition—the paper even won a Pulitzer Prize for denouncing the Ku Klux Klan in the 1920s.

24 Although there have been over twenty-five black newspapers published in Memphis over the years, very few survive to the present day. The Memphis World, for example, was one of the largest African-American newspapers of the era—save the Chicago Defender—and it provides useful insight into Memphis’ black community for the latter part of the research period. Yet, despite its 1931 to 1872 publication, only a few years exist today, on microfilm at the Memphis Public Library. David M. Tucker, Lieutenant Lee of Beale Street (Nashville, TN: Vanderbilt University Press, 1971), 21.

25 Chronicling America is, without question, the most sophisticated digital newspaper database I have ever used. Resulting from a partnership between the Library of Congress and the National Endowment for the Humanities that began in 2005, it is a keyword searchable database of extremely high-quality scans. It was instrumental for this dissertation, particularly in understanding how other cities across the country understood prohibition in Memphis, and how they used Memphis as a bellwether, or warning for their own issues surrounding liquor legislation.

26 Boyce House, Cub Reporter, 121.

27 Historian James W. Silver explains, it “has been generally conceded that the name C.P.J. Mooney should be placed high among the newspaper immortals of the South since the Civil War and that the Memphis Commercial Appeal was the lengthened shadow of its great managing editor during the years from 1908 to 1926.” The Klan newspaper, the Kourier, actually dubbed the Commercial Appeal among the “three most vicious anti-Klan newspapers in the country.” Mooney was a vocal critic of the Klan.
When it came to the liquor question, Memphis newspapers did not hold universal or static positions. Initially, however, the *Commercial Appeal* and its main rival, the *Press-Scimitar*, took a similar tack, supporting moderation while opposing legislation to force it, arguing such measures were neither realistic nor enforceable. The *Commercial Appeal* quipped that authorities might “as well attempt to stop Niagara by statute, or abolish lightning by act of legislation as to rid intemperance by arbitrary laws,” while the *Press-Scimitar* cautioned politicians not to mistake enthusiasm for wise decision-making. Still, such voices of dissent failed to halt the forward march of Tennessee lawmakers who passed acts between 1877 and 1908 that gradually extended legislative prohibition throughout the state. When it finally applied to large cities like Memphis in 1909, the local press declared it economic idiocy, predicted its failure, and cast Memphis as the unfortunate victim of larger forces determined to push unwanted laws down the city’s throat.

throughout his career, but made a concerted drive against the organization in 1922 following the kidnap of two black men from a picnic in Louisiana and the discovery of their bodies at the bottom of a lake several months later. Mooney penned a series of scathing editorials supplemented by powerful illustrations from cartoonist Jim Alley, and that effort ultimately won a Pulitzer Prize in 1923. As it was for the *Commercial Appeal*’s position on prohibition, the heart of the issue was respect for law. Even when the Klan did something seemingly laudable, (one editorial referenced the Klan’s destruction of a distillery in California as an example), “when done illegally any virtue therein is destroyed.” Tolerating any group to act outside the law was untenable, and would lead to “civil war and anarchy,” Mooney concluded, “and it is the thing that every loyal American must fight or else surrender to chaos.” James W. Silver, “C.P.J. Mooney of the Memphis *Commercial Appeal*, Crusader for Diversification,” *Agricultural History* 17, no. 2 (Apr., 1943): 81 – 89, 81; Boyce House, *Cub Reporter: Being Mainly About Mr. Mooney and the Commercial Appeal* (Dallas, TX: Hightower Press, 1947), 11; Thomas Harrison Baker, *The Memphis Commercial Appeal: The History of a Southern Newspaper* (Baton Rouge, LA: Louisiana State University Press, 1971), 144, 167 – 68; Gary R. Blankenship, “The Commercial Appeal's Attack on the Ku Klux Klan, 1921-1925,” *West Tennessee Historical Society Papers* 31 (1977): 44-58, 56; “The Klan and the Law,” *Commercial Appeal*, June 20, 1922; House, *Cub Reporter*, 11.

28 The *Commercial Appeal*, as historian Thomas Baker explains, operated from the philosophy that “the world and the people in it must be taken and dealt with as we found them, not as we would want them”—clearly the antithesis to legislative prohibition, which operates from the position that law can successfully alter individual behavior and create a new reality. Baker, *The Memphis Commercial Appeal*, 144. *Commercial Appeal*, January 27, 1887; October 31, 1898; March 9, 1897.
Ultimately, time proved those predictions correct; prohibition was a colossal failure in Memphis. Yet the reasons for that failure were complex, and they changed over time. Tracing how newspapers covered this ongoing saga—while comparing their coverage against other documents and examining how the pro-business Commercial Appeal or pro-Crump Press-Scimitar framed it—provides a front seat to Memphis’ navigation of that shifting terrain. This does not simply apply to copy and editorials, either. Advertisements for alcohol (only in the Commercial Appeal, as the Press-Scimitar refused to publish them on principle), alternative beverages, and even rehab prove to be an equally invaluable window. As laws changed and people discovered loopholes within that legislation, advertising and sales tactics changed, too. The result is a better understanding of how the business community—not just the liquor industry—and consumers responded to prohibition.

In the end, I argue that each of the state’s three waves of prohibition legislation—the Statewide Law of 1909 (prohibiting alcohol manufacturing and sales), the Nuisance Act of 1913 (defining saloons, brothels, and gambling houses as public nuisances, and enabling private citizens to start proceedings against them), and the “Bone-Dry” Laws of 1917 (making it illegal to receive, possess, or transport alcohol into, or out of the state), each an escalating offensive deemed necessary because the previous attempt failed—were dress rehearsals for illicit liquor. By the time federal prohibition hit, there were already experienced bootleggers, established supply chains for alcohol manufacturing, transport, sales, and consumers who knew the score. Criminals in many cities were forming their operations in 1920, but Memphis was ready to hit the ground running.

These rehearsals, paired with the city’s infrastructure, natural geography, and tractable local authorities created an illicit liquor network that, while making headlines in its own day, remains virtually forgotten by the dominant narrative and historiography of prohibition. In the 1910s, anti-prohibitionists from Virginia to Utah to California referenced Memphis as a “canary in the coal mine,” or warning of what might happen to their city if proposed prohibition acts passed. In the 1920s, it was the site of two liquor bribery scandals covered by newspapers across the country, including the *New York Times*. It was the birthplace of gangster Machine Gun Kelly (who started his criminal career as a Memphis bootlegger) and the hide out for other well-known outlaws like Charles “Pretty Boy” Floyd, and a place where saloon interests openly bankrolled political careers. Memphis not only dealt with prohibition sooner, but also longer, as the state waited another seven years after federal prohibition ended to remove its ban on liquor.

Yet, for all this, surveying some of the most significant studies of prohibition in the last half century—Daniel Okrent’s *Last Call*, Jon Kobler’s *Ardent Spirits*, Edward Behr’s *Prohibition: Thirteen Years That Changed America*, Garrett Peck’s *The Prohibition Hangover*, Ian Tyrell’s *Sobering Up*, Norman Clark’s *Deliver Us From Evil*—reveals that not one of those texts even mentions Memphis.\(^{30}\) The intention of this project is to reconstruct the world of prohibition by offering a view of the topic that the people living in the city might recognize. The characters within this dissertation are

diverse, because illicit liquor and drinking culture attracted a variety of participants. That fact has a simple explanation: for many, prohibition was about either money or reactance. Social systems create all sorts of demarcations, be them race, ethnicity, class, religion, age, or gender, yet nothing cuts across those lines like greed, or the inclination to do the exact opposite of what one is told. For as the Roman poet Ovid declared, “we are ever eager for forbidden fruit, and desire what is denied.”

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CHAPTER 2
"PRIMROSE PATH TO THE EVERLASTING BONFIRE": ANTILIQUOR SENTIMENT AND LEGISLATION IN TENNESSEE, 1877 - 1909

There is no getting around it: alcoholism was a real social problem in nineteenth-century America.¹ The temperance movement sought to curb the social problems that accompanied booze, and the net result was a reduction in drinking in the United States.² Yet the logical conclusion of that campaign, the federal government’s constitutional ban on alcohol between 1920 and 1933, was a mess. President Herbert Hoover dubbed it the “noble experiment,” but in application, “unexpectedly colossal failure” proved more apt. To be sure, the Eighteenth Amendment did some things in spades between its genesis and repeal—like spawn an unprecedented level of organized crime and malfeasance—but legitimately stopping the “manufacture, sale, or transportation of intoxicating liquors” was not among them. Born of a perfect storm of outside forces (the First World War) and a larger internal movement to recalibrate society through reform (the Progressive Era), the thirteen years of federal prohibition stands out as a glaring example of the very real limits to legislating morality and personal behavior.

¹ Estimates hold that American adults drank four to seven gallons of alcohol each year in the 1830s, compared with modern yearly rates of just over two gallons. As W.J. Rorabaugh explains, only France had a higher per capita consumption rate than the United States in the early-nineteenth century, while several European countries had rates that were half that or less. Said plainly, Americans liked their booze and it created social problems, which in turn prompted anxiety about how to address drinking and its consequences. Norman H. Clark, Deliver Us From Evil: An Interpretation of American Prohibition (New York, NY: W.W. Norton & Co., 1976); William J. Rorabaugh, The Alcoholic Republic: An American Tradition (New York, NY: Oxford University Press, 1979), 7 – 12; Ian Tyrrell, Sobering Up: From Temperance to Prohibition in Antebellum America, 1800 – 1860 (Westport, CT: Greenwood Press, 1979), 4; Thomas Pegram, Battling Demon Rum: The Struggle for a Dry America, 1800 – 1933 (Chicago, IL: Ivan R. Dee, 1998), 7 – 8, 31.

² Temperance, deriving from the Latin word for moderation or self-control, temperantia, was the avocation of moderation with regard to alcohol.
Yet, if this was a ground-shaking revelation for any citizen or politician, it should not have been. Temperance organizations campaigned relentlessly years before a federal liquor ban seemed possible, building support and securing legislation that turned countless towns, counties, and cities “dry.”\(^3\) To say those laws met varying levels of success would be an understatement. For all the places where local- and state-level alcohol restrictions met success, far more found chaos—what could have been a preview of coming attractions, or at least a warning sign for federal prohibition.

The experience of Memphis, Tennessee fell more into the latter category. For many Americans, prohibition started in 1920. Memphians, however, had already gone twelve rounds trying (unsuccessfully) to fight off state-level prohibition. They were already living out the result of unwelcome legislation pushed upon an unwilling populace. Just as it would be with federal prohibition, Tennessee liquor laws did not eliminate alcohol or its consumption. It simply prompted an incremental passing of the torch from legal, taxpaying liquor businesses to bootleggers and vice lords. The key word here is “incremental,” because that transition did not happen overnight in Memphis, although a great deal of it happened prior to the Eighteenth Amendment. Instead, it occurred in halting, uneven steps thanks to determined temperance advocates, state legislators, and the equal resolve of Memphians (save the minority who embraced prohibition) to resist, or flat-out ignore, both groups. In retrospect, this unprecedented social experiment had no chance for successful enforcement. At the time, however, that was not yet a foregone conclusion.

\(^3\) The term “dry” described both areas with legislative bans on alcohol, and people or groups that supported prohibition. In the 1920s, the term had degrees conveying how easy it was to secure alcohol, like “bone-dry” and “moist.” Conversely, the term “wet” described areas that lacked prohibition legislation and people who supported legal drinking.
Understanding the landscape of federal-prohibition-era Memphis is impossible then, without understanding how that topography first took shape at the state level. Initially, those were furrows cut by legislation. The measures passed, and even those defeated, carved out a baseline that informed the future of prohibition in Tennessee. Tracing that legal history is certainly less sexy than later flashpoints like wild nightclubs, high-speed chases, or Memphis bootleggers dynamiting federal boats for revenge. Still, it is a necessary step, and one that proves far more instructive than just charting how Memphis dug its heels against prohibition. Tennessee’s liquor laws were, like all laws, both a reflection of society and a projection of a social order the ruling class wanted to safeguard, or create. Based on the centrality of liquor in public discourse and politics (and how many legislative attempts were made to bring this dry world to fruition), it seems this social order was infused with anxiety, and alcohol was a trigger for it.

From early statehood onward, Tennessee implemented liquor legislation that intended to contain, if not minimize the visibility of alcohol in public, and restrict its access in ways that aligned with racial and social hierarchies. Yet, lawmakers were also ambivalent on how to accomplish those goals, as demonstrated by repeated tweaks and flip-flops between regulatory schemes. The first, a “restrictive licensing system,” indicated a deep-seated distrust of communal drinking and expressly banned all stand-alone bars and taverns. The boundaries of this system framed alcohol consumption as something that should happen in private (drinking was limited to homes

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4 North Carolina’s role in early Tennessee was significant enough to earn the title of its “mother state.” Many of the first settlers, and even parts of what would become northeast Tennessee were originally part of North Carolina, and Tennessee adopted and modified many aspects of the Tar Heel State’s legal and land system when it joined the Union in 1796. Liquor legislation was one area where North Carolina statutes became a template for Tennessee’s first laws. James Phelan, History of Tennessee: The Making of a State (Boston, MA: Houghton, Mifflin and Co., 1888), 47.
or places of lodging), in small quantities (sales were restricted to one quart or less), and in settings that did not enable, or contribute to other social problems. Gambling, for example, always made the shortlist of reasons the world was going to hell in a hand basket, so the state explicitly banned any mixing of alcohol, betting games, and horseracing.\(^5\)

This no-saloon, heavily regulated system served Tennessee through the first thirty years of statehood, but glaring problems prompted new, escalating requirements.\(^6\) Determining whether liquor license applicants were legitimate innkeepers or simply entrepreneurs wanting to open de facto saloons, for example, prompted the inclusion of a “good moral character” requirement to licensing in 1811. Since applicants could vouch for their own reputation—no doubt many questionable characters declared themselves pillars of goodness and honor—that, needless to say, proved ineffective. Patching that hole by requiring outside character witnesses in 1817 also proved insufficient, prompting yet another layer of licensing bureaucracy in 1823: applicants had to swear in open court they were of good moral standing, that they actually had rooms to rent to lodgers, and that they did not tolerate gambling—inclusions indicating many licensees had been doing the opposite.

\(^5\) Saloons were the specter of evil in many sermons and speeches across the country, and this sentiment was no doubt central to the state’s decision to ban all stand-alone bars and taverns. If booze was your primary business, the state would not issue the necessary liquor license. Selling booze alongside betting games or horseracing in Tennessee was worth a $10 fine, losing one’s current license, and a one-year ban from securing another. Ernest H. Cherrington, *Standard Encyclopedia of the Alcohol Problem* (Westerville, OH: American Issue Publishing Co., 1930), 6: 2626; Grace Leab, “Tennessee Temperance Activities,” 1870-1899,” *East Tennessee Historical Society Publications* 21 (1949): 52.

Still the system did not work; illegal saloons were open, violations rampant, so
Tennessee lawmakers executed an about-face and removed the blanket bans on
saloons in 1831. Based on the belief that regulation trumped open violation, this new
“general licensing system” came with more stringent requirements and stiffer penalties.\(^7\)
Even then, separating the wheat from the chaff—that is, the quality of the
establishments and the people running them—remained a perennial problem in
Tennessee. When a study reported increased vice, drunkenness, and quintuple the
number of saloons under the new system, constituents demanded change.\(^8\) Lawmakers
obliged by reverting to the previous, restricting licensing system with the Quart Law of
1838—or at least they tried.\(^9\) The measure intended to outlaw saloons again, but thanks
to a clerical error, it actually banned all alcohol sales by the drink.\(^10\) This made

\(^7\) This general licensing system introduced another level of oversight by allowing licensing and fees at the
local level, as well. Permits were issued by the state for $25 (local governments could also charge taxes,
provided they were not greater than the state’s), money that was directed to the state school fund.
Licensees had to swear under oath to keep an orderly establishment, not allow gambling, not sell on
Sundays, or to either minors or slaves without written consent from their parents and owners,
respectively. If caught violating these rules, licensees not only lost their current permit, but the ability to
hold on in the future. The decision to direct licensing revenue to the state’s school fund was also easily
palatable—channeling money from vice into education being a common practice, today most notably
through the lottery. Grace Leab, “The Temperance Movement in Tennessee, 1860 – 1907” (Master’s
thesis, University of Tennessee, Knoxville, 1938), 2, 8 – 9; Cherrington, \textit{Standard Encyclopedia of the
Alcohol Problem}, 2626.

\(^8\) A joint committee appointed by the general Assembly to ascertain the impact of this law panned it
across the board. The report stated that it had increased vice and drunkenness amongst all groups of
people and was responsible for new vice in Tennessee—although the five-fold jump in saloons really
represented the recognition of places that were already open, but had previously operated in the
shadows. It was on the recommendation of this committee that the legislature reverted to the old

\(^9\) As Robert Ewing explains, many representatives went to the legislative session of 1837 with specific
instructions from their respective territories to eliminate saloons. Robert Ewing Corlew, Enoch L. Mitchell,
and Stanley J. Folmsbee, \textit{Tennessee, a Short History} (Knoxville, TN: University of Tennessee Press,
1981), 251.

\(^10\) This revoked all legislation that authorized liquor licenses, and allowed courts to fine anyone convicted
of retailing booze at their discretion. Fine money funneled to public schools. Paul Isaac, \textit{Prohibition and
Politics: Turbulent Decades in Tennessee}, 1885 – 1920 (Knoxville, TN: University of Tennessee Press,
1965), 9.
Tennessee the first state to pass a prohibition law, but if the distinction provided any local or national esteem, it was short-lived. The thirsty demonstrated their regard by violating it extensively, prompting its repeal and a return to regulated saloons in 1846.11 This general licensing system, part deux—save for yet another round of legislative seesawing, first to the “Quart Law” in 1856, and then a switch back in 1857—was the main form of regulation until after the Civil War.12

Tracing these seemingly mundane policy changes can appear tedious (sorting it all out in primary and secondary sources certainly was), but it does reveal three important points. First, alcohol was understood as both a stand-alone, and catalyst social problem. Catalyst substances facilitate, quicken, and intensify chemical reactions, and there was clear concern that alcohol could do the same in Tennessee. The greatest anxiety was borne out of fears about booze crossing paths with other perceived vulnerabilities in the social hierarchy. Legislating who was fit to drink alcohol, when, and where, intended to limit those potential reactions, and in the process, it made liquor laws a vehicle for policing and reinforcing social order.

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11 While this made it legal for licensed dealers to sell liquor in small quantities, the requirements for obtaining a license became more stringent. Freed slaves could never hold a license, while other applicants were required to pay state, county and city taxes, pledge to keep orderly establishments, swear to prohibit gambling, sales on Sunday, and sales to minors without written parental permission. If convicted of violating any of these provisions, it was impossible to secure another license. Isaac, *Prohibition and Politics*, 8 – 10.

12 Unsurprisingly, the 1860s were not a period where temperance received an overwhelming amount of attention. To be sure, it did not die away completely, and military orders banned the sale of liquor to soldiers. However, the state’s focus was largely on secession and then the Civil War. Liquor continued to be a problem, however, as saloons popped up in cities to serve civilians and soldiers—despite laws against it. In Memphis, for example, the occupying Union Army banned the sale of alcohol. Similar to other areas (particularly Appalachia), illicit liquor also grew in rural areas during the Civil War. With local economies in turmoil, moonshining and bootlegging became a means of survival, and often a more reliable form of capital and profit. Leab, “Tennessee Temperance Activities,” 52.
It comes as no surprise which groups found themselves on the short end of the stick. There were no measures curtailing alcohol sales to bankers, or restricting access at toney social events and debutante balls. Acceptable consumption happened within the dominant social framework, and in the antebellum South, that was a hierarchy predicated largely on race. The prospect of booze-addled slaves was a worst-case scenario to white slaveowners, making it predictable that crossing that boundary produced the harshest penalties. Selling alcohol without a license in 1811, for example, was punishable by a $1 to $3 fine (annual licenses cost $3), but if an innkeeper sold an otherwise legal quantity of alcohol to a slave without written permission from their owner, the fine jumped to $5 to $10. This apprehension was not limited to enslaved persons, however; in 1846, the state also banned the issue of liquor licenses to free African Americans.

The influence of alcohol on electoral politics also caused concern. Especially “electioneering,” or plying voters with drinks before, during, and after elections. Opponents argued alcohol had a corrosive effect on campaigns, election outcomes, and the ethical decision-making of public officials, and while they certainly had a valid point, this was hardly a new issue. Ties between booze and voting stretch back to before the American Revolution. Indeed, one young politician spent thirty-seven pounds on beer, wine, cider, brandy, and rum in 1758 to supplicate those who supported his bid for the

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13 Much of the early restrictions focused on retailing, who was selling alcohol and under what conditions. The same level of regulation not yet directed at distillers, brewers, or wholesalers.

14 Leab, “The Temperance Movement in Tennessee,” 2, 8 – 9; Cherrington, Standard Encyclopedia of the Alcohol Problem, 2626.
House Burgesses. He won, that victory started his political career, and his name was George Washington.¹⁵

Davy Crockett was another well-known figure who lubricated the campaign trail, particularly during his time as a Tennessee state representative in the early 1820s. When a measure came before the General Assembly to outlaw buying drinks for voters to “preserve the purity of elections” in 1823, he openly declared himself “in favor of letting every man treat as he pleased.” To the prospect of a ban on “treating,” or buying drinks for others (a cornerstone of homosocial male drinking culture), Crockett announced he would simply have friends distribute drinks to voters for him, instead.¹⁶ The measure did pass, but it hardly severed ties between politics and alcohol in Tennessee—in fact, those ties became a defining characteristic of Memphis’ prohibition experience. Still, while Davy Crockett was not yet a larger-than-life folk hero (that followed his death at the Alamo in 1836) it was rather telling that a state legislator would openly declare his intention to circumvent the spirit, if not the letter of the law by having someone else pass out the booze.¹⁷ If nothing else, this was a harbinger of things to come. Tennesseans and Memphians in particular proved themselves nothing if not relentlessly creative when it came to finding ways to sidestep liquor laws.

Secondly, the pushback against these various policies illustrates perhaps the most fundamental lesson from the entirety of prohibition: there was always cognitive

¹⁵ Sarah Hand Meacham, Every Home a Distillery Alcohol, Gender, and Technology in the Colonial Chesapeake (Baltimore: Johns Hopkins University Press, 2009), 17.

¹⁶ For more on masculinity, drinking culture, and specifically the practice of “treating,” see Jeffrey S. Adler, First in Violence, Deepest in Dirt Homicide in Chicago, 1875-1920 (Cambridge, MA: Harvard University Press, 2006).

dissonance between the world lawmakers and interest groups wanted to create, and the tractability of the people they wanted to change. Average folks did not simply fall into line like sheep. It is not hard to understand why; or why a ban on saloons led to tactics like running an “inn” as a front for selling booze. There was a lot of money at stake, and money is a powerful motivator.

Finally, the constant vacillation between legislation indicates a deep-seated ambivalence about how to best deal with alcohol. That uncertainty might relate to the state’s relative infancy (accidentally outlawing all alcohol on a technicality does seem like an amateur night mistake), but it really speaks to the trajectory of the larger temperance movement. This was new terrain in early-to-mid nineteenth-century Tennessee because it was new terrain everywhere. Concern about the excesses of alcohol and arguments for moderation predated American Independence, but it was not until the 1820s and 1830s that the larger temperance movement began to take shape. Across the country, anti-liquor forces began to organize and lean on politicians (and the public) to advance their agenda.\(^{18}\)

It was no different in Tennessee, as temperance organizations began appearing around the state in the late 1820s and early 1830s.\(^ {19}\) They succeeded in raising public


\(^ {19}\) The state’s first temperance organization formed at Kingston, Tennessee in 1829. Members vowed not to support a politician who used liquor to garner votes, or employ anyone who drank on the job—boozing at work being a surprisingly common practice in some trades. Another group established in 1829, the Nashville and Davidson County Temperance Society, was an offshoot of the American Temperance Society. Its members pledged to use liquor only for medicinal purposes and to encourage those around them to follow suit. Leab, “The Temperance Movement in Tennessee,” 4.
awareness and sentiment for liquor control in the 1840s and 1850s, but the state’s focus shifted as the intensifying sectional crisis turned to secession and then war in the 1860s. This is not to say concern about alcohol’s influence in Tennessee died during the Civil War, however.20 Liquor remained a problem as saloons popped up across the state in defiance of civilian law and military orders against it. The Union Army’s attempt to ban all alcohol sales during its occupation of Memphis, for example, proved rather ineffective. Soldier George Cadman wrote to his wife in 1863 that “troubles began” the moment troops hit Memphis. “Women and whisky are plentiful here, and our men had been so long debarred from both that it did not take long for them to raise hell generally,” Cadman declared. “Never did I see such a scene before in my life and I hope to God I never may again.” Unfortunately for teetotalers, Cadman’s description of Memphis rang true in the coming decades, as well. The city habitually hosted a “wild scene of debauchery” where “drunkenness was the order of the day,” and legislation did not change that.21

Moonshining and bootlegging offered a means of survival in many rural areas during the Civil War—indeed, it was often a more reliable form of capital and profit—and that only increased in the post-war period as Tennesseans looked to weather the social

20 Historians attribute the growing support for liquor control in the 1840s and 1850s to the rise of temperance organizations in the state, and the visibility of statutory measures across the country, like that passed in Maine in 1851. This provided anti-liquor advocates with a real, working example. It made prohibition seem possible, and became a point of reference for their efforts to sway popular opinion. Support for such a measure in Tennessee gained some traction, but not amongst legislators. The real turning point came in the 1860s. As Paul Isaac explains, “a new era of temperance reform began in Tennessee at the close of the Civil War. Leab, “The Temperance Movement in Tennessee, 1860 – 1907, 1 – 30; Isaac, Prohibition and Politics, 8.

21 George Hovey Cadman to Esther Cooper Cadmna, May 18, 1863, George Hovey Cadman Papers, Southern Historical Collection, Manuscript Department, University of North Carolina, Chapel Hill; Darla Brock, “Memphis’s Nymphus Du Pave: The Most Abandoned Women in the World,” West Tennessee Historical Society Papers 50 (1996): 58 – 70, 63.
and economic storm that was Reconstruction. On the other side of the coin, this same period was a renaissance for temperance forces. Membership rates retuned to, and then exceeded pre-war numbers while teetotalers expanded their sphere of influence by inserting themselves into political debates, elections, and party platforms. Through tactics like lectures, parades, picnics, music, pamphlets, and even theatrical performances, they traversed the state, emphasizing the evils of alcohol and bringing new people aboard the “dry wagon.”

In Tennessee or otherwise, the most basic expectation for joining a temperance group was moderation if not abstinence from alcohol—and it was a prerequisite that members took seriously. When the “Knoxville Nine” baseball team was challenged to a drinking contest in 1875 (the opposition declared it lost on the diamond but could not lose in whiskey), players declined, explaining they were “good Templars,” who “did not

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23 The Sons of Temperance—a national organization formed in New York City in 1841, and established in Tennessee in 1846—was one such organization that experienced a renaissance after the Civil War. It became perhaps the most influential temperance organization in the state in the mid-nineteenth century, with over forty chapters. The term teetotaler described individuals who swore off all alcohol. The term derives from early temperance organizations where those pledging to never drink, rather than moderation. Membership and attendance rolls noted these members with a “T,” meaning “total” abstinence; combine the “T” and “total,” and teetotaler was born. Leslie F. Roblyer, “The Road to State-Wide Prohibition in Tennessee, 1899 – 1909” (Master’s thesis, University of Tennessee, Knoxville, 1949), 7.

24 One of the most popular theatrical plays of the era was Ten Nights in a Barroom, a prohibitionist drama about the evils of drinking, based on the play of the same title by Timothy Shay Arthur. It was second in sales in the 1850s only to the stage performance of Harriet Beecher Stowe’s Uncle Tom’s Cabin, and later turned into a film. Q. David Bowers, Thanhouser Films An Encyclopedia and History, 1909 to 1918 (Portland, OR: Thanhouser Company Film Preservation, 2000).
Beyond a commitment to sobriety and belief that society would be better off without alcohol, however, the temperance movement in Tennessee was hardly a single entity marching lockstep towards the shining goal of prohibition. Rather, it was an evolving composite of different groups, interests, agendas, and ideas.

Some Tennessee teetotalers joined grassroots organizations created in, and focused on their immediate vicinity. Others directed their energies into larger national campaigns like the Murphy Movement, an abstinence pledge drive led by saloonkeeper turned jailhouse-convert Frances Murphy, who devoted his life to temperance after killing a patron in a drunken brawl. It was particularly successful in east Tennessee,

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25 The Order of Good Templars, one of the most influential groups in 1870s Tennessee. “Nobly Resisting Temptation,” Knoxville Whig and Chronicle (Knoxville, TN), June 2, 1875.

26 Francis Murphy (1836 – 1907), an Irish immigrant, began his temperance work in 1870 in Portsmouth, New Hampshire. Murphy eschewed prohibition laws and punitive measures against liquor producers and sellers; instead, he used public lectures and moral suasion to emphasize the evils of alcohol and reform drunks (he being a reformed drinker himself). By his death in 1907, an estimated 16 million people had signed the pledge worldwide. “Frances Murphy Dead,” New York Times, July 1, 1907; Timothy Yates,
and by 1877 over 5,000 people in Knoxville alone had been convinced to take the oath of sobriety and wear the movement’s blue ribbon of support. \(^{27}\) The Woman’s Crusade, a series of peaceful demonstrations held across the country for liquor law observation and enforcement, offers another example. When the town of Greenville, Tennessee hosted one of these “crusades” in 1874, local women descended on the city’s saloons, urging patrons to see the error of their ways with song and prayer. One can only imagine the reaction of men who wanted a beer and received a bonus hymn from the next barstool, but the protestors signed temperance pledges and successfully closed three of the town’s four bars. A woman ironically owned the holdout establishment, and despite the war waged from a “Crusade House” across the street, Betsy Ward refused to yield. Liquor interests across the state applauded Ward’s grit, and saloonkeepers in Chattanooga and Knoxville even sent money to help her keep up the fight—prompting the female crusaders to hold a special prayer meeting for the “misguided men of Chattanooga and Knoxville.” \(^{28}\)

Ultimately, the Woman’s Crusade proved short-lived in Tennessee and across the country. This type of localized, grassroots effort was important for drumming up support, but when it came to having a long-term impact, the crusades simply lacked the necessary organization and momentum. \(^{29}\) The movement’s most important contribution


\(^{29}\) There were numerous smaller temperance organizations throughout Tennessee. Others that appeared in the 1870s included the Friends of Temperance (had chapters statewide, garnered support through public speeches); the St. Joseph Total Abstinence Society (Chattanooga); Temperance Society of...
was laying the foundation for another group that proved indispensable at the local, state, and national level: the Women’s Christian Temperance Union (WCTU). Established in Ohio in 1874, the WCTU defined itself as nonpartisan, and drew on traditional roles for women as protectors of the home to enter the temperance fight. Under the slogans of “agitute,” “educate,” and “legislate,” the group framed temperance as a movement to safeguard women, children, and families from the dangers of alcohol. Members took abstinence pledges, wore white ribbons to signify purity, and used activities like public lectures, concerts, petitions, picnics, offering coffee and lunch at polling places on Election Day, and distributing printed materials like pamphlets and newspapers to raise awareness.

It did not take long for the WCTU to take root in Tennessee. Inspired by the organization’s first national conference the previous year, Elizabeth Fisher Johnson established the state’s first chapter in Memphis in 1876—although that timing was not coincidental. Temperance gained traction across Tennessee in the 1870s, as small victories like additional temperance groups, increased memberships, and new

Brown’s School House (Knox County); Lights of Temperance (Clinton County). Leab, “The Temperance Movement in Tennessee,” 19.

30 At the first WTCU convention, the group ratified a constitution written by Frances E. Willard. It included a pledge of abstinence, and promise to help educate (kids in particular) society against the ills of drinking. Willard would go on to serve as president of the organization from 1879 until her death in 1898. Leab, “The Temperance Movement in Tennessee,” 43; “Early History,” Women Christian Temperance Union, http://www.wctu.org/earlyhistory.html (accessed July 15, 2011).


temperance-minded statutes (for example, making it a misdemeanor offense for elected officials to be drunk on the job in 1870) built toward a watershed moment for both advocates and adversaries: the passage of the “Four Mile Law” in 1877.  

Teetotalers had an arsenal of arguments against liquor, but one that gained a great deal of traction was the harmful effect it could have on young people. Students passing by drunkards and vice on the way to school was hardly ideal, and to that end, the Tennessee legislature granted several charters creating protective barriers around campuses by banning liquor sales within a certain distance—although spatial anxiety about alcohol extended beyond schools, too. Lawmakers erected disparate geographic boundaries, banning alcohol sales within two miles of an insane asylum in 1865, within one mile of fairgrounds in 1869, and six miles of an iron manufacturer in 1871. Clearly, there was ambivalence about the precise wingspan of “demon rum”—one mile was enough for the fair, heavy industry required six—yet enacting these measures underscored real concern in Tennessee about alcohol’s proximity to people and environments deemed susceptible to its negative influence. This suggests an inherent distrust in the people to moderate their own behavior, but to be fair, drunk

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33 This 1870 law banning drunkenness applied to both state and county elected officials. Another small victory prior to the Four Mile Law was an 1873 measure that made liquor men responsible for damage done by a drunk person that could be tied directly back to the liquor they had sold. Not all measures met with success, though. Failed attempts in the 1870s included one that would block the sale of all booze to minors (it was legal with written parental permission), and another that would prohibit selling liquor to already-drunk persons. Leab, “The Temperance Movement in Tennessee,” 27.


people operating heavy machinery or intoxicated mental health patients are perhaps situations worth avoiding.

Still, it was concern about saloons and schools that really made anxieties flare, and especially after the state adopted a new charter in 1870 that banned the type of ad hoc chartering used to establish protective lines around students. Educators, and an administrator at the University of the South at Sewanee, Tennessee, in particular, responded by pressuring state representatives to devise another method to achieve the same end. The Four Mile Law of 1877 was their solution. This banned the sale of intoxicating beverages within four miles of any incorporated school located outside an incorporated town—or said more plainly, it cast a four-mile net around any officially recognized rural school.

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36 When the state adopted a new constitution on March 26, 1870, it came with a stipulation that chartering could only occur under the auspices of established laws, not special legislative acts.

37 The University of the South at Sewanee, Tennessee is an Episcopal university established in 1857. Major G.R. Fairbanks, the business manager at the school, wanted a protective barrier around the campus and began lobbying for a special charter to protect the school in 1870. Yet upon learning the new state constitution outlawed such charters, he began pushing for a more general, comprehensive measure—the result being the Four Mile Law. The definition of “incorporated” would create drama between urban and rural centers in Tennessee—a divide that had important consequences for later events. Cherrington, *Standard Encyclopedia of the Alcohol Problem*, 2627; Carmen Hamilton Priest, “The History of Temperance in Tennessee, 1910 – 1918,” (Master’s thesis, University of Tennessee, 1937), 3; Jewell, “The Prohibition Movement in Tennessee,” 32.

38 As historian Leslie Roblyer argues, it was this “conflict between the school and the saloon” that was the embryo for the Four Mile Law, which in turn facilitated later liquor legislation. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 41.

After surviving legal challenges the Four Mile Law found some success closing wayward saloons in the countryside, yet Tennessee temperance forces were not satisfied.\textsuperscript{40} They instead turned their sights towards a comprehensive, statewide prohibition law. Besides the lengthy legislative process, ardent opposition to any blanket ban on alcohol made that a hard order to fill.\textsuperscript{41} All attempts to this point—an 1853 bill for a popular vote came closest—had ended in defeat, and opponents argued for strict licensing, regulation, and local not state-level enforcement.\textsuperscript{42}

By the mid-1880s, the statewide movement began to gain ground—although the liquor question remained a political hot potato. Teetotalers made it an expectation that individual candidates publicly declare their stance, but when it came to party politics in the General Assembly, neither Republicans nor Democrats wanted to touch such a divisive issue.\textsuperscript{43} These realities made Governor Robert L. Taylor’s 1885 suggestion for a popular referendum on statewide prohibition attractive. Allowing voters to decide whether the state banned alcohol not only answered calls for action, it also sidestepped any political risk, so legislators green-lighted it.\textsuperscript{44}

\textsuperscript{40} Opponents immediately challenged this law in court after its passage in 1877, yet the Tennessee Supreme Court upheld it in 1878. This set the trend for legal challenges of all subsequent prohibition legislation. Isaac, \textit{Prohibition and Politics}, 11.

\textsuperscript{41} It was a difficult task to change the state constitution. Potential amendments had to earn a majority vote in both houses of the General Assembly, and then pass the next General Assembly by a two-thirds vote in both houses, and finally ratified by popular vote amongst the people. Given that the Tennessee legislature only met biennially, a difficult, multi-year process required two successful campaigns to garner necessary legislative support as well as a final push to convince regular voters. Isaac, \textit{Prohibition and Politics}, 12.

\textsuperscript{42} Isaac, \textit{Prohibition and Politics}, 55 – 60; Leab, “The Temperance Movement in Tennessee,” 47.

\textsuperscript{43} Isaac, \textit{Prohibition and Politics}, 8; Leab, “The Temperance Movement in Tennessee,” 3.

\textsuperscript{44} Senator and Committee on the Suppression of Intemperance member John H. McDowell introduced this bill in 1885. It called for a complete ban on manufacture, sales, and storage of liquor and stipulated the General Assembly would determine enforcement and penalties for violations. The Republicans sidestepped this issue by emphasizing their belief that it was the right of the people to decide for
Both sides pulled out all the stops in advance of this referendum, and for “dry” organizations, it marked their first significant entry into the political fray. Rather than selling hearts and minds on the merits of temperance or attracting new members, groups like the Sons of Temperance, the Independent Order of Good Templars, and the Women’s Christian Temperance Union now directed their energies towards a shared political goal. This is not to say they melded together into a single entity, but the rallies, speeches, newspapers, petitions, and lobbying were all funneling towards winning the referendum and securing a constitutional ban on booze. From this point on, legislative victories would be a priority for the state’s most influential anti-liquor organizations.

In the opposite corner were the state’s liquor interests. They did not have as many formal organizations as temperance forces, but they were well-funded, well-connected businesses with political clout, and readily leveraged those resources to advance their agenda. As early as the 1880s, organizations popped up in hopes of staving off the tide of prohibition. The State Protective Association of Tennessee, for example, declared its intent to “safeguard and uphold the manufacture and sale of whiskies, brandies, wine, ale, and beer as at present regulated by law against the aggressions of the prohibition movement in the state.” The local equivalent in Memphis was the influential Wholesale and Retail Liquor Dealers Association, which lamented the “obnoxious temperance bills” and the negative impact they had not only themselves, while the Democrats sat astride the fence, supporting the referendum while also reiterating the party’s opposition to all sumptuary laws (those that restrict the amount or types of goods citizens can purchase, to prevent extravagant living). The resolution for the popular referendum passed both houses easily; in the Senate, the final vote was 31 to 2. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 7; Leab, “The Temperance Movement in Tennessee,” 47.


46 “State Protective Association Tennessee,” Nashville Union, October 12, 1886.
on their trade, but also on local banks and real estate. As the fight intensified over time, and statewide prohibition looked increasingly realistic, national liquor interest groups even entered the fray. They wanted to stop the forward march of temperance forces generally, but also for the practical purposes of safeguarding existing, lucrative trade. Numerous large brewers, distillers, and wholesalers used Memphis as a distribution center, so if the city fell to dry forces, it would jeopardize business for entities far beyond Tennessee’s borders.47

Figure 2-2. Like countless others, the J.S. Andrews Liquor Company served patrons far beyond Memphis. J.S. Andrews Liquor Company Advertisement, 1886. Perre Magness Collection, Memphis Public Library.

When it came to the proposed constitutional amendment, liquor forces argued the measure was undemocratic, would lower tax revenue at all levels of state government, and encourage the growth of illicit liquor.48 Dry forces knew a booze-free world was a hard sell, so they reminded voters that religious and medical alcohol would

47 Beverly G. Bond and Janann Sherman, Memphis in Black and White (Charleston, SC: Arcadia, 2003), 88 – 90.

remain legal, and ran statistics to discredit their opponents. Rather than a financial or societal asset, teetotalers argued, state liquor interests cost cities and counties more than they paid. The WCTU newspaper *Woman’s Appeal* declared saloonists in Washington County, for example, paid just $750 in taxes while the county damages of $2,618 that traced back to saloons—savings each county might enjoy if the amendment passed. Even prison inmates threw their support behind the amendment. Several hundred convicts in Nashville declared a liquor law necessary and warned that many of their peers had ended up behind bars due in part to liquor.49

When finally put to the people in 1887, voter turnout was strong (18,000 more people voted than in the previous gubernatorial election), but temperance campaigning fell short and the measure failed.50 This took a constitutional ban on alcohol in Tennessee off the table, but the defeat revealed several important trends. First, the voting record (117,504 for prohibition, and 145,197 against) showed the gap between the “wets” and the “drys” was narrowing.51 Secondly, the distribution of those votes revealed a growing geographic divide: east Tennessee was increasingly for liquor legislation, while west Tennessee was dead set against it. Third and closely related, the vote solidified Memphis and its home, Shelby County, as a stronghold of anti-prohibition sentiment. The city’s legislative representatives, citizens, and local leaders made their disdain for prohibition clear—and it would not be the last time.

Despite this loss, as well as another to require a license for anyone to buy liquor, temperance forces did score an important victory in 1887: the extension of the Four Mile

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Law to cover all rural schools in the state. In the ten years it had been in effect, time had proven the measure’s vague language and numerous exemptions were a problem. It did not apply to wholesale manufacturers, current liquor license holders, it excluded all incorporated towns and cities, and if the school in question had not incorporated, indictments failed. These caveats helped ensure the Four Mile Law passed, but in practice, they seriously undercut its effectiveness—factors contributing to its description in hindsight as “possibly the most violated law ever passed in the state.” The 1887 extension clarified and strengthened enforcement by including all country schoolhouses, whether incorporated or unincorporated, private or public, in session or not. Its passage did not attract a great deal of attention at the time, yet the impact of this measure was the end of retail sales and saloons in the hinterlands, making most of rural Tennessee dry. The failed referendum slammed a door, but this opened a window: if

52 Violating this 1887 extension of the Four Mile Law classified as a misdemeanor offense, with punishment consisting of a fine of not less than $10 but not more than $100, as well as a jail sentence of not more than six months. To this point, laws had largely focused on sellers, and some reformers called for laws that targeted buyers—attempts that proved, at least initially, unsuccessful. The state supreme court ruled in 1881 that it was, in fact, legal to buy liquor within four miles of a school (a confusing proposition given that, in theory, the Four Mile Law had eliminated any sellers. Temperance forces failed in 1887 to push through laws that would require anyone who wished to purchase liquor to obtain a license. Nashville Union, March 10, 18, 19, 1887; Isaac, Prohibition and Politics, 11; State of Tennessee, Tennessee’s Prohibition Laws, 2.

53 Under the 1877 rendering of this law, indictments also failed if the defense proved the alcoholic liquid was not a beverage; because of this, another amendment passed in 1885 to prohibit the sale of intoxicating bitters. Bitters are concentrated alcoholic extracts (seeds, plants, fruits) added to cocktails and mixed drinks, but not consumed on their own. Keebler, “Prohibition in Tennessee,” 676; Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 7.


55 The exemptions for wholesalers and incorporated towns remained. Punishment consisted of a fine of not less than $10 and not more than $100, plus jail time of not more than six months. Keebler, “Prohibition in Tennessee,” 676; Beard, The W.C.T.U. in the Volunteer State, 44; State of Tennessee, Tennessee’s Prohibition Laws, 2.

56 The exception, of course, being blind tigers running in open defiance of the law. Dyer, A School History of Tennessee, 206.
dry forces could not land a constitutional amendment, they could still advance their agenda by modifying the Four-Mile Law.

To the growing unease of liquor interests, legislative defeats and setbacks were not thwarting the temperance movement’s growth in late 1880s and 1890s Tennessee. After the Memphis chapter of the WCTU overcame its early struggles with membership—a visit from national president Frances Willard on her “Great Temperance Round-up Tour” helped spark new interest—founder Elizabeth Fisher Johnson set her sights higher, joined forces with the Nashville chapter, and formed a statewide organization in 1882. It too overcame initial inertia thanks to relentless efforts from local and national leadership; by 1898, there were 59 chapters in the state, up from 36 in 1894. Membership jumped to 800 by 1902, and by 1908, that number had swelled to over 4,000 in 183 unions.

As the organization grew, it contributed to other successful reforms, like increasing the age of sexual consent in Tennessee from 10 to 18, and establishing reform institutions for young people. The Memphis chapter opened an industrial education school for girls in the early 1880s, for example, while the Chattanooga union established a home for prostitutes. These non-liquor initiatives were not at cross-purposes, however. This all-female organization grounded its efforts in traditional (meaning, socially acceptable) female roles. Indeed, the Memphis WCTU chapter

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explained their campaign against alcohol in the Bluff City as “war on the part of the Motherhood of Memphis, for the home against the liquor traffic.” This rhetoric allowed the organization to justify its involvement in other issues that shared a common denominator in protecting women, children, families, and communities, but support for temperance did remain the organization’s chief priority.

The WCTU did not see legislation as the only vehicle for accomplishing that goal, either. Like their peers across the country, the group deemed education—for all ages, but particularly the young—equally important. In fact, Tennessee WCTU worked for years to secure mandated curriculum for schoolchildren on the dangers of alcohol, in the hopes that converted young people would grow up to be abstinent adults. After multiple failed attempts in the late 1880s and early 1890s, the WCTU (in tandem with churches and other reformers) succeeded when the Tennessee General Assembly passed the Scientific Temperance Instruction Law of 1895. After this, all public school students in the state received instruction on the effect of tobacco, drugs, and alcohol on the human body, and after 1896, all of their instructors had to pass an exam on the subject to even receive a teaching certificate. The WCTU stayed active with young people and education, creating temperance schools, holding Demorest medal contests

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where children gave speeches against alcohol, and even establishing “Frances Willard Day,” in Memphis—a day of events and activities devoted to temperance.63

Historian Leslie Roblyer argues that the WCTU deserved “a big portion of the responsibility for the achievement of the complete annihilation of the legalized traffic in the state of Tennessee.”64 This was undoubtedly true. As other, smaller organizations waxed and waned, the WCTU continued to make a name for itself in the fight against alcohol. There was one other player that deserved this level of credit in Tennessee’s temperance movement, and that was the Anti-Saloon League—with both organizations, of course, receiving critical support from churches and the press.65

63 William Jennings Demorest established this practice. He began awarding medals to the best speeches given by young people at evening temperance lecture events, and continued to do so until his death. His wife took up the torch until she handed it to the WCTU, who continued the practice, believing it useful for educating children and garnering larger support for temperance. William Jennings Demorest was also the namesake of Demorest, Georgia, a temperance town established in 1899. The town still exists today, and has a church bell inscribed with Demorest’s achievements. Leab, “Tennessee Temperance Activities,” 67–68; “City of Demorest,” http://cityofdemorest.org/ (accessed July 6, 2011); Wedell, Elite Women and the Reform Impulse in Memphis, 73; Leab, “Tennessee Temperance Activities,” 61.

64 Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 17.

65 From Civil War onward, religious institutions—particularly the Baptists, Methodists, and Presbyterians in Tennessee—provided temperance forces with a platform for advancing prohibition. At the local level, they provided things like manpower, financial backing, and space for meeting and organizing; in some instances, local temperance groups tied directly to specific churches. As Grace Leab notes, local and state meetings of the Methodist Episcopal Church South addressed the issue of alcohol, and came out in support of temperance. At the state level, some church governing bodies took clear and public stances, like the Tennessee State Baptist Association not only came out in favor of statewide prohibition in 1907, but also encouraged its flock to not vote for any office-seeker who had not already pledged their support for such measures. There were a surprising number of temperance newspapers in Tennessee in the nineteenth- and early-twentieth centuries, and they were critical in advancing the temperance agenda. They published stories about the benefits of sobriety, the dangers of drinking—both to the individual and society—and championed prohibitionist work across the state. Scant information makes it difficult to state with certainty the dates of publication as some were quite ephemeral—like the Jonesboro WCTU’s Woman’s Appeal, published only in September 1887 to garner support for the 1887 prohibition amendment vote—but the available resources have revealed the following papers: the Western Philanthropist (Nashville, established in 1833), the Temperance Banner (Maryville, established 1837), the Temperance Monthly (Nashville, established in 1860 by E.G. Winham), the Prohibition Advocate (Memphis, published semi-monthly), the Temperance Alliance (Nashville, published weekly), the Southern Broadaxe (Nashville, organ of the Temperance Alliance sent to over 100 post offices in the state in the 1880s), The Gleaner (Memphis, published monthly by WCTU from 1881 to 1888), The Issue (Nashville, later organ of the Temperance Alliance, had over 500 subscribers in the first two years), the Christian Advocate (Nashville, Methodist publication), the Tennessee Prohibitionist (Clarksville, published
Established nationally in 1893, the Anti-Saloon League is often defined as nondenominational and nonpartisan; yet it is better described as omni-denominational and omni-partisan, as it worked largely through churches to build support (particularly when establishing a new chapter) and endorsed candidates based on their belief in temperance, not their political affiliation. It was a single-issue organization—as evidenced by its name, and even more so by the official motto, “The Saloon Must Go”—and worked to achieve that end through a three-pronged agenda: agitation, legislation, and law enforcement. Like the WCTU, the ASL attempted to raise public awareness, but as an all-male organization, they were able to reach further into political discourse than the WCTU. Fundraising dollars paid for lobbyists, and the ASL recruited and then

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66 Already-existing temperance groups evolved to become state Anti-Saloon League organizations in Ohio (established in Oberlin in 1874) and Washington, D.C. (established in 1893), which then combined to establish a national entity in 1895. The national leadership was comprised of a president and a body of state superintendents that oversaw activity in their respective territories; both the president and these superintendents worked exclusively for the League. National conferences held annually. Historian Leslie Roblyer points out that the group was, by definition, nonpartisan, but it was a widely held belief—or at the very least mud slung from opponents—that Anti-Saloon League leadership was Republican. As Roblyer explains, this presented some challenges for the ASL in Tennessee; being perceived as Republican did not sit well. Further, much of its church-based work happened in Protestant congregations. Anti-Saloon League leaders were also forbidden from holding political office—ostensibly to prevent any shady dealings. Leab, “Tennessee Temperance Activities,” 65; “Fighting the Saloon,” Commercial Appeal, May 12, 1902;

67 Agitation included circulating printed materials like magazines, newspapers, cartoons, songs, and plays that emphasized the value of temperance and problems brought on by alcohol. Another major activity was Anti-Saloon League “Field Days.” These were community events held at respective churches once a year during a regular Sunday service, used as an opportunity to present the work of the organization, solicit donations, and attract new members. Ernest H. Cherrington, History of the Anti-Saloon League (Westerville, OH: The American Issue Publishing Company, 1913), 10; What Was the Anti-Saloon League?” Anti-Saloon League Museum, http://www.wpl.lib.oh.us/AntiSaloon/history/ (accessed January 7, 2011); Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 17 – 19.
stumped for candidates that would support the temperance agenda first at the local, state, and ultimately national level.⁶⁸

A group of ministers established Tennessee’s first ASL chapter at Nashville in 1899, and then created a statewide organization the following year. Unlike other earlier temperance groups that struggled to gain momentum, the Anti-Saloon League enjoyed rapid growth in Tennessee. Within three years the organization claimed upwards of 15,000 members, chapters in 100 cities and towns across the state, its own publication, and by 1903, the Knoxville Journal and Tribute declared it a power player in state politics.⁶⁹ This success was due in part to the organization’s cooperative approach. The Anti-Saloon League emphasized that it was not trying to jockey for position or supremacy over other temperance groups. Rather it wanted to unify available resources to see meaningful progress, and that produced ongoing cooperation with the already established and thriving Women’s Christian Temperance Union.⁷⁰

Like the WCTU, the ASL met success in part due to groundwork laid by another organization—in this case, the Local Option League. “Local option” or “home rule” became an important tool in the modern effort for prohibition, as it allowed cities, towns, and counties to decide for themselves, typically through public referendum, to either allow or ban alcohol. It proved particularly attractive to Memphis, since it offered a middle ground between a complete ban and the complete absence of temperance

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⁷⁰ The ASL and the WCTU combined forces and backed all prohibition measures advanced between 1899 and 1908. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 21.
legislation, all while respecting local sovereignty.\textsuperscript{71} Repeated attempts to secure local option legislation in Tennessee failed, yet the Local Option League did attract support that the Anti-Saloon League tapped into when sentiment shifted toward statewide prohibition.\textsuperscript{72} Just as the Woman’s Crusade had for the WCTU, so did the Local Option League for the ASL. The two entities combined (the Local Option League ultimately losing its individual identity in the process) and the ASL built upon the foundation its predecessor laid.\textsuperscript{73}

The temperance movement continued to use the Four Mile Law to combat Demon Rum as the new century approached, because in the absence of a comprehensive prohibition law, modifying this legislation offered a way to extend its power and achieve the same goal, albeit piecemeal. Those efforts expanded the law to towns of less than 2,000 in 1899, but progress stymied with the defeat of the Peeler Bill

\textsuperscript{71} \textit{Commercial Appeal}, October 21, 1908.

\textsuperscript{72} There were several attempts to secure local option legislation in Tennessee, but all ended in defeat. An effort to include local option in Tennessee’s new constitution failed by one vote in 1870, 29 to 28, as well as two more local-option bills in 1871. The closest was a home rule plan passed by the General Assembly in 1873. Local-optionists gained ground when both houses passed a measure that would require all liquor licenses be vett\textsuperscript{ed} by the respective communities in which they were sought (this measure passed in March 1873; 15 votes to 5 in the Senate, and 46 to 18 in the House). Under this case-by-case basis form of home rule, applicants would submit their request and then hold a public election on the matter. A majority vote earned the applicant a license. Critics argued that this system would be time and cost intensive, but the measure still held broad support. That is, until it was vetoed by Governor John C. Brown on the grounds that it passed through improper procedure and was an unconstitutional allocation of power to the people. Temperance supporters cried foul, accusing the Governor of being had been influenced by his son-in-law Colonel John C. Burch, who they alleged was being paid off by the liquor industry to sway the outcome—charges that both Brown and Burch denied. Various configurations of the home rule principle were proposed, and failed, in 1875, 1877, 1879, 1881, 1885, 1889, and 1895. Despite setbacks, a group of Nashville religious leaders established the Local Option League in 1896 and began working within established parties, presenting local option as a non-partisan solution to a common problem. Leab, “Tennessee Temperance Activities,” 22 – 25, 53; Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 41.

\textsuperscript{73} Leab, “Tennessee Temperance Activities,” 66.
in 1901, which would have applied to towns of 5,000 or less.\textsuperscript{74} In fact, that defeat proved so frustrating that it became the impetus a renewed, statewide campaign in the spring of 1902—a campaign that identified Memphis as a “chief battleground.”\textsuperscript{75}

Tennessee Anti-Saloon League State Superintendent John Royal Harris declared Memphis a “liquor citadel,” highlighting the city’s copious number of saloons (more than anyplace else in the state) and how one-third of all state liquor licenses rested in Shelby County—in a state where half of all counties were dry and only 53 of 5,000 towns sold alcohol.\textsuperscript{76} “As whiskey is stronger in Shelby than any other county in the State, we know that a majority of the delegation has heretofore been against us,” Harris acknowledged, while encouraging temperance supporters to redouble their efforts. “Do like the whiskey men, he declared, “swell your campaign fund against their millions a few thousands.”\textsuperscript{77} These relentless efforts soon paid off with the passage of the Adams Law in 1903, raising the Four Mile Law threshold to cities of 5,000.\textsuperscript{78}

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\textsuperscript{74} The measure to extend the Four Mile Law to towns of 2,000 or less passed the House 55 votes to 12, and the Senate 17 to 13. It continued to exempt wholesalers and those holding current liquor licenses. Populations for these extensions, determining what towns would fall under its purview, based off of those recorded in the 1890 federal census. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 40, 69.

\textsuperscript{75} Corlew, \textit{Tennessee, a Short History}, 418.

\textsuperscript{76} State Superintendent John Royal Harris was the pastor of the Cumberland Presbyterian Church at Lewisburg, Tennessee. He was described as “one of the most powerful and successful opponents of the whisky traffic who has ever been in Tennessee.” “Fighting the Saloon,” \textit{Commercial Appeal}, May 12, 1902.

\textsuperscript{77} “Fighting the Saloon,” \textit{Commercial Appeal}, May 12, 1902.

\textsuperscript{78} In 1903, Senator A.A. Adams introduced a measure that would extend the Four Mile Law to towns of 5,000 that reincorporated after the law’s passage—thus, allowing communities to decide for themselves. If they wanted booze banned, they could reincorporate. If they did not, it was business as usual. Temperance organizations came out in force to support this measure, stumping across the state with lectures, petitions, letter-writing campaigns, and religious meetings. Their opponents responded in kind, arguing that prohibition might work in rural areas, but would be impossible to enforce in urban areas. The result, they contended, would be illicit alcohol and accompanying disrespect for the law. Yet, the temperance forces won out, and the measure passed, survived legal challenges, and removed liquor from towns of 5,000 or less that reincorporated thereafter. It passed the Senate 20 to 12 and the House 81 to
standing exemption for incorporated towns remained, but careful language helped narrow that loophole by applying the law to any place that reincorporated after the amendments had passed.

That last statement was critically important, because it provided already-incorporated towns with a way to rid themselves of liquor. They needed only surrender their existing charter and adopt a new one to fall under the purview of the Four Mile Law. Twenty-five towns petitioned the General Assembly to reincorporate after the 1901 extension, and perhaps due to this influx of new busy work, legislators then passed an additional law to streamline the process. After 1901, cities could abolish their charters by public referendum (rather than solely through the General Assembly), and, upon receipt of the certified election results, the Tennessee Secretary of State stamped the town as officially reincorporated, and thus “dry” under the Four Mile Law.

11—with 6 of the 11 dissenting votes coming from Shelby County. Prior to the Adams Act, saloons were already unable to operate in rural areas, and closed it all towns of less than 2,000 people. After the Adams bill, however, the territory that still allowed retail liquor sales greatly reduced. According to the Anti-Saloon League, out of 63 counties in Tennessee, only 11 still housed legal saloons. Like others, legal challenges to the Adams act ended with Supreme Court justices upholding the measure as constitutional. Leab, “Tennessee Temperance Activities,” 76; Isaac, Prohibition and Politics, 91 – 92; Nashville American, April 5, 1903; May 5, 1903.

79 Johnson City, Tennessee, for example, voted on February 27, 1903 to eliminate its liquor industry 661 votes to 1. The only town that held a public referendum right after the Adams Bill that failed to ban alcohol was Winchester, Virginia, where African American votes allegedly accounted for its failure. Indeed, temperance people did not think involving African Americans was useful in achieving their aims, including prohibition. Voting records might have supported this argument, as black votes were important in defeating the 1887 liquor referendum. “Negro votes were a threat to reform.” Leab, “Tennessee Temperance Activities,” 77; “Saloons vs. Our University,” Daily Leaf Chronicle, February 23, 1907; January 15, 1906, February 5, 1906, Winn, “Liquor, Race and Politics: Clarksville During the Progressive Period,” 207.

80 The towns that reincorporated and fell under the Four Mile Law in 1901 included: Bells, Bluff City, Bolivar, Carthage, Gates, Grand Junction, Halls, Huntsville, LaGrange, Lawrenceburg, Lexington, Martin, Milan, Middleton, Monterey, Newbern, Petersburg, Ripley, Selmer, Somerville, South Pittsburg, Sweetwater, Troy, Waverly and Whiteville. Several of these towns saw heated debate and organizing (from both temperance and liquor forces) over this issue. Leab, “Tennessee Temperance Activities,” 71.

81 Prior to this point, it was impossible for the people to abolish their charter on their own; it could happen through the General Assembly. Leab, “Tennessee Temperance Activities,” 71.
Another thirty-six towns and cities took advantage of this option after the Adams Law of 1903.82

For some, this was a well-received move; the towns of Carthage, Maryville, and Lebanon all praised the end of saloons that had followed abolishing their charters. Other locales, however, were not so pleased. Greeneville, Tennessee, for example, lamented that the only result they had seen was reduced tax revenue and new prosecution costs that greatly surpassed fines paid by violators.83 Once this bell had been rung though, there was no turning back. State law did not provide municipalities with a way return legal liquor; they fell squarely under the Four Mile Law jurisdiction, and there were no places in Tennessee farther than four miles from a school.84

Save for a failed attempt to extend the Four Mile Law to towns of 150,000, 1903 proved important for anti-liquor forces.85 A slew of public referendums abolished charters—dry votes won by substantial margins in many areas indicating a continued rise in public sentiment for temperance—and the legislature passed additional measures banning liquor sales in reform schools, veterans homes, and prohibited

82 Surrendering a charter occurred with the consent of the people, often through a public referendum. Prior to these extensions, if a locale of less than 2,000 people did not want to ban alcohol, they only had to incorporate to become immune, as the law excluded incorporated towns. But these extensions removed that option for sidestepping the prohibition law. Corlew, Tennessee, a Short History, 416; Keebler, “Prohibition in Tennessee,”, 676 – 676; Isaac, Prohibition and Politics, 81 – 83; Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 41.

83 Leab, 50; Nashville Banner, February 9, 1886; Nashville Daily American, April 3, 1880; January 11, 1881; March 14, 1883.

84 As D.L. Colvin explained in Prohibition in the United States, “Tennessee was a state which made no provision for the return of the saloon when once outlawed.” D.L. Colvin, Prohibition in the United States, 363.

85 The Stratton Bill, proposed in 1903, would have extended the Four Mile Law to cities of 150,000. Leab, “Tennessee Temperance Activities,” 78.
sending minors into saloons to purchase booze for themselves or another person.\textsuperscript{86} These particular laws revealed continued anxiety about who was fit to consume alcohol, but they also continued to shave away at the territory where booze interests could still operate free and clear. By year’s end, only twelve counties out of 96 still had legal alcohol. There were just fifteen cities within those wet counties, and only eight of them had populations exceeding 5,000.\textsuperscript{87} This was a rather remarkable statistic. In less than thirty years, saloons had been pushed out of the countryside and small towns of Tennessee.\textsuperscript{88} What remained were the state’s biggest cities: Jackson, Clarksville, Bristol, Columbia, Chattanooga, Knoxville, Nashville, and the perennial stalwart of Memphis. Within these places rested the most ardent, organized, politically connected, and well-funded opponents of liquor legislation. If the movement for statewide prohibition was a fight, this was the heavyweight round.

The deep pockets of those “whisky people” were a point of concern for temperance advocates. Dry forces accused liquor interests of bankrolling election campaigns and elected officials, and they were correct.\textsuperscript{89} State and national liquor

\textsuperscript{86} The punishment for violations was set at a fine of not more than $50. \textit{Beard, The W.C.T.U. in the Volunteer State}, 46.

\textsuperscript{87} The cities that reincorporated and went dry in 1903 included Brownsville, Cleveland, Dyersburg, Fayetteville, Franklin, Humboldt, Morristown, Murfreesboro, Paris, Pulaski, Trention, Tullahoma Shelbyville, and Union City. Leab, “Tennessee Temperance Activities,” 68, 81.

\textsuperscript{88} The exception was the continuation of legal liquor sales in seven small towns (populations under 5,000) that had charters pre-dating extensions of the Four Mile Law. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 41.

\textsuperscript{89} Between September 1918 and June 1919, the Senate subcommittee known as the “Overman Committee” executed the first congressional inquiry into communism in the United States, investigating the presence and impact of Bolshevik and German rhetoric and propaganda in American society. Among those scrutinized were the United States Brewers Association and its affiliates, on charges that the industry harbored unpatriotic, pro-German sympathizers—charges based largely on the fact that German immigrants had founded some of the country’s largest brewing companies in the mid-nineteenth century, and continued to dominate the field as anti-communist sentiment heated up after the First World War. These Senate hearings produced thousands of pages of testimony, evidence, and reports, including
advocacy groups watched Tennessee’s prohibition battle closely, stepping in with funds to ensure victory for anti-prohibition candidates. After learning that pro-alcohol forces—particularly in Memphis—were organizing to repeal existing legislation, the Anti-Saloon League announced it would redouble its efforts to “sound out” all candidates for the state legislature. “If elected will you oppose the repeal of the Adams law? Will you favor its extension to places that want it? Will you favor other reasonable legislation looking to the diminution of the liquor traffic?” they asked in 1904.90

The likelihood that politicians took notice of this initiative would have been much higher than at any point beforehand. Tennessee was a two-party state and one where the Prohibition Party—a national entity devoted entirely to eradicating liquor—existed, but did not enjoy significant influence. Instead, anti-liquor forces had to work within the state’s two major parties, and for years, they lobbied aggressively. The response from Republicans and Democrats had been, at best, lip service and at worst dismissive.91

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90 Leab, “Tennessee Temperance Activities,” 82.

91 Created in Chicago in 1869, the Prohibition Party established itself in Tennessee in 1880. The fundamental goal of this party was prohibition, yet few in Tennessee were willing to forsake their

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By 1904, public sentiment had swung towards prohibition to such a degree that politicians had to play ball. Both parties acknowledged prohibition in their platforms that year, announcing support for sustaining the Adams Law.\footnote{Leab, "The Temperance Movement in Tennessee," 9; Keebler, "Prohibition in Tennessee," 676 – 676; Jewell, "The Prohibition Movement in Tennessee," 50.} Still the temperance juggernaut kept moving forward in the General Assembly. A bill to allow cities of less than 10,000 to reincorporate and rid themselves of liquor was defeated in 1905, but only two years later temperance forces scored an important victory with the passage of the Pendleton Act.\footnote{Lacy, "Tennessee Teetotalism," 221; Roblyer, "The Road to State-Wide Prohibition in Tennessee," 9; Leab, "The Temperance Movement in Tennessee," 30 – 42.} Named for the man who introduced it in January 1907, Senator T.L. Pendleton, this expanded the Four Mile Law to cities of 150,000.

allegiance to the Democratic or Republican Party, or put aside all other political agendas for it. Even further, there was disagreement within the temperance movement as to whether a stand-alone party—opposed to backing candidates who supported temperance—would be beneficial, or detrimental. Those who opposed the Prohibition Party argued the movement should be nonpartisan and nonpolitical; in fact, blame for the failure of the 1887 constitutional amendment to ban alcohol in Tennessee fell partially on the dissention between temperance forces. Tennessee’s Prohibition Party ran candidates for national, state, and local positions in the 1880s, but garnered few votes or victories. Besides struggling to organize itself, it also faced competition from the Farmer’s Alliance and populism for third-party attention in the state. By the 1890s, the Prohibition Party in Tennessee dwindled in visibility and ran fewer and fewer candidates—a decline due in part to the rapid ascension of the Anti-Saloon League and Women’s Christian Temperance union. Lacy, "Tennessee Teetotalism," 221; Roblyer, "The Road to State-Wide Prohibition in Tennessee," 9; Leab, "The Temperance Movement in Tennessee," 82, 86;

92 "The party is now and has always been in favor of temperance legislation," declared the Republican Party. "It will take no backward step in this question. It approves all existing laws restricting and throwing safeguards around the sale of liquors." The parties threw their support behind temperance again in 1906; a move historian Grace Leab argues was a bid to court endorsement from the increasingly influential Anti-Saloon League. Each declared their commitment to the existing legislation, and that they would not only prevent its repeal, but also work toward extending it—although Democrats added the caveat that extensions should occur only with consent of affected constituents. Leab, "The Temperance Movement in Tennessee," 82, 86;

93 Representative Samuel G. Stratton introduced this measure to extend the Four Mile Law to places of 10,000. The result of this law would have brought Clarksville, Bristol, and Columbia to heel—the number of towns where liquor remained legal being already dramatically diminished by previous extensions—but it was defeated, as was another Stratton proposed to ban transporting liquor into dry territory. Stratton argued that the failure of these bills was the result of an alliance between the Democrats and the liquor industry. The governor did sign into law a measure in 1905 that gave grand juries inquisitorial authority in public intoxication cases, and a bill passed to turn Tipton County, Tennessee dry, as it made it illegal to sell liquor in counties of less than 29,250 or more than 39,300. Measures passed in 1905 included a ban on buying alcohol for another person within four miles of a school (a seemingly redundant measure given the extant legislation), and a prohibition on people or companies selling or drinking liquor in counties of less than 29,250 but not more than 29,300. Historian Grace Leab argues the specificity of this measure meant to cut out wholesalers who were outside the purview of the Adams Law. Leab, "The Temperance Movement in Tennessee," 85; Keebler, "Prohibition in Tennessee," 676 – 676; Jewell, "The Prohibition Movement in Tennessee," 50.
Shelby County representatives vehemently opposed the bill, as they had for previous proposed liquor regulations.⁹⁴ Perhaps the most vocal opponent was Shelby County Representative Charles A. Stainback, who accused Republicans of knowing the bill would put the state in debt and supporting it anyway to cast Democratic Governor Malcom Patterson in a negative light.⁹⁵ Stainback proposed instead an amendment to allow people to vote on the issue every two years, as well as another to exempt the city of Memphis. Both suggestions failed, as well as another to exclude beer, wine, and malt liquor.⁹⁶ Yet, despite the clamor, the Pendleton Bill passed, received Governor Patterson’s signature into law, survived legal challenges, and eliminated alcohol from cities of 150,000 or less in Tennessee.⁹⁷

This was a big moment for anti-liquor forces. Especially in places that had been too large to use existing legislation and charter repeals to eliminate alcohol. Several cities quickly moved towards reincorporation, like Clarksville, Tennessee, where the dry vote won 811 to 557.⁹⁸ That was not a hugely decisive victory, indicating there would be some displeased at the prospect of no alcohol. The throngs of people descending on

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⁹⁴ This measure was contentious from the start. For Democrats, the sticking point was the lack of a majority vote allowing affected towns to decide whether they wanted to fall under its jurisdiction—and all attempts to include that requirement failed. Senator John I. Cox introduced this amendment, which bill author T.L. Pendleton deemed unnecessary, as people could voice their opinion on repealing the city charter, which would be the same thing. Leab, “The Temperance Movement in Tennessee,” 89.

⁹⁵ Nashville Banner, February 1, 1907.


⁹⁷ The validity of the Pendleton Law was challenged on the basis of its wording. The opening statement read, “Be it enacted by the General Assembly of Tennessee,” and the complainants pointed out that the state constitution required the language to state, “Be it enacted by the General Assembly of the State of Tennessee.” The state supreme court was not persuaded by this argument, and ruled that the exclusion of the word “state” did not hinder the clarity of the law. Other temperance-focused legislation was passed in 1907. For counties between 60,000 and 70,000 people it became illegal to play games or loiter in bars, and if caught selling alcohol to children or violating Sunday closing laws twice it became impossible to secure another liquor license. Leab, “The Temperance Movement in Tennessee,” 90 - 91.

the city to stockpile liquor just before the ban certainly underscored that point—booze intended no doubt, as newspapers noted with perceptible side-eye, for strict “medicinal purposes.” 99 Other cities like Columbia, Bristol, and Jackson soon joined Clarksville in the “dry” column, but the most heated battle happened at Knoxville.

Both supporters and detractors turned out for this rechartering vote in Knoxville. Excursion trains brought people in from the countryside, a brass band paraded, and signs like “SAVE OUR BOYS AND GIRLS AND OUR HOMES” and “VOTE FOR ME PAPA” appeared across the city. Dry votes carried the day here, too, as the city decided by a margin of 4,174 to 2,245 to reincorporate and outlaw its more than one hundred saloons. 100 The importance of this outcome extended well beyond Knoxville. It was a commonly held belief that temperance was something wanted and needed only in the rural countryside and that it could not gain similar traction in large, urban areas. When Knoxville reincorporated and suppressed the liquor trade effective on November 1, 1907, however, it showed that prohibition could work in both rural and urban areas. 101 If it happened there, it could happen anywhere.

As 1907 wound down only Nashville, Chattanooga, LaFollette and Memphis still had legal liquor in Tennessee, and saloons had been restricted to segregated areas in the first two locales. 102 For the state’s anti-liquor groups, this was light at the end of the proverbial tunnel as they kept pushing to eliminate the sale and manufacture of alcohol

99 Nashville Banner July 1, 1907.

100 Leab, “The Temperance Movement in Tennessee,” 94.


in Tennessee. “The saloon is an anachronism, a solecism, a back-number,” the Anti-Saloon League declared in November 1907. “The American people are tired of its lawlessness, vice, crime, insolence, and political domination. With the saloon must go the whole accursed liquor traffic, saloon, distillery, brewery, jug trade, blind tiger, bootlegger, everything.”103 The WCTU agreed, declaring the state was “now ready for absolute prohibition,” and urging “women everywhere to keep the question before their people.”104

For Memphis, the Pendleton Act was doubly problematic. For some time the city debated adopting a commission-style government—a major objective of Progressive Era municipal reformers—and in January 1907, leaders petitioned the state legislature for a new city charter to accomplish the reform.105 Supporters argued that commission government would increase efficiency, reduce potential mismanagement, and improve the city’s economy. Arguing that its purpose was gutting the current administration, opponents nicknamed it the “Memphis Ripper Bill,” but the Pendleton Act passed while that charter bill was still pending.106 If Memphis reincorporated, it would not only receive its new charter and commission government, but also fall under the auspices of the

105 The commission form of government would replace the council system with a popularly elected commission that held legislative and administrative powers. The business community and influential social groups like the City Club supported switching to a commission style of government. “Give Memphis What Memphis Voted For,” Commercial Appeal, January 16, 1909; Will Dunn Smith, “The Carmack-Patterson Campaign and its Aftermath in Tennessee Politics” (Master’s thesis, Vanderbilt University, 1939), 46.
106 Some elected officials rode into office on platforms that endorsed charter changes, like Senator McKay. Supporters argued it would be even more necessary to help the city weather the financial hit of prohibition, while others called for research to find out where the city stood financially. “Give Memphis What Memphis Voted For,” Commercial Appeal, January 16, 1909; “Two Charters for Memphis,” Commercial Appeal, January 15, 1909; “Will Delve into City’s Problems,” Commercial Appeal, January 17, 1909.
Four Mile Law. The prospect of the state “citadel of liquor” going dry—and the loss of $200,000 a year in licensing revenue—would prove disastrous. City authorities moved quickly to sidestep this prospect with some creative editing, modifying the measure’s caption to read as a petition for altering the existing charter, not abolishing it in favor of a new one.¹⁰⁷ This did not work, and the state supreme court ruled the change unconstitutional.¹⁰⁸ As a result, Memphis, the perpetual opponent of liquor legislation, found itself painted into a corner. The city could not make significant changes to its municipal government without falling into the grasp of prohibition.¹⁰⁹

The fight had clearly ratcheted up for Memphis, but the same held true for Tennessee Governor (and Memphian) Malcom Patterson in 1907. Both houses of the state legislature passed a so-called “anti-jug” law that year, seeking to prohibit the transportation of alcohol from “wet” into “dry” areas inside Tennessee, but Governor Patterson killed the bill by veto.¹¹⁰ If people could not order booze from a Tennessee firm, they would simply get it from an out-of-state dealer, he pointed out, and the federal Interstate Commerce Clause protected that trade. Hobbling the liquor industry would do nothing, Patterson explained in his veto, except send thousands of dollars to neighboring states that would otherwise stay in Tennessee.

This was sound economic thinking, and one that even temperance advocates acknowledged.¹¹¹ Yet, Patterson had a reputation of being a “friend” of the liquor

¹⁰⁷ “Fighting the Saloon,” Commercial Appeal, May 12, 1902.
¹¹⁰ It passed the House 53 to 39 and the Senate 20 to 5.
industry, and to many prohibitionists this smacked of good ol’ boy politics.\textsuperscript{112} Indignant over the veto, the WCTU and Anti-Saloon League mounted a new campaign. Now the goal was securing both a legislature and a governor who were vocally committed to a statewide extension of the Four Mile Law—one that would bring the entirety of Tennessee under prohibition, once and for all.\textsuperscript{113}

When the new century opened, the movement against alcohol had made, in less than thirty years, dramatic strides in Tennessee. The Four Mile Law and its subsequent extensions had acted as a hatchet—and the numerous smaller, more specific measures a scalpel—to dramatically whittle down the sphere of legal alcohol, muscling booze out of rural areas, towns, and small cities, leaving just a smattering of larger urban areas.\textsuperscript{114}

In the process, it had also become an increasingly central and divisive part of state politics. Advocates at the ground level had successfully drummed up enough support to put the heat on elected officials, but what really pushed the issue to a boiling point was the Democratic Party’s gubernatorial primary election in 1908. In this election, pitting

\textsuperscript{112} United States Brewers’ Association correspondence validates accusations that Patterson had ties to liquor interests. “I had the pleasure of having an hour and a half conference personally with Governor Patterson…and went over the situation with him,” United States Brewers’ Association Organization Bureau Manager John A. McDermott wrote to the national president in June 1908. “He is opposed to prohibition and is our friend.” John A. McDermott to Julius Liebman, 30 June 1908, Lee Slater Overman, \textit{Brewing and Liquor Interests and German and Bolshevik Propaganda. Report and Hearings of the Subcommittee on the Judiciary, United States Senate. Submitted Pursuant to S.Res. 307 and 439, Sixty-Fifth Congress, Relating to Charges Made against the United States Brewers’ Association and Allied Interests. In Three Volumes. Volume 1}. Washington, DC: Government Printing Office, 1919), 1055.

\textsuperscript{113} Cherrington, \textit{Standard Encyclopedia of the Alcohol Problem}, 2628.

\textsuperscript{114} In 1881, a measure made it illegal for retailers or producers to provide alcohol to children without written consent, and in 1891 that ban extended to all persons, not just those in the liquor trade. Second offenses made it impossible to secure another liquor license. In 1883, a law made it illegal to sell liquor to alcoholics whose wife had given notice to saloonkeepers to refuse them service (the law made no reference to female drunks). There was no shortage of failed temperance measures, either. Those included an effort to block the sale of alcohol to jurors when courts were in session (1881), prohibit doctors for selling for anything but medical purposes (1883) or giving liquor to already-drunk persons (1897), ban billiards or pool in saloons (1889), or disallow the practice of using screens and blinds to block saloon front windows—the latter being a victory for liquor. Leab, 59 – 60; \textit{Beard, The W.C.T.U. in the Volunteer State}, 45.
incumbent Malcom R. Patterson against Edward Carmack, liquor was the marquee issue—with debate over direct primary elections coming in second.115


Both men were seasoned politicians by 1908, each having served in office at the state and federal level. Patterson, a Democrat from Memphis, sought reelection on the same platform and principles that took him first into office.116 When it came to prohibition, he supported temperance reform, pledged to uphold the existing legislation, but made plain his staunch disapproval of forcing prohibition on the remaining cities of

115 The fact that the Democrats even had a direct primary for the election of 1908 was also a departure from the modus operandi. Carmack pressed the State Democratic Executive Committee for such a primary, to let the people decide, rather than the usual convention system. As historian Leslie F. Roblyer notes, the issue of direct primary elections also revealed hypocrisy in the logic that undergirded positions on prohibition. The Knoxville Sentinel, he explains, was an ardent supporter of direct primaries, arguing that it was the “right of the democratic masses to administer their local affairs,” yet they simultaneously stumped for statewide prohibition—which would impose liquor laws on populaces that were vocal about their opposition to such laws. On the other side of the coin, the Patterson administration was against statewide prohibition, but fully supported direct primary elections. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 75.

116 Patterson had an extensive political career. He served as district attorney of Shelby County, 1894 – 1900; United States Representative, 1901 – 1906; Governor of Tennessee, 1907 – 1911, Circuit Court Judge in Shelby County, 1923 – 1924, and also worked as a lawyer, lecturer, and newspaper columnist.
Nashville, Memphis, and Chattanooga. Pushing an unwanted measure on the people would only foster disrespect for law and order and result in more crime, Patterson argued—the type of social problems that prohibitionists maintained it would eliminate.

On the other side of the ticket was attorney and newspaperman, Edward W. Carmack. A veteran politician, Carmack had already served in the United States House of Representatives from 1897 to 1901—a seat he had won from Malcom Patterson’s father, Josiah Patterson—and then the Senate from 1901 to 1907. After his failed attempt to secure a second Senate term in 1906, the temperance faction of the Democratic Party encouraged him to challenge Patterson. This choice was not entirely obvious; as a state senator Carmack voted against the failed prohibition amendment of 1885, and had embraced a more moderate stance on the issue. Yet, Carmack knew how to play politics. He aligned himself with dry forces, called for the eradication of liquor through a compulsory prohibition law, and earned support from the statewide movement in the process.

To say this primary was a heated one would be an understatement. In one regard, it forced religious leaders and temperance organizations to clarify their stance

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on prohibition—as some had been hesitant to advocate such a radical position. Religious leaders stumped for Carmack from their pulpits, and supporters distributed more than 200,000 pieces of anti-saloon literature across the state. As for Patterson, the state liquor industry—and of course his hometown, Memphis—supported his campaign.

The candidates traveled across Tennessee in the months leading up to the primary, facing off in fifty live debates—the first time debates were held for a gubernatorial primary within the Democratic Party. Patterson stood on his record, highlighting his consistent commitment to local sovereignty and allowing people to decide for themselves on prohibition issues, like his approval of bills for towns wanting to abolish charters to eliminate liquor, measures to segregate saloons in Nashville, increased taxation on liquor dealers, and signing the Pendleton bill into law. When the two men faced off in Knoxville, Patterson pointed out that Carmack had once endorsed local option, too, suggesting he chose his current position because it was

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121 “We, the Woman’s Christian Temperance Union of Tennessee, believe that our state is now ready for absolute prohibition,” declared the WCTU in 1907. “It is our purpose to make a strong and determined effort to secure a law prohibiting the manufacture and sale of liquor in our state.” The organization urged women to keep the issue at the forefront, and implored men to vote for it in their stead. “In the name of the womanhood, the wifehood, and the motherhood of the state, who have not the ballot,” implored Mrs. Silena Moore Holman of the WCTU, “we ask you who possess this power to use your vote and your fullest influence to elect men to office who stand for the abolition of the manufacture and sale of liquors in the state of Tennessee.” The Anti-Saloon League followed suit, announcing statewide prohibition as their new slogan and Carmack as their man. “We are against Patterson,” the ASL explained, “because experience has taught us that we have nothing to expect from him.” Beard, The W.C.T.U. in the Volunteer State, 33, 34; Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 77.

122 “Chats of Visitors to the Capital,” Washington Post, April 21, 1908.


124 “These results have been accomplished under the principle of local self-government, giving to people of the towns and cities the right to vote liquor out” Patterson explained, “and in my opinion it should be adhered to in the future as the safe, fair, and democratic method of procedure.” When it came to the cities where liquor still existed, he argued it “would not be fair to force prohibition upon the people of Memphis, Nashville, and Chattanooga against consent, where these laws have been applied to all other places in Tennessee with their consent.” Chattanooga Daily Times, April 17, 1908.
politically attractive. Carmack, forced to clarify his position in this moment, doubled-down. Besides a statewide law, he promised to suppress liquor manufacturing. “I meant the whole thing,” Carmack vowed. “If I am elected governor we will wipe the business out of the state.”125

These debates were both well attended (the candidates were considered amongst the best speakers in the state) and heated. Indeed, fisticuffs broke out in the audience when the two faced off at Fayetteville, Tennessee. The Memphis debate was no exception, as an estimated 10,000 turned out to see the candidates face off. Patterson, the hometown hero, unsurprisingly received a warm welcome and favorable coverage from the local press. The Commercial Appeal applauded his cautious and prudent approach to the issue of temperance. Curiously though, the Memphis charter bill—a topic that had appeared in other debates all over the state—did not come up. Neither Carmack nor Patterson wanted to take a chance at losing voters in Shelby County.126

Carmack mounted an aggressive campaign, but Patterson was able to pull together support from west Tennessee (reemphasizing the state’s geographic split over prohibition), urban areas, liquor interests, and African American votes to win the party nomination by 9,000 votes.127 Democratic primaries in Tennessee were usually de facto general elections, and this was no exception. Patterson went on to defeat Republican

125 Nashville Tennessean, April 19, 1908.


candidate George Tillman with relative ease—aided by public approval for his handling of vigilante violence just before the election—and secured a second term in office.

Yet, despite losing the governor’s office, prohibition advocates had their successes too, winning key state elections that tipped the legislature in favor of the statewide platform. As the New Year and legislative session approached, it was clear that another contentious situation was on the horizon.

Carmack returned to his previous work as a newspaperman, but was far from gracious in defeat. Instead, he began using his new position as daily editor-in-chief of

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128 The Reelfoot Night Riders ordeal of October 1908 began as a dispute over land ownership and use at Reelfoot Lake in northwestern Tennessee. In 1899, James Harris announced that he owned the land under the lake and intended to drain it, which sparked immediate controversy amongst local people—many of whom depended on the lake for fishing, farming, and survival. A lawsuit was met to enjoin Harris from draining the lake, and the case made its way up to the state supreme court where the justices ruled that the lake was too shallow to be navigated by boat (if it was navigable, it was public property and could not be drained), and thus was private property. After this decision, Judge Harris (James Harris had died, giving his son control) formed the West Tennessee Land Company and began trying to force the several hundred families living near the lake to pay rent for its use. When the courts refused to force Harris to let them keep fishing the lake, citizens took action themselves and formed a vigilante Night Riders group—eventually made up of several hundred members—that terrorized the company but also digressed to use violence for personal and unrelated matters. They were responsible for the death of a black family in Kentucky, but no one took action until the death of a white man. In October 1908, the Reelfoot Night Riders kidnapped Robert Taylor and Quentin Rankin, two of the company’s attorneys, from their beds, placed nooses around their necks, and threatened to hang the men if they did not restore fishing privileges. The group repeatedly pulled Rankin up by the noose, choking him and then letting him back down several times, but he refused to concede to their demands. Although it was stated later that there was never an intention to kill either man, someone in the crowd pulled a gun and shot Rankin several times, ultimately killing him. As the group was debating what to do next, Taylor (63 years old to Rankin’s 39 years) broke free, and lit out for the drainage ditch. The nightriders opened fire on the water, and assumed when his body did not surface, that he had died, too. However, that assumption proved wrong, and Taylor lived to tell the tale. Like the people of Tennessee, these events incensed Governor Patterson. He called up the state militia and a chaotic posse went into the county and arrested over thirty suspected participants. Ultimately, that number was whittled down, and eight were tried and found guilty for Rankin’s murder; yet, none would see the inside of a jail cell, as the decision was overturned by the state supreme court on a technicality in July 1909. No one ever faced punishment for Rankin’s death, but Malcom Patterson’s swift handling of the situation initially gained him esteem in the public’s eye and undoubtedly helped in the gubernatorial election the following month. As for the people of Reelfoot Lake, they perhaps received some consolation in 1910 when Harris Judge drowned in the very lake that had been the center of the controversy. A drowning that was ruled accidental—although supporters of Harris alleged he was poisoned. Paul J. Vanderwood, Night Riders of Reelfoot Lake (Memphis, TN: Memphis State University Press, 1969); “Night Riders Slay Lawyers,” New York Times, October 21, 1908; “Say Harris Was Poisoned,” New York Times, June 13, 1913.

129 Patterson defeated Tillman 133,166 votes to 113,233. Cartter Patten, A Tennessee Chronicle, 257.
the Nashville *Tennessean*—a publication established in 1907 by lawyer and future politician Luke Lea specifically to advance statewide prohibition—to grind an ax.\(^{130}\) This was nothing new; over the years, Carmack had garnered a well-deserved reputation for using his newspapers as a mouthpiece to target his adversaries.\(^{131}\) Yet this time it was more personal, as the target of his bitter and defamatory editorials was Colonel Duncan B. Cooper.

Like Carmack, Colonel Duncan B. Cooper—Confederate veteran who rose to prominence in Tennessee politics and publishing after the Civil War—was also a newspaperman.\(^{132}\) Between his terms in the state House and Senate Cooper served as president of the conservative Democratic newspaper the Nashville *American*, and it was here that he met and hired Edward Carmack, giving the younger man his first job as an editor—a position Carmack held at the *American* from 1888 to 1892.\(^{133}\) Yet, their close

\(^{130}\) Carmack earned a reputation for lobbing personal attacks as a journalist—over his career he worked on the *Nashville Democrat*, Nashville *Tennessean*, and the Memphis *Commercial*. While editor of the *Commercial* he waged a campaign against Memphis *Appeal-Avalanche* owner Thomas Collier, who ultimately challenged him to a duel, which Carmack accepted. It was only due to intervention from friends that the showdown did not happen. Unsurprisingly, he continued to wage war against Governor Malcom Patterson, publishing almost constant attacks on his character. He continued to allege that Patterson was the puppet of liquor and business interests. Smith, “The Carmack-Patterson Campaign and its Aftermath in Tennessee Politics,” 10, 74 – 76.

\(^{131}\) Ida B. Wells was another one of Carmack’s targets. After Wells began her now-famous anti-lynching campaign in the wake of the 1892 Curve Riot in Memphis, Carmack called for retribution against Wells and her newspaper, the *Free Speech*. His supporters obliged, destroying the *Free Speech* offices and running Wells out of town on a rail. It would be three decades before she returned to the South. Isaac, *Prohibition and Politics*, 148.

\(^{132}\) During the Civil War, Duncan Brown Cooper led a cavalry detachment until captured by Union forces. He then spent time as a prisoner of war in the North. After the war, he successfully campaigned for a seat in state House in 1881 and the Senate in 1895. He would become one of the leaders of the Tennessee Democratic Party in the late-nineteenth and early-twentieth century. James Summerville, *The Carmack-Cooper Shooting: Tennessee Politics Turns Violent, November 9, 1908* (Jefferson, NC: McFarland, 1994).

friendship stalled after Carmack left the paper, then turned hostile when he ran against Patterson in 1908. By that point, Cooper had become a close advisor to the incumbent governor, and proved himself instrumental in helping Patterson win the primary election of 1908.

Cooper did not take kindly to the defamatory and personal barbs Carmack lobbed in the *Tennessean*, like an October 21 editorial comparing him to Jewish men who ran shady dive bars in Nashville’s Black Bottom neighborhood, or another on October 23 describing him as a “little bald headed angel of hell.”134 Cooper repeatedly requested that such writing stop. “If my name appears in the *Tennessean* again,” he warned in a letter delivered to Carmack through a mutual friend, “the town of Nashville will not be large enough to hold both of us.”135 Carmack received this warning, and another from friends suggesting he borrow a pistol for protection. He ultimately heeded the second caution but not the first. He secured the pistol, and published another cutting editorial about Cooper the following day.136

It was said Cooper read the insults published on November 8, 1908, and then cursed so loudly everyone on the second floor of his hotel heard.137 He penned yet another note warning Carmack to keep his name out of the *Tennessean* and went to his son Robin Cooper’s office for counsel. The younger Cooper was so worried about what his father might do that he decided to stay with him the rest of the day. Governor Malcom Patterson also recognized a spiraling situation, and telephoned Colonel Cooper

134 *Nashville Tennessean*, October 21, 23, 1908.
137 *Nashville Tennessean*, November 10, 1908.
to meet him in thirty minutes so they might discuss the matter. That meeting never happened. Instead, as the Coopers headed to the governor’s mansion, they saw Carmack across the street. The elder Cooper yelled to get Carmack’s attention, and began crossing the street towards him. The surprised Carmack pulled his pistol, prompting Robin Cooper—the Colonel had a crippled hand and could not defend himself—to do the same, and shots rang out.\footnote{Smith, “The Carmack-Patterson Campaign and its Aftermath in Tennessee Politics,” 89.} When the smoke cleared, Robin Cooper had a non-life-threatening slug in his shoulder and Carmack was lying dead on the ground.\footnote{“‘Ned’ Carmack is Killed,” \textit{Atlanta Constitution}, November 10, 1908; “Carmack Slain in Street Duel,” \textit{Washington Post}, November 10, 1908.}

The public killing immediately made state and national headlines, and garnered a mixed response from Tennesseans. Prohibitionists and temperance-leaning newspapers unsurprisingly skewered the Coopers, proclaiming it was a premeditated murder—one that the governor might have even been in on. Others stood behind them, sending letters ranging from empathy for an act of self-defense to even congratulations for a public service and job well done. The Coopers did not find support, however, in the courtroom.\footnote{“Grand Jury Inquiry,” \textit{New York Times}, November 12, 1908.} They went to trial in early 1909, and were both convicted on second-degree murder charges. Despite never having fired a shot, the state Supreme Court upheld the elder’s twenty-year jail sentence in a split decision.\footnote{Attorneys for the Coopers argued the killing was justified self-defense, and used the testimony of medical professionals to support it. In his examination of the exhumed body, Dr. Samuel McPheeters Glasgow (hired by the prosecution for the autopsy, but called to testify at trial by the defense) determined Carmack had been shot three times, twice through the heart and once severing the spinal cord—any of the three being fatal. Vanderbilt University surgeon Dr. Duncan Eve agreed that Carmack died instantly, and would have been incapable of any action after the first bullet. Since Robin Cooper also had a bullet wound, then, Carmack shot first. The prosecution, on the other hand, was able to secure a conviction by}
However, Duncan Cooper never saw the inside of a jail cell. On April 13, 1910, at 2:00 pm, the state Supreme Court concluded its proceedings. At 2:14 pm, while he still sat in the courtroom, Cooper learned he was a free man thanks to an official pardon from his old friend, Governor Malcom Patterson.\textsuperscript{142} The younger Cooper also gained his freedom after the high court reversed his conviction and a new case later dismissed. For both, however, the incident never died away, and instead came to define their lives. Spurned by many Tennesseans, and Duncan Cooper died in 1922, his life’s work almost entirely eclipsed by the Carmack incident.\textsuperscript{143} Robin Cooper met the same end as Carmack, but on the other side of the killing equation. Authorities discovered his body alongside Richland Creek in 1919, skull crushed and beaten to a pulp. Rumors swirled for years that it was an act of revenge, orchestrated by those close to Carmack, but authorities never found the perpetrators, and the crime remains unsolved.\textsuperscript{144}

For Governor Patterson, the cost of saving Cooper was his political career. Prohibitionists were expectedly livid, but even those not aligned with the temperance movement found it suspect. Perhaps they should not have been so surprised. Governor Patterson had issued over 900 pardons during his tenure, including 152 for convicted arguing that Duncan Cooper had actually instigated the incident first with his threatening messages, and by approaching Carmack first on the street. Lacy, “Tennessee Teetotalism,” 229 – 231.

\textsuperscript{142} Patterson justified this pardon by arguing that Cooper had not received an impartial trial, and his conviction was contrary to evidence. Lacy, “Tennessee Teetotalism,” 231.

\textsuperscript{143} The Anti-Saloon League raised money and revealed a bronze statue of Carmack on the steps of the Tennessee Capitol on June 6, 1925. The statue still stands there today—ironically, located above a tunnel named for Lem Motlow of the Jack Daniel’s Distillery—but recent articles suggest that the statue and history behind it have become unknown to many over the years. The city of Gallatin, Tennessee, for example, changed the name of a public library originally named after Carmack after building a new facility in 2008. Carey, “A Century Later, No One Really Knows Nashville’s Most Famous Murder,” \textit{City Paper} (Nashville, TN), November 10, 2008; Lacy, “Tennessee Teetotalism,” 219.

murderers. Still, his actions slammed the door on his hope for a third term in 1910, widened the breach between wets and drys in Tennessee, and intensified the schism within the state Democratic Party.\textsuperscript{145} Republican Ben W. Hooper, armed with his promise to reduce liquor law violations by half and not pardon convicted violators, stepped into this vacuum.\textsuperscript{146} He defeated Democrat Bob Taylor to become the first Republican governor of Tennessee since Reconstruction.\textsuperscript{147}

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\caption{“Tennessee Aflame Against Patterson.” \textit{Washington Times}, April 14, 1910.}
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\textsuperscript{145} Although he initially made clear his intention to run for a third term, incumbent Malcom Patterson withdrew from the race after the sound defeat of his candidates in the judicial elections. General Democrats replaced him by nominating Senator Bob Taylor.


\textsuperscript{147} Hooper won the election by over 12,000 votes. Subsequent elections also shifted the legislature further towards the Fusionists, who were in the majority by 1911. “Anti-Patterson Men Indorse Republican,” \textit{New York Times}, September 14, 1910; Lacy, “Tennessee Teetotalism,” 234.
As for Carmack, he essentially became the Tennessee prohibition movement’s Alamo: an instant martyr and rallying cry, both locally and nationally. 148 “Carmack living was Niagara River. Carmack dead is Niagara Falls,” declared Reverend E.E. Folk, President of the Anti-Saloon League. “The bullet which hushed his voice raised 1,000,000 other voices to speak his message. His pen is silent, but a thousand other pens are busy where there was one before. His body is dead, but his spirit lives and animates thousands of his followers.” 149 If that did not wax poetic enough, the Illinois Issue, the official publication of the Illinois Anti-Saloon League, even drew comparisons between Carmack and Abraham Lincoln as martyrs for the greater good. 150

Politically, the “Carmack Controversy” fueled the statewide prohibition campaign. 151 To many it seemed necessary in light of Carmack’s assassination. “If, as it now seems certain, his death shall insure the passage of a State-wide prohibition measure, he will not have died in vain,” proclaimed the Baptist and Reflector, “His blood crieth out from the ground. ‘He being dead yet speaketh.’ He died for us.” 152 All this

148 Over 8,000 attended Carmack’s funeral in Nashville, and places across the state held memorial services in his honor. The Independent, LXV (1908), 1144; Beard, The W.C.T.U. in the Volunteer State, 35.

149 “Carmack, Another Martyr for Humanity,” Illinois Issue (Chicago, IL), February 5, 1909.

150 “It is eminently fitting that the memory of Edward W. Carmack, who, as the recognized leader of the anti-saloon forces in his state, was shot to death in the streets of Nashville,” wrote the Illinois Issue, a publication of the Illinois Anti-Saloon League. He “should be associated with the memory of Abraham Lincoln, who as the recognized leader of the anti-slavery forces in the nation, was shot to death in Washington in April 1865.” “Carmack, Another Martyr for Humanity,” Illinois Issue (Chicago, IL), February 5, 1909.


152 “Senator Carmack Assassinated,” Baptist and Reflector, November 12, 1908.
drama and outrage funneled into the next legislative session. It was here that agitation for statewide prohibition hit its stride.

When the legislature convened in January 1909, prohibition was not the only issue, but it was the headliner. In the past, it had been likely that supporters of comprehensive liquor laws were Republican and the opposition were Democratic, but that simple dichotomy was now out the window. The death of Edward Carmack and controversy surrounding Governor Patterson had divided the Democratic Party. Patterson was a local option man, so the party platform followed suit and officially opposed a statewide liquor law, but this did not sit well with prohibition-minded Democrats in the General Assembly. They were increasingly uninterested in toeing the party line, or seeing their cause drowned out in the party caucuses. So rather than watch it die a silent death, prohibitionist Democrats in the House and Senate bolted, joined Republicans, and formed a new coalition dubbed the “Fusionists.” Mainline Democrats across the state were incensed, and Governor Patterson condemned the

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155 The Carmack incident paired with Patterson’s pardoning of Cooper was the straw that broke the camel’s back. The Commercial Appeal described it as a “cloud of defamation” over Patterson, as rumors swirled that he was somehow responsible for Carmack’s death, as well as criticisms over the number of pardons he had issued and his tenure as governor in general. “The Gameness of the Governor,” Commercial Appeal, January 28, 1909.

move, but it was a successful power play. Combined, the Fusionists tipped the scale in favor of prohibition in both houses of the General Assembly.

These new political dynamics paired with growing prohibition sentiment across the state made it clear that a statewide law was, perhaps for the first time, a legitimate threat in Tennessee. This was a worst-case scenario for two groups: the liquor industry and the cities where alcohol was still legal—Nashville, Chattanooga, and Memphis. Unsurprisingly, those working in the alcohol trade were opposed to any sort of regulation that might hurt the trade (and thus the bottom line), let alone legislation that could destroy their business altogether. Yet, the motivations for opposing statewide prohibition were just as diverse as the reasons to support it. The basic narrative of anti-liquor propaganda held that it produced social problems like vice, crime, and lowered public morality, and abolishing it would benefit both the state and the individual. Opponents were quick to point out that things were not that simple; rather than producing a societal cornucopia (where the fruit and grains were unfermented, of course) they argued that prohibition was a fool’s errand on multiple fronts.

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157 The Memphis Commercial Appeal, a business-centric and largely Democratic newspaper described this coalition as a “mongrel alliance.” Patterson argued that defecting statewiders undermined trust in the Democratic Party. “While it is not my purpose to remind Democrats of their duty, I may well inquire,” he questioned, “what faith shall the people place in our own pledges if we are to adopt the Republican platform and abandon our own?” “This Document Will Live in History,” The American Bottler, 70; “Among the Exchanges, Patterson’s Veto,” Commercial Appeal, January 28, 1909;
First, they disavowed the notion that legislation could cure drunkenness—or any vice, for that matter. There were already numerous morally tinged statutes on the books that were currently unenforced. “We have a law, for instance, against the sale of cigarettes,” noted Editor C.P. Mooney of the Memphis Commercial Appeal on January 1, 1909, “yet cigarettes are sold in probably 5,000 places in this state.”¹⁵⁸ Not to mention the fact that from an economic standpoint, opponents argued, statewide prohibition was financial masochism. To safeguard against such a calamitous outcome these businesses banded together, holding mass meetings and creating organizations to fight their corner.¹⁵⁹ To be sure, this was not the first instance of liquor interest groups at play


in Tennessee.\textsuperscript{160} In 1909, however, this was not about securing favorable laws. This was about self-preservation.\textsuperscript{161}

The Tennessee State Model License League, established in March 1908, was amongst the most influential of these groups.\textsuperscript{162} Comprised of brewers, distillers, distributors and retailers from across the state, the League hoped reform from within could stave off prohibition.\textsuperscript{163} There was no point in denying it; social problems often did follow the sale of alcohol. Saloons, dives, and taverns in Memphis (and really, anywhere in America) were often magnets for violence and lawlessness. By cleaning house themselves—that is, eradicating the criminal elements of their industry and cleaning up dicey saloons—the League believed they could eliminate those issues used as justification for statewide legislation.\textsuperscript{164} The organization also called for higher taxation. If authorities raised taxes on saloons, the League argued, it would run dive bars and

\textsuperscript{160} Like their temperance counterparts, liquor interest groups had been at work in Tennessee since the mid-nineteenth century, leaning on politicians to secure favorable legislation; for example, lower taxes in the 1860s. In 1869, they successfully argued that the combined weight of taxes at the national, state, and local level was an unfair burden to place on law-abiding businesses; the general Assembly agreed, and lowered privilege taxes. As historian Grace Leab details, prices were tiered according to population (as arguments had been made that flat taxes on liquor producers and sellers were particularly harmful to smaller operators); licenses were set at $50 for towns of more than 1,000 but less than 5,000, $70 for less than 5,000, and $100 for over 5,000 people. Another example emerged in the 1870s, when these entities were successful in seeing laws passed that required pharmacists and druggists to hold a license to sell alcohol for anything but medicinal or religious purposes. Leab, "The Temperance Movement in Tennessee," 14, 27.

\textsuperscript{161} Cherrington, \textit{Standard Encyclopedia of the Alcohol Problem}, 2627.

\textsuperscript{162} The Tennessee State Model License League had offices in Chattanooga, Nashville, and Memphis.

\textsuperscript{163} \textit{Commercial Appeal}, February 3, 1908.

\textsuperscript{164} While the Tennessee State Model License League intended to combat the potential statewide law in 1908, organizations advocating internal reform predated it. The Good Government Club, for example, pushed for industry reform and adherence to all saloon-related laws in the 1890s. In 1896, the organization declared it was time to "end the belief of the professional lawbreakers that Memphis is a paradise for criminals," and to that end, some of its members even participated in real law enforcement raids on shady dive bars. \textit{Commercial Appeal}, April 25, 1896.
questionable joints out of business—that being the segment of their industry most likely to attract negative attention and offer grist for the prohibitionist mill.\textsuperscript{165}

Internal reform was not the only concern for the Model License League. They also declared state and local authorities needed to finally, and fully enforce existing laws. That was a rather ironic proclamation, given the (quite factual) stigma that saloon interests enmeshed in dirty politics and police corruption to ensure uneven enforcement of those very laws. Still, it was a clever strategy in this argument. If cops were partially to blame for current conditions in Tennessee, it deflected heat away from liquor men. The rampant violation of Sunday closing laws across the state, seemingly sanctioned by police due to their lack of action to stop it, being one of the League’s primary examples. If lawlessness and immorality in liquor-serving establishments was the issue, fixing those problems themselves made statewide legislation moot—and that could take the wind out of anti-liquor sails completely.

When the session opened, it was clear that Fusionists and Republicans were itching to move on a statewide measure. A cry of opposition immediately came from cities where liquor remained legal. People in Memphis and Shelby County were particularly unwilling to sit on their hands and wait to find out how those in Nashville would influence their town. They instead held mass meetings and signed petitions expressing their opposition to prohibition.\textsuperscript{166} A special train was even chartered to take

\textsuperscript{165} Although, it is important to note that not all pro-alcohol organizations advocated higher taxes. As early as 1881 the Wholesale and Retail Liquor Dealers Association—a group that proved particularly influential in Memphis—lamented the “obnoxious temperance bills” and resulting taxation.\textsuperscript{165} They argued that high taxes had a negative impact not only on their business, but also on local banks who found the taxation “obstructive and cumbersome.” \textit{Memphis Public Ledger}, February 13, 1883; Modey, “The Struggle over Prohibition in Memphis, 1880-1930,” 14.

150 of Memphis’ top businessmen to argue the issue at the capitol, including representatives from powerful groups like the Cotton Exchange, City Club, Business Men’s Club, Insurance Exchange, and Merchant’s Exchange. Those wondering how this drama would play out did not have to wait long. On January 6, 1909, Putnam County prohibitionist Democrat Senator O.K. Holladay got the ball rolling when he proposed the first statewide bill to the Senate. It provided for a complete ban on alcohol sales within four miles of any school—be it private or public, in session or not—throughout the entire state.

Governor Patterson opposed the bill from the start. “Prohibition is fundamentally and profoundly wrong as a governmental policy,” he announced in a special message read to both houses of the General Assembly on January 11, 1909—although it was difficult to hear due to the boos and hissing that came down from galleries filled with prohibitionists. “For the state through its law making power, to attempt to control what the people shall eat and drink and wear is tyranny and not liberty,” he argued. Patterson systemically dressed down the argument that prohibition was necessary, pointing to the negative impact on state and private business, the trampling of personal


169 A duplicate bill also introduced in the House.

170 Prohibitionists and groups like the WTCU booed and hissed the message to the point that Representative Dixon rose and proclaimed that anyone who had the wherewithal to serve in the general Assembly deserved to be heard with respect. “I say candidly that I’d rather be the worst saloon man in this city than to be garbed in the clothes of righteousness and be making noises like a goose and spitting out sounds like a snake,” he declared. “Prohis Hiss the Message,” Commercial Appeal, January 12, 1909.


rights and local autonomy, not the mention the fact that a majority of the state’s citizens were not calling for a statewide law. Most of all, Patterson argued that a law like this would never work.

Instead, Patterson argued for “genuine temperance measures and real reforms,” like higher licensing prices, forfeiture of those licenses for violations, strict regulation, and allowing municipalities to decide for themselves on the issue.\(^{172}\) “I warn you against the evils that will follow the passage of a compulsory prohibition bill. An obnoxious, undesirable, and punitive law will bring forth an ugly brood, and nothing good or true or lasting can come from it,” he told the politicians. “Whatever you may do, I cannot question your power, and the sole responsibility is yours; but from me, as Governor, you have a message of truth, and my duty is done.”\(^{173}\)

That warning fell upon deaf ears. Through the combined power of the Republican and prohibitionist Democrat coalition, a second rendering of the bill passed the Senate on January 12—according to the *New York Times* the celebration in the Senate “took on the form of a love fest”—and the House followed suit the next day.\(^{174}\) Patterson followed through on the threats and immediately used his gubernatorial power to strike the measure down.\(^{175}\) “I veto this bill because experience has taught the lesson, without single exception, that no arbitrary prohibition law was ever obeyed,” he explained, “and

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that its enaction (sic) brings no settlement of the question, but rather leaves it like a burr on the body politic, to irritate and inflame.” Waxing poetic, he emphasized his disapproval of a “legislative guardianship” that would “make weaklings of her men,” teach the state’s youth “daily lessons of duplicity and evasion,” and bring women, “who are the strength, the inspiration and the saving grace of man” into the “heated and poisoned atmosphere of political strife.” Yet, the General Assembly was once again unmoved. The measure passed with nearly identical voting records over Patterson’s veto on January 20, and became law. The ban on retailing spirits would take effect on July 1, 1909, to be followed by the enforcement of a second measure outlawing alcohol manufacturing on January 1, 1910—additional time so they might dispose of equipment.

Thus, with these decisions, Tennessee joined Maine, Kansas, North Dakota, Oklahoma, North Carolina, Georgia, Alabama, and Mississippi as the states in the Union with statewide prohibition laws. Up to this point, the state’s largest cities had managed to stay just beyond the grasp of dry forces. But with the General Assembly’s passage of the Holladay Bill, there was no way around it; prohibition now applied to


178 Punishment for violating this new law was a fine of not less than $50 and not more than $500, and jail time of not less than 30 days, and not more than 6 months in jail. Although the statewide law received the lion’s share of attention, there were other alcohol-related bills passed in the same assembly—measures that were of equal importance for those trying to continue liquor businesses. First, it became illegal to consume intoxicants on public transportation like buses, streetcars, and trains. Second, an act passed that made soliciting liquor orders, whether that booze was in, or outside of Tennessee, a criminal act. Finally, the records of the Internal Revenue Collector for the district of Tennessee were determined to be “competent evidence” in the prosecution of liquor law violations. Purchasing a federal license to sell liquor could convict defendants in state court. Roblyer, “The Road to State-Wide Prohibition in Tennessee,” 125; Beard, The W.C.T.U. in the Volunteer State, 49.

Memphis, Nashville, Chattanooga, and Lafollette—the only locales that were not included in previous extensions of the Four Mile Law. Prohibition was finally state wide, but what this brave new world would look like in practice was anyone’s guess. “If all this has come from a discussion of prohibition,” mused Governor Malcom Patterson, “what shall result if it should become a law without the consent of the people?”

Figure 2-6. “The Prohibition Picture in Tennessee.” Four Mile Law extensions whittled down “wet” counties until the statewide measure of 1909 turned the state “dry.” Leslie F. Roblyer, The Road to Statewide Prohibition in Tennessee.

The night before the statewide liquor ban became operational, June 30, 1909, was one for the books. It had been a long, hard-fought road for the various temperance organizations in Tennessee and they naturally gathered to recognize the victory. The Women’s Christian Temperance Union held devotional services right up to the midnight enforcement deadline at Nashville’s McKendree Methodist Episcopal Church, and others followed suit, with prayer circles and hymn-singing across the state.³ Yet, not everyone was quite so delighted. Amongst those who did not identify as teetotalers, the scene proved rather different—and far less austere.

The gravity of the moment, combined with sheer human curiosity for spectacle, led throngs of people to descend upon the state’s drinking establishments on statewide prohibition’s eve. As far as they knew, it could be the last time ever. The party kicked off in the early morning and steadily built until large crowds slammed the grogshops of Tennessee by nightfall.⁴ There was some anxiety that revelry might morph into hell raising, prompting some saloonkeepers and businesses to request extra law enforcement. In Memphis, that outcome seemed plausible enough to warrant posting

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2 “Nashville is Dry,” The Picayune, July 1, 1909.
patrolmen on every city block that housed a saloon, and Chattanooga authorities took a similar tack, sending out additional police details early and increasing their numbers until they covered the entire city by sundown.\(^5\)

![The Last Chance](image)

Figure 3-1. “The Last Chance.” *Commercial Appeal*, June 30, 1909.

Ultimately, however, those fears went unanswered. The night was reportedly “marked by scenes of unusual hilarity” in Memphis—including a parade of young men decked in rain coats, holding umbrellas, blowing into empty beer bottles, and reminding passersby to keep dry—but the majority had their drinks, said their farewell, and faced

the “long Marathon race of prohibition” without incident. The same held true in Nashville, save for the assembly of five hundred people outside the swanky Maxwell House Hotel. This crowd became a boozy choir, accompanied by two trumpets, serenading passersby with the tune, “How Dry I Am.” Chattanooga had a similarly peaceful transition—newspapers likened it to a holiday due to everyone’s good humor—although thanks to the city’s earlier closing laws, the party ended two hours sooner. At 10 o’clock, Chattanooga became the first of the state’s three major cities to climb officially aboard the dry wagon, and the rest of Tennessee was close behind, as patrons rushed to get one last drink over the bar.

When the clock struck finally midnight in Memphis, it became the largest prohibition city in America, with over 600 alcohol-serving establishments ranging from saloons to corner grocery stores to barber shops ordered to close their doors. What would happen next was anyone’s guess. “Strange conditions to dawn upon the

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11 Newspapers reported that there were two small places—both near Memphis and the Mississippi state border—where the nearest schoolhouse was six miles away, thus making the towns exempt from the law. Yet dry forces were unwilling to accept these “shimmering oases in a desert of dry,” and quickly took
thirsty,” noted the *Commercial Appeal*, in a front-page article that was far from optimistic. “It is impossible to say just what the effect will be on the city. No one believes and no one has ever believed that the man who wants a drink cannot get it. It will come just the same, and the fight to prevent it will probably be costly to the county and futile in the end.”

![Figure 3-2. “Well We’re Off.” Commercial Appeal, July 4, 1909.](image)

What could be counted on, the newspaper continued, was the loss of legitimate businessmen, newly-vacant commercial properties, families with a now-unemployed

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breadwinner (outside estimates held 12,000 people would be put out of work), and diminished tax revenues—all because of a “legislative alliance which set aside the will of the majority in Memphis and in the state of Tennessee.” The newspaper was confident that reputable liquor men would land on their feet and find new avenues, yet “the question remains to be answered what the undesirable citizens will do.” As time would show, the Commercial Appeal was right on nearly every front. What they did not predict, however, was how blurred the line would become between reputable and “undesirable.”

The General Assembly built a five-month grace period (or stay of execution) into the Holladay Bill, so businesses had time to get their affairs in order before the July 1 deadline—the “day of reckoning,” as the Commercial Appeal dubbed it. Yet, there was no single or unified response from the liquor industry. To be sure, they all opposed it, and on common grounds. Everyone in the supply chain, from wholesalers providing raw materials to mom-and-pop shop retailers, stood to take a huge financial hit. The manufacture and sale of alcohol were crucial to their survival, and they wanted business to continue without interference. To prevent that trade, many argued, was a violation of

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14 Many pointed to the negative financial impact that the law would have, as estimates projected the state to lose more than $1 million in revenue, while over $10 million in investments—breweries, distillers, saloons, wholesale and retail stores—would be lost. What made the latter even more damning was the lack of indemnity; businesses stood to take huge losses without any established avenue for recouping their investments. Other Southern states reported the same loss of investments, jobs, tax revenue, and the far-reaching impact that Tennessee was experiencing; indeed, in Mobile, Alabama, the liquor trade provided public schools with $80,000 annually, a huge source of funding that was now lost. “Passing of Open Saloon,” Commercial Appeal, June 30, 1909; “Riding on Water Wagon,” Palestine Daily Herald, June 30, 1909; “Prohibition in Tennessee,” Wenatchee Daily World, June 30, 1909; “Prohibition in Tennessee Will Become Law at Once,” Daily Arizona Silver Belt (Glove, AZ), July 1, 1909; “Thirsty Days in Tennessee,” Ocala Evening Star (Ocala, FL), July 1, 1909.


their constitutional rights. Still, everyone faced the practical matter of what to do in the immediate future. Here, there was a variety of responses.

Figure 3-3. A) “They've Had Their ‘Booze’ Cut Out!” *Atlanta Constitution*, July 1, 1909. B) “Poor Team and Bad Driver.” *Commercial Appeal*, July 1, 1909.

In the minds of some, July 1 would sound an unavoidable death knell. Of course, it was possible that the legislature might pass an act to repeal the statewide law, but that looked unlikely. For these realists, the only choice was to get while the getting was good. Those that could manage it redirected their assets and capital into different kinds of businesses.\(^{17}\) Others hurried to liquidate their inventories—no pun intended—by offering deeply discounted prices. The reasoning here was simple: the statewide law did not include indemnity. An estimated $10 million invested in Tennessee’s alcohol industry was in jeopardy of being lost, and for businessmen, recouping part of their

investment was better than the dead weight of products that could not (legally) be sold.¹⁸

Figure 3-4. “State Gone Dry, Stillmore Whiskey to Be Had!” Commercial Appeal, January 21, 1909. Memphis wholesaler Sambucetti, Bianchi & Co. ran this ad on January 21, 1909—one day after the General Assembly overrode Governor Patterson’s veto to secure the statewide law. Companies continued selling and advertising alcohol between its passage and enforcement.

Retailers across the state advertised fire sales on booze. “Stop and read! Whiskey and wine at your own price!” announced a window sign in Nashville.¹⁹ “Everything at cut prices. Goods delivered to any part of the city free of charge,” read another.²⁰ “The same whiskey I sell over my bar, I will sell this week at $2.50 a gallon. This whiskey cost me $3.00 a gallon. This goes as long as it lasts or till the first of July,”


announced Memphis saloonkeeper F.B. Huston. Whatever the tactic or sale point, it worked. Retailers and wholesalers did gangbuster business as the deadline approached. Even with all employees on deck, customers waited in line up to four hours to make their final purchases on June 30. By the end of the day, many had sold out completely.

Vendors were not the only parties looking to cut their losses. The ban on selling alcohol took effect on July 1, but lawmakers gave liquor manufacturers an additional six months to dispose of their property. That cutoff date was January 1, 1910, but they were equally concerned about the future. Managers at one distillery and two breweries in Memphis stopped equipment on June 30, gathered their employees, and fired everyone on the spot. It was surely a somber mood, given those positions had been stable and well-paying jobs. Yet, for every business that threw in the towel, far more were interested in alternative solutions. Not every state had “found religion” where prohibition was concerned, so one option was searching for greener pastures. For some, this meant leaving the South altogether. Charles Seats, whose Memphis saloon was reportedly unmatched in grandeur, set his sights on California. Other businesses looked closer to home. In the months preceding the enforcement date, firms from

Memphis, Chattanooga, and Nashville all scouted locations in neighboring states—places where business might continue with as little disruption as possible.

Figure 3-5. “The Parting.” Commercial Appeal, July 2, 1909.

By the end of June 1909, over twenty large firms in Memphis had reportedly left, or planned to leave.  

27 Advertisements in local newspapers informed customers of these relocations, and made pitches to keep their patronage. D. Canale & Company announced its liquor department would head down Mississippi River to Helena, Arkansas, while general business remained in Memphis. 28 “The location is the only change,” ads assured customers. “The same promptness, care and attention will be given your order.” If customer service was not enticement enough, promises of equal or

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better products, shipping, and delivery sweetened the deal—the company would even cover the cost of your long-distance telephone call to place an order.\textsuperscript{29}

B.J. Semmes & Company publicized its move to St. Louis with similar pledges of superior selection, prices, and shipping.\textsuperscript{30} As the oldest, and one of the most successful firms in Memphis (founded by Civil War veteran B.J. Semmes and ran by the Semmes family), its departure underscored how colossal this moment seemed.\textsuperscript{31} The company would never leave Memphis unless given no other choice, and said as much in an open letter to the city—a letter that waxed poetic and grinded an ax. “For fifty years we have lived amongst you, sharing your trials and your victories, and mingling our blood with yours,” authors declared, “then came civil strife and the innocent were confounded with the guilty.” A minority of lawmakers had run roughshod over public opinion, the letter lamented, leaving businesses like D. Canale to suffer the consequences.\textsuperscript{32} Still, the manifesto concluded romantically: “in leaving Memphis we smile to think we are still the sons of one common country, which is broader than the boundaries of a hundred states, knows no section lines, and is everywhere the same glorious land wherever Old Glory waves under the Seven Stars.”\textsuperscript{33}

How companies chose their new home boiled down to geography and infrastructure. Fast shipping would be a prerequisite for survival, and as published


notices of departure demonstrate—Emil Nathan & Company to Cincinnati, H. Scott Liquor Company to New Orleans, Vaccaro Cigar & Liquor’s wine and liquor branch to St. Louis—access to major waterways was important. Others looked for both water and rail access, like the George H. Goodman Company. “The day the Tennessee Legislature passed the ‘state wide’ bill over Governor Patterson’s veto, our Mr. Goodman started upon an inspection tour of cities from which Southern territory could be reached to advantage,” explained a full-page advertisement taken out in the Memphis Commercial Appeal. “After carefully considering every point on the border land of ‘Dixie’ he selected Cairo, Illinois, on account of the Remarkable Express Facilities offered and its excellent geographical location. It is said that more express trains leave Cairo daily than any city of equal size in the world.” Indeed, these factors made Cairo an enticing destination for several liquor houses. The same held true for Paducah, Kentucky, as its position on the Tennessee and Cumberland rivers provided quick and cheap interstate transport.

These cities did not always welcome alcohol expats with open arms, however. In Paducah, local press acknowledged adding liquor houses from Tennessee would increase the city’s population, but surmised it would also result in more saloons—and the social problems that accompanied them. Other questions concerned the financial

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37 J.A. McCormack & Company, wholesale and retail dealers were amongst those who advertised their relocation to Paducah. “J.A. McCormack & Co.,” Commercial Appeal, July 2, 8, 1909.
impact. Would these new outfits sink any of the fourteen wholesalers and distributors already operating in Paducah? How would the city benefit if these businesses were mostly engaged in interstate trade? Liquor men reassured cities like Paducah that their presence would “draw trade for all lines” of industry, but apprehension lingered. Early estimates of fifty transfers to Paducah proved to be an overshot, but several large, important Memphis outfits did ink deals to relocate there. Sambucetti & Company, handling Anheuser-Busch beer and whiskey sales, was the first to announce their removal to the Kentucky city, followed by the Century Liquor Company, and reports that others were considering similar moves as the summer wore on.

Figure 3-6. Relocation Advertisements. Commercial Appeal, June 30, July 1, 1909.


39 “More Liquor Dealers Coming from Memphis,” Paducah Evening Sun, June 1, 1909.

Uprooting a business (and the lives of those running it) was certainly not ideal, but the situation was serious enough to warrant huge changes in already established, successful enterprises. This was not a decision taken lightly, but it was also not a decision that every liquor businessman in Memphis had the resources or desire to make. For those that wanted to both stay in business and stay in Memphis, it required creativity. One obvious option was switching to new (still legal) products or beverages. This decision was, in the simplest sense, triage. Manufacturers faced the bleak prospect of owning (or still owing money on) expensive brewing, bottling, and distribution equipment without the ability to create the very products for which it was intended. For producers and saloonkeepers alike, repurposing their facilities was a way to stay in the game. Savvy businessmen also recognized that law on paper would not squelch the public's thirst—particularly in a drinking town like Memphis. If they could create a decent tasting, legal alternative that sold the same way as alcohol, it could help offset the tremendous financial impact of prohibition.

Advertisements suggest manufacturers were testing that hypothesis, as promotions for non-alcoholic drinks just before, and after the July 1 ban on retailing spirits. The Joseph Schlitz Brewing Company ran multiple ads for “Schlitz’s Fizz,” informing customers that “AFTER JULY FIRST” this “absolutely ‘non-intoxicating’ and in taste and flavor equal to the famous beers” beverage would be available on tap and in bottles at all soft drink stands.41 The Tennessee Brewing Company—one of the largest

41 The Joseph Schlitz Brewing Company’s plant in Memphis opened in 1875. By 1890, it produced over 40,000 barrels of beer per year and employed more than fifty laborers. The director of this branch was Henry Luehrmann, a German-born Civil War veteran who made his fortune in Memphis as a beer-bottler and distributor. Yao Foli Modey, “The Struggle over Prohibition in Memphis, 1880-1930” (Ph.D. dissertation, Memphis State University, 1983), 9; Andrew Morrison, Memphis, Tennessee, The Bluff City: Mistress of the Valley of the Lower River (St. Louis, MO: George W. Englehardt, 1892), 118 – 119; Paul
breweries in the South in the early-twentieth century—also assured the public that “Schorr’s Fermented Beverage” would “be ready for the market on July 1st.” Marketed for its health benefits, Schorr’s promised “all the nourishments of a pure and wholesome beer…refreshing, invigorating, and healthful.”

![Image of non-alcoholic beverage advertisement](image)

**Figure 3-7. Non-Alcoholic Beverage Advertisements. Commercial Appeal July 1, 1909.**

Most of these non-alcoholic drinks advertised in somewhat vague terms; only the designation that they would be available after July 1 directly tied them to the enforcement of prohibition. The marketing of “Fan-Taz” was more direct. “MEMPHIS WILL NOT BE DRY,” advertisements proclaimed, “Fan-Taz pleases the prohibitionists—it’s nonalcoholic,” and it “pleases the anti-prohibitionists—because it hits
the spot.”45 Whether in a bottle or a glass, Fan-Taz promised to be “the drink that helps you forget—and you know that you would like to forget.”46 Forget what, the advertisement did not say; one can assume for many in Memphis, it was the entirety of prohibition.47

Others saw an opportunity in the gray areas, and switched their operations to produce “near beer.” Intended to taste like real beer but without the intoxicating effects, these beverages contained low alcohol by volume. This was an attractive alternative for brewers. It sidestepped going out of business, used the same equipment, and required just one additional step in the brewing process to drop below the legal alcohol by volume threshold.48 Yet, it was unclear what actually constituted an alcoholic beverage, and whether these low-alcohol drinks would fall under the new restrictions or remain legal. Confusion only intensified after the statewide law became operational, as near beer was responsible for many of the first arrests in Tennessee.

Of the dozens of arrests made in Nashville on July 1st—a city that, unlike Memphis, actually made arrests on the first dry day—almost all were for the sale of “beerette,” a low-alcohol beverage produced by the William Gerst Brewing Company.49 More than thirty patrolmen spent the entire day stationed in designated areas to watch

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45 In case this promise was not enough, later advertisements assured consumers that it “tastes like more.” *Commercial Appeal*, July 4, 1909.


for violations, and before 9:30 am, they had arrested four former-saloonkeepers and one brewery wagon driver for dispensing beerette. The majority of collars happened in the same place: Matt Wilson’s saloon. Many were curious to try the new prohibition drink and each time Wilson or his employees served it over the bar, officers were waiting. This happened repeatedly; newspapers reported that officers arrested either Wilson, his bartender, or his porter roughly every twenty minutes throughout the day.

This gave Wilson the dubious distinction of being amongst the first arrested, and the first to go to court. Lucky for him, John C. Vaupel of the Gerst Brewing Company was there to pay the bond on each arrest. This in turn provided a platform for defending beerette. Vaupel argued the drink was not intoxicating, as it had less than one per cent alcohol—a statement backed by test results from the internal revenue department—and thus did not fall under the purview of Tennessee’s prohibition law. Judge Hart agreed, ruling on July 2 that there was insufficient evidence to charge the men for selling beerette and ordered everyone released. The first test case for beerette in Chattanooga met the same fate. A city judge ruled in favor of the drink, and against Police Chief McMahon who had declared the drink illegal in Chattanooga and ordered officers to stop its sale.

Near beer continued to be a murky and contentious issue in Tennessee. Its manufacturers argued it was technically legal, but many state and local authorities

believed it was also a tactic to circumvent liquor laws. Judge John T. Moss used a grand jury charge on June 29 to make clear his position and send out a warning for everyone in Memphis and Shelby County. “It is currently reported that the breweries are proposing to flood the city with what is called near beer,” Moss noted. “Such subterfuges, if resorted to evade the law, will not be tolerated by this court.” He reminded jurors it was their duty to return indictments with sufficient evidence, and declared strict enforcement the “unalterable purpose, and the firm determination” of his courtroom. The law would not be a farce on his watch, and there would be no quarter. Regardless of the quantity or how small the alcohol content, Moss warned, all violators would be punished to the full extent of the law.

Another alternative were “soft drinks.” Today that moniker usually describes carbonated water, flavoring, and sweetener. Early twentieth-century soft drinks also had fizz, but were fermented beverages. Unlike near beers, soft drinks contained no alcohol and did not attempt to mimic the “real thing.” This made the pool of potential customers far larger, allowing soft drink manufacturers and retailers to market to children, families, and even teetotalers. Indeed, ads for Coca Cola described it as “The Great Temperance Beverage” in 1908.

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57 Judge Moss went on to declare, “It will make no difference whether the intoxicant is sold in sufficient quantity to produce intoxication or not, if it is of an intoxicating character the sale of the same will be unlawful, it matters not how small the per cent of alcohol it may contain.” “Clubs and Near Beer Tabooed,” *Commercial Appeal*, June 30, 1909. “Clubs and Near Beer Tabooed,” *Commercial Appeal*, June 30, 1909.

58 *Baptist and Reflector* (Nashville, TN), July 23, 1908.
Numerous manufacturers in Tennessee considered, or switched to product soft drinks, and the same held true for retailers—although their intentions were often more questionable. Across the state former saloons reportedly reopened as soft drink stands immediately after the July 1 enforcement deadline. There was just a handful in Memphis, but an estimated two-thirds to three-fourths of Nashville saloons declared themselves soft drink establishments by early July. In most cases, they appeared just as they had before prohibition went into effect—same facilities, same bartender, and even the same bottles of liquor on the shelves. Only beverages like Coca Cola and Pepsol were available for purchase, though, or so proprietors claimed. Even before the statewide law became operational, officials were concerned about what the Commercial Appeal described as the “soft drink scheme.” That is, efforts to continue alcohol sales as usual under the guise of exclusively offering soft drinks. “In most

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60 “Arrested Every Twenty Minutes,” Commercial Appeal, July 2, 1909.
cases,” the newspaper explained, “that arrangement is merely a thin cloak for a determination to sell the old line of goods in the hope of escaping detection.”

Amid all the different plans for moving, switching industries and finding workarounds, liquor interests did share one common dream: seeing the statewide ban invalidated. A successful legal challenge could have the measure ruled unconstitutional, and that would be like waving a magic wand across everyone’s problem. An individual or company just needed to violate the law, provoke prosecution, and open the door for a test case. By July 2, more than a dozen businesses had reportedly retained counsel and begun exploring options to do just that, but the Tennessee Brewing Company (TBC) made the first serious attempt in Memphis.

Figure 3-9. Tennessee Brewing Company. Commercial Appeal, February 8, 1908.

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65 “Memphis Got Mighty Good Last Night,” Commercial Appeal, July 1, 1909.
It was fitting that TBC led this charge. It was not just the city's biggest brewery, but also one of the largest in the entire South. At its height, the company could handle much of the supply chain from its headquarters on Butler and Tennessee Street. The operation included an ice plant, cooperage (for making casks and barrels), a fleet of twenty horse-drawn delivery wagons, over five hundred employees, and the ability to produce 1,250 pints of beer and 35 tons of ice per day. Prior to the statewide ban, the brewery was distributing in five states and selling over 80,000 kegs a year.\(^{66}\) It was successful, well established, and had been operating in Memphis since 1877—a birth year it ironically shared with the Four Mile Law it was testing.\(^{67}\)

Challenging that law first required safeguarding its existing business. The TBC accomplished that task on June 30, mere hours before the enforcement deadline, when Chancellor H. Dent Minor approved its petition for a temporary injunction.\(^{68}\) This prevented local authorities from interfering with the brewery's production, sales, or

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\(^{67}\) Located at the corner of Butler and Tennessee Streets (where the building still stands today), the Tennessee Brewing Company was the city's only brewery, and one of the largest in the South. Began in 1877 as the Memphis Brewing Company, it was changed in name and ownership in 1885 when purchased J.W. Schorr, Casper Koehler, and partners for $18,000. The new owners took advantage of the city's pure water supply by digging a well and tapping into the underground aquifer—discovered in the nineteenth century, this massive underground water reservoir gave Memphis the best supply of clean water in the region. In a few short years, the brewery had become so successful that it added its own cooperage for making barrels and casks, and opened an ice plant reportedly producing 35 tons of ice a day. It managed a large stable and fleet of twenty horse-drawn wagons (used to deliver beer around the city), ran three bottling machines that could produce 1,250 pints per day, and employed over five hundred people. Beverly G. Bond and Janann Sherman, *Memphis in Black and White* (Charleston, SC: Arcadia, 2003), 68; Sara Patterson, “Abandoned Memphis: Tennessee Brewery Has Intoxicating Beauty, Sobering Challenges for Developers,” *Commercial Appeal*, August 28, 2011; William Patton, *A Guide to Historic Downtown Memphis* (Charleston, SC: History Press, 2010), chapter 13; Kenn Flemmons, *Goldcrest 51 Beer: Finest Beer You Ever Tasted* (Little Rock, AR: Goldcrest Holdings, LLC, 2001), 18.

general business in Memphis until a full hearing on July 8. The company hoped those proceedings would result in the temporary injunction being made permanent, based on its argument that the law was unconstitutional and would cause irreparable financial damage. Aided by the Anti-Saloon League, city and state counsel responded in kind, contesting the validity of that injunction.

This unsurprisingly attracted a lot of attention. It was the first serious challenge to an unpopular law in Memphis, and if the brewery won, it would be a huge victory for liquor interests and embarrassing defeat for prohibitionists. Indeed, the Commercial Appeal deemed it important enough to print the full text of the complaint—whether regular people read the entire bill is probably unlikely, but it did burn through almost two pages of valuable column inches. Yet, this was not just a battle between the Tennessee Brewing Company and larger, outside forces. It actually had two fronts. Besides Memphis authorities, the injunction named another defendant: founding partner and company president, John W. Schorr.

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69 Local authorities named in the injunction included Z.N. Estes (Shelby County Attorney General), Frank L. Monteverde (Shelby County Sheriff), James H. Malone (Memphis Mayor), W.C. Davis (Memphis Police Department Chief), and their subordinates. “Tennessee Goes Dry,” New York Tribune, July 1, 1909.

70 This was an offensive tactic used in other new prohibition states, as well. In Georgia, petitioners sought an injunction against the state’s prohibition law, which became effective on January 1, 1908. The petitioners, the Chattanooga Brewing Company of Chattanooga, Tennessee and the Moerlein Brewing Company of Cincinnati, Ohio argued that the law was unconstitutional as it conflicted with the state constitution’s requirement for a special license upon the sale of liquors, a portion of which went to support public schools. They argued that the right to sell alcohol was beyond the power of the legislature to stop. Unlike the Tennessee Brewing Company here, however, Judge William T. Newman allowed their petition to be filed, but did not grant it. “Appeal to U.S. Court,” Commercial Appeal, January 1, 1908; “Tennessee Goes Dry,” New York Tribune, July 1, 1909.


72 John Schorr was from a long line of brewers. He immigrated to the United States from Bavaria, where his family had been brewing beer for over five hundred years. Although the brewery closed for good in the mid-1950s (after weathering Prohibition and WWII, it was one of many smaller breweries pushed out when national television advertising popularized mainstream brands like Budweiser), the family tradition
Schorr was no prohibitionist. He stated publicly that he believed the legislation unconstitutional and illegal. He also announced, however, that he did not intend to continue fighting, and would instead switch production to non-alcoholic beverages after July 1. That second statement proved to be a problem. Schorr sat at the head of the table, but TBC had stockholders, and the majority disagreed with that decision. Thus, when the injunction took effect, it not only stopped authorities, it also stopped Schorr from producing anything besides real beer in the brewery he helped build. Information is scant on this internal dissent, but since the chosen method of conflict resolution was legally hamstringing the company president, it is safe to assume the fight became embittered. Even within the liquor industry itself, people were not of a single mind when it came to prohibition.

It was unclear what this injunction would mean for the general populace. Within an hour of its approval, a Main Street cigar shop tacked a summary of Chancellor Minor's order to its front window. Public postings like this were common, so it was not odd to see folks gathered around them to learn the latest news, coming events, or box scores. This particular posting, however, attracted an unusual amount of attention. “As soon as the purport of the order was understood,” the Commercial Appeal reported, “there was intense excitement and a crowd of five hundred or more had gathered within

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a few minutes afterward, blocking the sidewalk and extending out into the street.”

Rumors swept through the crowd that the injunction extended to saloons, meaning their favorite watering holes could serve Tennessee Brewing Company beer while the order was in effect. Unfortunately, for those picturing themselves with a TBC lager in hand—perhaps hoping for a repeat of an 1885 promotional, where the brewery distributed 40,000 glasses of free beer—this was false. The injunction would not keep prohibition at bay, as it applied only to the sale of beer at wholesale. For the masses, Memphis was still, by the letter of the law, a dry city.

In bringing this lawsuit, the stockholders highlighted a glaring caveat of the new prohibition legislation: it banned manufacture and sales within Tennessee, but did not—and could not—apply to out-of-state firms. A brewery or wholesaler based in Arkansas, for example, could solicit business and deliver orders to anyone, anywhere in Tennessee without fear of legal repercussion. If this was a surprise to anyone, it should not have been. The United States Supreme Court codified this loophole two years earlier thanks to a case that emerged out of Kentucky. In its own prohibition battle, the Commonwealth of Kentucky had criminalized all C.O.D. or “paid on delivery” shipments of intoxicating liquors.77 The intention was, of course, to stop people from circumventing state authority by getting their booze from somewhere else. The location of either

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75 “Retail Sales Not Affected,” Commercial Appeal, July 1, 1909.


77 Subsec. 4 of 2557b, Kentucky Statutes, 1903, referred to as the C.O.D. law, was part of general local option laws passed in 1902. “All the shipments of spirituous, vinous, or malt liquors, to be paid for on delivery, commonly called 'C. O. D. shipments' into any county, city, town, district, or precinct where said act is in force, shall be unlawful and shall be deemed sales of such liquors at the place where the money is paid or the goods delivered; the carrier and his agents selling or delivering such goods shall be liable jointly with the vendor thereof.” Adams Express Company v. Commonwealth of Kentucky, 206 U.S. 129 (1907).
payment or delivery, the statute declared, constituted the place of sale. Under this logic, any carrier who took alcohol into a “dry” district—this case centered on a gallon of whiskey transported from Cincinnati to East Bernstadt, Kentucky by the Adams Express Company—had violated the local option laws. The Supreme Court, however, disagreed.

“Much as we may sympathize with the efforts to put a stop to the sales of intoxicating liquors in defiance of the policy of a state,” Justice David Brewer wrote, “we are not at liberty to recognize any rule which will nullify or tend to weaken the power vested by the Constitution in Congress over interstate commerce.”78 Justice Brewer echoed this decision in a May 1909 opinion—ironically, involving the same Adams Express Company on essentially the same issue of liquor shipments into Kentucky. “Liquor, however obnoxious and hurtful it may be in the judgment of many,” Brewer declared, “is a recognized article of commerce.”79

Thus, the standard was set. In the absence of a federal prohibition law, dry states could not, through any enactment (or at least one that would hold up in court) interfere with sales and shipments from a wet state without violating interstate commerce laws.80 Even further, the Supreme Court determined alcohol in transit through a dry state was not subject to search or seizure.81 If Anheuser-Busch sent beer from St. Louis to New Orleans, and the train stopped in Memphis—the city was the major railroad hub in the region—it was illegal to tamper with that shipment. The sum of these rulings meant

Tennesseans would live under the statewide ban, while still easily—and legally—obtaining booze. They need only send away for it. The only losers in this equation were the state’s previously legal (and tax-paying) distilleries, breweries, and retailers.

This was a fresh hell for the state’s liquor industry, and the Tennessee Brewing Company argued that it violated both Tennessee’s state constitution and the Fourteenth Amendment to the United States Constitution. There was a great deal of squabbling concerning jurisdiction—complainants argued it was an issue of interstate commerce, and should be transferred from chancery to federal court, since some capital stockholders lived in St. Louis—but ultimately the matter was remanded back to the state by federal judge John McCall in August 1909.82 The case then made its way to the state Supreme Court docket, but stalled as the court paused for its summer recess. The brewery would continue production unmolested during this time, thanks to the still-active injunction, but no resolution would come until court resumed in late autumn.83

To this point, the legislation and legal battles focused on the entities supplying alcohol. An equally important question was how regular people, the ones consuming those beverages, would respond. Temperance advocates might have been thrilled, but most Memphians united in a decidedly low opinion of prohibition. Many disagreed with the new laws on principle, and believed they were the work of boorish politicians in Nashville against the expressed will of local voters. If there was one perennial truth, it


83 “Liquor Cases to be Revived,” Commercial Appeal, October 5, 1909.
was this: Memphis did not like Nashville telling it what to do, and Nashville did not like Memphis disregarding the state’s authority. Indeed, the volksgeist was a heady mix of decades-long opposition to the temperance movement and newfound resentment towards state authorities for steamrolling local autonomy. Paired with the city’s deeply engrained drinking culture, it is unsurprising that people from all strata of society looked for alternatives. Like businesses that were unwilling to simply shutter their operations, so too were many Memphians unwilling to cheerfully hop “on the wagon.”

How people circumvented the new law varied, but many started on the same page: stockpiling in advance. The laws forbid the manufacture and sale of alcohol, but word spread quickly that it had no retroactive authority. Meaning any booze purchased for personal consumption before July 1 was not subject to search or seizure. Citizens were completely within their rights to continue owning and drinking from a personal cache, and even serving it to others. The wine could flow like water at a dinner party, and as long as no money exchanged hands, the law was powerless to stop it. Those with the available funds—and even those without, like a Nashville man who actually mortgaged his house to buy two barrels of whiskey—prepared accordingly.84 “Practically every wholesale house cleaned up its stock,” the New Orleans Picayune noted of Chattanooga, “those who will open businesses in other cities will have little to move.”85

Private individuals were not alone in their preparation for a boozy hibernation. The James Home Cure Remedy (essentially early-twentieth century rehab) executed an odd marketing scheme in early July 1909, parading a wagon filled with barrels of

bourbon through the streets of Memphis. The stunt then ran as an equally bizarre advertisement where Dr. Charles B. James explained that he too had “laid in a good supply for our patients before the prohibition law went into effect.” When questioned about that alcohol’s intended purpose, the good doctor replied: “‘Similia similibus curantur,’ or in the vernacular, or every-day talk, ‘the hair of the dog is good for the bite.’” Rather than going cold turkey, “we let him have whiskey, gradually diminishing the supply till our remedies get a good hold on the system,” James explained. The going rate for this “Home Cure Remedy” was $12.50, but in case patients had additional vices they wanted to handle in one fell swoop, breaking a tobacco habit was just another $5.00, and reversing liver troubles an affordable $2.00.86 How long James’ reserve held out, or how many people used it, is impossible to know. Yet as we will see, advertisements promising to cure addiction do offer rather telling windows into the relationship between legislation and consumption.

The logic behind hoarding booze was the foundation for another popular tactic for circumventing the spirit, if not the letter of the new ban on retailing alcohol: locker clubs. The premise was simple. Organizations, chartered by the state, were composed of selected (and often exclusive) membership. Drinking took place at these clubs, but unlike a regular saloon, those drinks did not come from inventory owned by the establishment. Instead, members stored personal caches of liquor in their assigned cabinet, under lock and key. The club provided everything else that usually accompanied communal drinking: the facility, a trained bartender, and all the accouterments like glassware, ice, and mixers. When thirsty members entered, they

retrieved their personal bottle, handed it to the bartender, and watched as he made their drink. Since no money exchanged hands specifically for booze, no law was broken.

The number of these locker clubs exploded in Memphis, but they were certainly not all created equal. At the top were legitimate, social organizations with respectable memberships that predated prohibition. At the bottom were former saloons—ran by forward-thinking, if not shady proprietors who recognized the opportunity—that hastily bolted some cabinets to the wall to meet basic requirements.87 Even before the ban on retail sales took effect, those who understood the landscape knew these clubs would be a problem.88 Memphis Mayor James H. Malone said he did not anticipate any major problems enforcing the law, with the notable exception of newly chartered locker clubs—clubs reported to number in the hundreds across Tennessee.89

This was a major headache for prohibitionists and law enforcement alike. Creating a social club specifically to circumvent the new ban on retail sales was neither illegal, nor difficult to accomplish. Prospective organizations need only gather signatures from five members, submit their application, pay a $28.50 fee, and in return, they received a state-issued charter.90 Officials reviewing these petitions did not take into consideration who the applicants were, or the purpose of the group. In a rare instance of colorblind governance in the Jim Crow South, it made no difference whether the applicants were black or white, rich or poor—or in this case, whether the founding goal

90 “Memphis Got Good Last Night,” Commercial Appeal, July 1, 1909.
of the organization was to skirt a law. If organizers met the basic requirements and received a state charter, the group was legitimate.\textsuperscript{91}

While social clubs were “cheering their members with the confident belief that they cannot be stopped,” authorities were less enthusiastic. “I am convinced that the organization and purpose of these associations are subterfuges, pure and simple, and are promoted to evade the spirit of the prohibition law,” declared Nashville Mayor James Brown, “and as subterfuges they will be treated.”\textsuperscript{92} With officers posted in saloons and in every building where a locker club existed, Brown cautioned, “I have instructed the officers to make the arrests, and will personally see that the cases are pushed to the highest courts of the state.”\textsuperscript{93} For this temerity, Brown garnered one assumedly unanticipated result: an anonymous death threat (deemed too violent in content and language to publish), which promised to dispatch the mayor for his commitment to enforcement.\textsuperscript{94}

Despite such proclamations, the letter of the law was not on the side of authorities. “If a locker club is operated merely as a repository for whisky of the members of the club, and these members go to the rooms of the organization and get their own whisky and drink it,” admitted Judge William Hart of the Davidson County Criminal Court, “I don’t see that such action could be held as a violation of the law.”\textsuperscript{95} Attorney-General Jeff M. Carn agreed. “There are so many little changes in this method

\textsuperscript{91} “Memphis Got Good Last Night,” \textit{Commercial Appeal}, July 1, 1909.

\textsuperscript{92} “Nashville is Dry,” \textit{New Orleans Picayune}, July 1, 1909.

\textsuperscript{93} “Nashville is Dry,” \textit{New Orleans Picayune}, July 1, 1909.


\textsuperscript{95} “Nashville is Dry,” \textit{New Orleans Picayune}, July 1, 1909.
of conducting locker clubs and so many little transactions that might be construed as sales of whisky,” Carn explained, “but so long as the business is conducted as the place for storing whisky of individual members then there is no violation of the law.”

Most Memphians would not have had the resources to stockpile large quantities of booze in advance, and perhaps not be able to afford the membership cost of a locker club. Still, regular working people did not exactly have to run a gauntlet to get drunk after July 1. Proximity to other, still dry states was an easy solution. From the heart of Beale Street, it was just over ten miles to the Mississippi state border. Arkansas was even closer; one need only make their way to West Memphis, Arkansas and hit the nearest beer joint. Memphis was not the only prohibition city that faced challenges due to its proximity to dry states. Kansas City, for example, had one leg in prohibitionist Kansas and the other in wide-open Missouri in 1909. Bristol, Tennessee was another, sharing a border with local option Virginia. Unlike Memphis, where drinkers would at least have to walk or drive across state lines, the citizens of Bristol need only cross the street. The line between Tennessee and Virginia ran right through the main thoroughfare in town. Business geography divided accordingly: saloons lined the Virginia side of the street, while the grocery, dry goods, meat, and drug stores stood opposition on the Tennessee side.

Whether received through interstate commerce, served in a locker club, consumed from private stock purchased before the deadline, or acquired from a nearby state, it was abundantly clear that booze would not be absent in Memphis. How (and if)

96 “Nashville is Dry,” New Orleans Picayune, July 1, 1909.


authorities intended to enforce the law remained unknown, but was clear from the outset there would be variation between the enforcement schemes of Tennessee’s large cities. Mayor Brown was emphatic that Nashville would observe prohibition, and the response of law enforcement mirrored this promise. There was a larger-than-normal police presence in areas marked for potential problems, and officers received instructions to apprehend lawbreakers on the spot.99 The chief of police in Chattanooga made a similar pledge to enforce the law “to its very letter.”100 The response in Memphis, however, was far less enthusiastic.

When asked if police intended to approach prohibition enforcement differently in Memphis, Police Chief W.C. Davis said no. “Special instructions” were not necessary. “We are not going to drop all other business just to squat on the trail of the saloon men in the expectation that they are going to violate the law,” he explained. “If they do violate the law we will no doubt be apprised of it, as in case of any other crime, and we will have plenty of time to make the necessary arrests.”101 Still, when someone suggested city police were not technically required to enforce prohibition—it was a state law, and Memphis had not adopted a similar municipal measure—Davis killed that dream. “The city has no ordinance against the crime of murder, and yet if you were to say the police had no business to arrest a murderer you would be laughed at,” he replied. While not the “frenzied chase” found in other locales, Davis assured the public that the police


would "look after violators of the four-mile law as they would look after violators of any other statutory criminal law."\textsuperscript{102}

In practice, Davis was good to his word. There was not a single arrest in Memphis on July 1, but the police did not completely ignore the issue. After rumors circulated of real beer served as fermented "soft drinks," the city chemist tested samples collected from suspected violators, like Friedman & Rosenbaum’s on Union Avenue. When rumor reached police the swanky Peabody Hotel bar was serving all types of liquor, Captain Oliver Perry went in person to investigate. Interrogations and several hours of observation later, he determined that there was no wrongdoing, only sales of fermented drinks.\textsuperscript{103}

Over time the “new” began to wear off, however, and liquor sales increased. When authorities did not immediately squash those violations, not just prohibitionists grumbled. Some people disagreed with the statewide laws on principle, but found tacit acceptance of lawbreaking even more troubling. Not only was that a slippery slope that might create a domino effect for other types of crime, opponents argued, it was also malfeasance. “We consider it both dishonest and cowardly for any official of the law to draw a salary from the toiling masses and then prove recreant in the performance of his official duty and obligation,” the Law Enforcement League proclaimed in February 1910. Given its name, the purpose of that organization is self-explanatory. Established in the wake of the statewide law (and the apathy of Memphis officials), the Law Enforcement

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League gave voice to regular Memphians who wanted saloons closed and laws obeyed—they even hired private detectives to gather evidence against violators.104 The group targeted elected officials like Mayor Ed Crump, Attorney-General Z.N. Estes, and Judge John T. Moss as statewide law violations multiplied in early 1910, but members should not have held their breath for these officials to “see the light.” Crump stood his ground, stating his concerns lied with cleaning up gambling, arresting thieves, and providing Memphis with a business-minded government—not with prohibition enforcement.105 Estes was more abstract, but generally echoed Crump’s sentiments. “If the public sentiment is behind a law it can be enforced,” he explained. “But if the juries do not believe in the enforcement of a law it can not (sic) be enforced.”106 Judge Moss was less direct, explaining his duty as one of carrying out justice in the courtroom, and that a judge alone could not enforce any specific law. He expressed his sympathy with the League, and assured them he also was committed with enforcement of all laws.

By this point, the Tennessee Supreme Court had already upheld the ban on retail alcohol sales, but the second measure outlawing manufacturing remained a question mark. As its January 1, 1910 enforcement date neared, producers became nervous. Legal challenges including the Tennessee Brewing Company’s complaint were working their way through the court system, but had paused for the high court’s summer recess. The TBC continued operating thanks to the chancery court injunction it secured against

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local authorities in June 1909, and hoped the justices might make it permanent when proceedings resumed in late 1909. Unfortunately, that did not happen. 107

While the TBC was testing the law in Memphis, an almost-identical challenge emerged out of east Tennessee. J.W. Kelly & Company, a wholesale outfit in Chattanooga, secured a similar chancery court injunction against the sheriff and attorney-general of Hamilton County, Tennessee, to stop their enforcement of the Four Mile Law. 108 The Kelly and TBC case were on the same docket, but the state Supreme Court heard the former first, and squashed it. Chancery courts did not have jurisdiction to enjoin local authorities in this manner, justices ruled in mid-December 1909, and dissolved the injunction protecting J.W. Kelly & Company. The Tennessee Brewing Company met the same fate as soon as a copy of the decision reached Memphis. That injunction had shielded the brewery from indictment for liquor sales and transportation, but now seemed to be a prime target for enforcement.

This was certainly a defeat, but it did not specifically answer the question of the manufacturing law’s constitutionality. That required yet another test case—brought again by J.W. Kelly & Company of Chattanooga. Memphis dealers like Baumgarten & Company insisted they would continue sales and production until the highest court ruled on this matter, but others expressed hesitancy and made contingency plans in case the outcome was not in their favor, like stockpiling inventory and provisions for out-of-state


operations. It took ten months for the case to reach the state Supreme Court, and when justices issued their decision in late November 1910, it was not in favor of liquor interests. The law banning alcohol manufacturing was deemed constitutional, meaning statewide prohibition, against both retailing and producing, would move forward uninterrupted.

In theory, these decisions cleared up the confusion and uncertainty that had surrounded statewide prohibition. The laws were constitutional, here to stay, and everyone should act accordingly. Assumedly, then, the next step was strict enforcement and prosecution to ensure everyone walked the line. In that scheme, liquor would be scarce or at least difficult to find (save ordering it from outside the state) and wide-open saloons and liquor stores nonexistent. Many thought this new order was legitimately coming. Indeed, as their varied actions before and after the summer of 1909 demonstrate, numerous Memphis businesses clearly anticipated a one-two punch: the law had delivered the first jab, and enforcement would soon follow with the knockout cross. People had scrambled to duck that second hit—reportedly, nine-tenths of all Memphis alcohol retailers made provisions for other options in order to obey the statewide law—anticipating a severe punishment for anyone who did not. Making less money peddling soft drinks or setting up shop in Paducah was better than a stint in the


110 “Liquor Case Argued Before Supreme Court,” Commercial Appeal, October 8, 1910.


112 Thanks to interstate commerce laws, authorities could not prevent out-of-state dealers from shipping alcohol into Tennessee. This meant private citizens could still order, receive, and consume alcohol at home or in locker clubs.
workhouse, after all. In a completely honest, by-the-books system, it would have happened just like that. Except this was Memphis. And it did not happen. “Law without enforcement is just good advice,” Abraham Lincoln famously declared. Memphis authorities decided early that the statewide law was neither good, nor advice they intended to take.

Thus, around the same time the state Supreme Court upheld the ban on manufacturing alcohol, a different message emerged in Memphis. Rather than adhere to the law of the land, the city would do its own thing. That meant openly, unabashedly allowing—while strictly regulating—saloons. When the statewide law took effect on July 1, 1909, Memphis Mayor James H. Malone and his administration reportedly intended to give Memphis liquor interests a few weeks to get their affairs in order, but those weeks turned into months, and he left office without legitimately dropping the hammer towards legitimate enforcement. Things changed under his successor, Edward H. Crump, but certainly not in the way prohibitionists hoped.

Voters who put Crump in the mayor’s office had no way of knowing they had just launched the career of an unrivaled political boss whose machine would be defined by benevolent malfeasance, and subsidized by vice. If they had, they probably would have been horrified; Crump won that position on strident promises to do the exact opposite. Indeed, it was his vocal commitment to reform, promises to clean up the city, and instinctive skill with people and publicity fueled a relatively quick ascension up Memphis’ political staircase.

“A Law Binds Because it is the Law,” Commercial Appeal, October 4, 1914.

Supporters disparaged former mayor J.J. Williams, Crump's opponent in the 1909 mayoral election, by highlighting his use of divekeepers to stay in power. Yet ironically, that segment of society quickly became Crump's bread and butter after winning the contest.

Nicknamed the “Red Snapper” for his fiery hair and oratory (a moniker no one dared say to his face once he assumed power), Crump was nothing if not showy. The same day he was sworn in as Fire and Police Commissioner he declared he was going to close the city’s saloons himself, deputized twenty men from his hometown (only one was a legitimate police officer), then proceeded to conduct three raids. “I just wanted to show the police up,” Crump informed reporters. “If Chief O’Haver and his men cannot suppress gambling in this town, I can.”

Crump also fired police chiefs George O’Haver and Edward Kehoe three times for violating his orders as police commissioner, and each time Mayor Malone reinstated them. Commercial Appeal, January 19, 1908.
Crump initially approached liquor control with the same sort of vigor. In 1906, while still a councilman, he argued the 599 saloons of Memphis were paying too little and introduced an ordinance to hike up the license fee from $60 to $250 a year, a more comparable cost, he pointed out, to other cities.\textsuperscript{116} That proposal went absolutely nowhere on the order of vice-mayor John Walsh—who was no doubt motivated by the numerous saloon owners and their customers he called constituents in North Memphis—but Crump was making waves that seemed promising.\textsuperscript{117} He seemed committed to following through, declaring after his swearing-in as mayor in 1909 that he intended to deal with three things in short order: ridding the city of thieves and thugs, stopping the practice of pistol carrying, and cleaning up the city’s dive bars.\textsuperscript{118}

There was a lot of optimism about what Crump’s reform-minded administration might accomplish. Some waxed a bit poetic, like Mary Morgan, a citizen who wrote a letter of congratulations to Crump just after his inauguration. “I feel sure we can dub you the ‘Dove Mayor’ as that bird, you know, is the emblem of peace,” she declared. “Oh, if we could in some way, start a way to keep our city cleaner and clearer of these heinous things that have surrounded us, what a power you would become for us.”\textsuperscript{119} The \textit{Commercial Appeal} offered more tempered hope that Crump’s term might signal a break from deadlock and dirty politics. All those hoping for that sort of marked change, however, were soon disappointed. From the mayor’s chair, a survey of the prohibition


\textsuperscript{117} William D. Miller, \textit{Mister Crump of Memphis} (Baton Rouge, LA: Louisiana State University, 1964), 59.


\textsuperscript{119} Mary Morgan to E.H. Crump, January 7, 1910, Box 23, Crump Collection, MPL.
landscape in 1910 revealed little or half-hearted prosecution, even fewer convictions (and juries lauded for refusing to return guilty verdicts), increasingly emboldened violators, and a public staunchly opposed to prohibition. It became clear to Ed Crump that ridding Memphis of liquor or vice was not only unrealistic, but also political suicide.\textsuperscript{120}

This was neither a ground-shaking revelation, nor the first Memphis mayor who failed to set the world on fire after campaign promises of law and order got them into office. His predecessor, James Malone, succeeded in making Memphis look more modern, and introduced a few important tweaks (like adding more people to the police department and introducing strict disciplinary codes for cops), but ultimately failed to make any watershed change when it came to law enforcement or vice.\textsuperscript{121} The public demanded Malone’s predecessor, J.J. Williams, shutter all the seedy establishments in Memphis after several high-profile incidents, like election day violence and a July 1904 gambling raid that left three cops dead at the hands of “crime czars” George Honan and Mike Haggerty (who were both, incidentally, tied to the Williams administration), but he did not do much better.\textsuperscript{122} In his first six months of office, Williams attempted a “clean up” campaign, but abandoned it when there was a drop in the city’s revenue.\textsuperscript{123} Police Chief J.J. Mason even tried to resign, on the ground that allowing law violations was an


\textsuperscript{121} During James Malone’s tenure, Memphis began to look more modern. Prior to 1903 city services were substandard if they existed at all. Insurance companies hiked up premiums on Memphians in 1902 because the city’s fire department and protections were so weak, and it was not until equipment updated that the cost dropped back down. Malone saw to it that more streets were paved—in 1905 Memphis had 22 miles of paved streets, Nashville, by comparison, had 200—sidewalks, and high-rise buildings. Miller, Mister Crump of Memphis, 46, 51; Commercial Appeal, February 28, 1907.

\textsuperscript{122} “Indictments By the Wholesale at Memphis,” Stark County Democrat (Canton, OH), January 19, 1904.

\textsuperscript{123} Commercial Appeal, February 3, 15, 1904; Memphis News Scimitar, February 15, 1904.
embarrassment, and Williams advocated “regulation instead of suppression.”

Unsurprisingly, reformers generally considered Williams a failure.\textsuperscript{124}

Like those before him, Crump did not succeed—or even really try—to eliminate lawbreaking vice in Memphis. Yet, unlike his predecessors, he solidified power and remained in office. The size and strength of the Crump machine would ultimately rest on a foundation of strategic alliances, voting, and the fusion of municipal employment and governance with Democratic Party affiliation.\textsuperscript{125} However that level of sophistication was years away. In the early part of his mayorship—that coincided largely with the statewide prohibition experiment—Crump sowed the seeds of that later power, and dealt with the pressing liquor question, by understanding what people wanted. For all the high-minded teetotalers in Memphis, there were far more good-timers who wanted to keep their poker games, good time gals, and saloons open after midnight.

To maintain broad-based support Crump devised a new plan: rid Memphis of what proved simply intolerable and put a leash on all the rest. The type of establishment that made headlines for extreme violence or depravity would be a target, and the same held for thieves, thugs, beggars, vagrants, and public drunkenness. Prostitution continued, but was relegated to specific areas and made less visible to avoid repeats of the \textit{Commercial Appeal}'s lamentation in 1909 that “streetwalkers have been as thick as

\textsuperscript{124} Williams pointed out that the city charter did not technically define gambling houses as illegal, so the following year he did manage to see the existing language from “regulate, control, and suppress” to simply “suppress.” Williams told Memphians that it was not realistic to close all these places, but that he would try, provided the public understood the law would have to be fairly enforced. He did not get a chance to follow up on that because James Malone defeated his bid for reelection.

\textsuperscript{125} For more on this episode, and how the murderers were able to go free, see: Fred L. Hutchins, \textit{What Happened in Memphis} (Kingsport, TN: Kingsport Press, 1965), 42 – 43; Paul R. Coppock, \textit{Memphis Memoirs} (Memphis, TN: Memphis State University Press, 1980), 65 – 66.
wasps in summer time.”

Liquor sales and consumption continued in spite of state law, but only if the places serving it conformed to certain expectations. “If the saloons of this city are going to remain open, they must operate on a decent basis,” Commissioner J.A. Riechman openly declared on December 1, 1910. These were, of course, surface improvements. Rather than expunging underworld figures and illicit enterprise through rigid law enforcement, Crump harnessed their existence to his benefit. Egregious violators (or at least when they attracted too much attention) were hidden away, sanctioned vice continued, and the “good” people of Memphis were kept more or less happy. Although Crump knew how to endear himself to those segments of society, too; he cleaned up the city aesthetically, made inroads towards women reformers with token appointments and by supporting suffrage, directed money towards public welfare (orphanages, retirement homes, hospitals), and slashed the city tax rate by 25 percent to the delight of the business community.

In turn for their continued existence, the purveyors of vice assisted the administration—hardly a new concept or practice in Memphis. During the city’s days as a taxing district, gamblers tithed to the city twice a month, during elections, and

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127 “Memphis Saloons to Run on Decent Basis,” *Commercial Appeal*, December 1, 1910.

128 William D. Miller argues that “short of martial law” this was the best Crump could really do, since crime in Memphis was so deeply entrenched. Yet this strategy paid political dividends. Miller, *Mister Crump of Memphis*, 81.

129 Crump dropped the city tax rate from $2.16 per $100 to $1.58, and this was an important factor. During the tenure of Mayor J.J. Williams, Memphis’ tax rate was the highest in city history. The rich and business people of Memphis were somewhat separated from the violence and poverty that plagued the city, but they were really annoyed by this high tax rate. Ralph Martin, *The Bosses* (New York, NY: G.P. Putnam, 1964), 126.
whenever a public campaign or event required money. When the city was raising money for its massive Confederate soldiers reunion in 1902, for example, a city official went around to all the vice men and raised over $10,000. The Commercial Appeal noted that a “prominent colored citizen”—sources make it possible to confidently state they were referencing Robert Church, Sr.—actually donated $1,000 for this reunion and had his picture printed in the newspaper. Crump streamlined and improved this system of reciprocal benefits. Saloonists, gamblers, and madams received latitude, and in exchange, they supported the machine.

Disregarding statewide prohibition in favor of a controlled system obviously benefited liquor interests, and the reciprocity those businesses paid benefited the Crump machine. The only parties left out in the cold financially, then, were city and county coffers, and those who benefited from the existing “fee” system. Indeed, if greed and corruption are a matter of opportunity, the compensation structure of local government in this period offered all the opportunity necessary. Rather than a clear, fixed salary, county officials in Tennessee were paid fees. These fees accompanied virtually all judicial and municipal processes. When it came to liquor, the system tacked fees onto every license, indictment, warrant, injunction, and summons issued, amongst others. For authorities in Memphis, the state’s largest city with a massive alcohol trade that included dozens of wholesalers and upwards of 600 saloons, this was a veritable cottage industry. Thanks to this fee system, for example, the positions of Shelby County

130 Yellow Fever epidemics in the 1870s fundamentally reshaped Memphis. The epidemic of 1878 ravaged the city, and thanks to the insolvency that followed, the city surrendered its charter in 1879. It became a taxing district of the state until regaining its charter in 1879. “Grand Jury and the Gamblers,” Commercial Appeal, June 22, 1902.

trustee and sheriff were valued at $25,000 to $40,000 a year—or approximately $1.1 million in 2014. Even low-ranking jobs like court clerk netted $10,000 to $25,000 annually.\footnote{R.S. Keebler, “Prohibition in Tennessee,” \textit{National Municipal Review} 6 (1917): 675 – 688, 680.}

To the chagrin of those who benefited from it, statewide prohibition threatened this gravy train. Liquor interests were returning from their brief, out-of-state exiles and beginning to reopen, as it became clear enforcement would be a farce in Memphis. This resumed trade, profitable as it was for liquor dealers, did not mean resumed revenue and fees for cities and their officials who were essentially working on commission. Rather than accept that loss, authorities found ways—albeit increasingly shady ways—to fill the financial void.

One of the more notorious efforts came in 1911 when authorities returned more than 1,000 indictments against liquor dealers in Memphis and Shelby County.\footnote{“More Than a Thousand Indictments for Selling Liquor,” \textit{New York Sun}, June 5, 1911; “1,160 Liquor Dealers Indicted,” \textit{Bemidji Daily Pioneer}, June 7, 1911.} Yet these indictments were not for selling booze in violation of state law; the charge was failure to pay for a retail liquor license. Indicting known saloonists for not holding a retail license when laws expressly forbid retail sales was, of course, absurd. The end game was not enforcement, however; it was running the 1,062 cases through the “fee mill,” as Memphis attorney R.S. Keebler aptly dubbed it, for individual profit—even if that mill did cost the county $10,000 and had little effect on illicit liquor.

This indictment drive was, as Keebler explained, part and parcel of a larger fee system that had been “reduced to a fine science.” Indeed, tactics including delaying criminal trials, thus requiring witnesses re-summoned (which conveniently required an
additional fee that went to the sheriff and criminal court clerk) produced a situation where “often the most trivial indictment yielded handsome returns.”

Saloons were open for business, and fees were lining the pockets of officeholders, which left just the city without a means of recouping lost revenue. The city corrected that in 1912 by passing a new ordinance to reintroduce mandatory liquor licenses for all retail and wholesalers—in spite of state liquor laws, already in effect for three years. Although the annual cost did quintuple from $50 to $250, so perhaps there was a connection between the price point and licensing technically illegal enterprises. Still, liquor dealers did not hesitate to pony up the cash, and the scheme quickly paid off to the tune of $120,000 a year in 1912 and 1913.

Memphis was not peerless in this endeavor. The state of Tennessee also seemed to be reaping rather hypocritical profit from supposedly illegal saloons. In the last year of the legal saloon, 1908, the state received $80,000 from liquor taxation. In the first year of prohibition, that figure jumped to $200,000, and by 1913, the state received $343,000 off a technically illegal enterprise. As the experience of one Clarksville, Tennessee judge, revealed, state officials even undercut local law enforcement efforts to ensure this revenue stream continued flowing. From his position on the bench, Judge C.W. Tyler explained he had been doing all he could to break up illegal liquor in Clarksville (a smaller city than Memphis, but still urban area) in the early 1910s. Yet, he received notice that the state comptroller had

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137 “Judge Tyler Tells of Liquor Stand,” Commercial Appeal, October 19, 1913.
ordered his county clerk to collect taxes from liquor dealers—which Tyler had previously instructed the clerk not to do. When word got out that the county would accept payment, twelve saloon owners immediately came forward, paid the tax, and resumed business. Public outrage, a town meeting, and an emissary to Tyler demanding the closure of the now-open saloons (and jail time for their proprietors) followed in quick succession. Tyler felt like he could not close the establishments, given they had just paid the tax, but his constituents felt otherwise and continued to protest outside his office. The din became so intensive that Tyler capitulated, ordered no money accepted from liquor men (after the current period they paid for expired), and thought the matter was closed. Then his county clerk received yet another letter from the state comptroller, demanding he not only accept payment from liquor interests, but also use distress warrants to get the money if anyone balked. It “is your plain duty to take every precaution to protect the state’s interests,” comptroller George P. Woolen threatened, “and you should at all times, use due diligence and make all earnest effort to collect.”

All this, Judge Tyler explained, was the result of acts passed in 1909. Not the statewide law, but another liquor-related act that placed privilege taxes on liquor dealers. That act might have stated it did not authorize liquor sales, but in practice, that was little more than a wink and a nod. “Though we proclaim prohibition from the housetops, we are collecting more money every year from liquor dealers than we did before the passage of the statewide law,” Judge Tyler declared. It was true that this passed under Governor Patterson, who many accused of being in cahoots with liquor interests, but Governor Hooper had not changed it either. “The liquor dealers

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138 “Judge Tyler Tells of Liquor Stand,” Commercial Appeal, October 19, 1913.
discovered that nobody wanted to kill the goose that laid the golden egg,” Judge Tyler concluded, and noted that the money brought in from this privilege tax had tripled under Governor Hooper.¹³⁹

While Tennessee was not the first to pass a comprehensive ban on alcohol—Kansas accomplished that feat in 1881—people across the country were curious to see how the statewide measures of 1909 panned out, particularly in urban areas. Silas Bent, a staff reporter at the St. Louis Post Dispatch went to Memphis to see for himself in 1910, intending to reveal the “the true condition of affairs regardless of whether they hurt the liquor men or the anti-saloon league.” The portrait he painted was rather damning, as far as prohibition supporters were concerned. “So little pretense do the saloons make at secrecy in their trade that many of them have electric signs bearing the word ‘Bar’ or ‘Saloon’ or ‘Buffet’ along Main Street, the principal thoroughfare of the city, and throughout the downtown district,” he reported. “Front doors stand invitingly open. The principal hotels here are the Gayoso and the Peabody. Two saloons at the Gayoso and one at the Peabody are operated openly, daily and Sunday, and both hotels serve drinks with meals. It is common knowledge that these conditions prevail at all hotels in Memphis.”¹⁴⁰ Midnight and Sunday closing laws went ignored across the city, gambling existed in virtually all saloons with little effort towards secrecy, and while “policemen used to stay out of saloons,” Bent declared, “now they go in openly.”¹⁴¹ “I spent three

¹³⁹ “Judge Tyler Tells of Liquor Stand,” Commercial Appeal, October 19, 1913.
days in Memphis,” Bent concluded, “and I found that under Prohibition the volume of the liquor business was much greater than before the law passed.”142

Urban areas fighting their own battle over prohibition had been particularly interested in its impact on Memphis, and even queried local authorities to learn their opinion. “Oregon must choose this fall either state wide prohibition with a search and seizure provision or home rule,” the Greater Oregon Home Rule Association telegrammed Mayor Crump in 1910. “Has experience in your state proved that state wide prohibition is successful?” Crump certainly did not mention his own role in creating the conditions that Bent identified, but he also did not mince words. “Prohibition is a total failure in large cities of Tennessee,” he declared in reply. Enforcement was impossible when the “vast majority of [the] urban population opposes it,” he continued, pointing to the difficulty securing indictments, and juries that refused to convict. “Replacing [the] old license law, it has made matters worse,” Crump concluded, “because there is left none of the former powers of regulation.”144 Conditions were certainly not pristine in his backyard either, but Chattanooga Mayor T.C. Thompson agreed. “Prohibition in Memphis is a joke,” he declared.145

Anti-prohibitionists in Salt Lake City (also the largest metropolis in its state and a magnet for hard drinking) saw this as a preview of coming attractions. “It is possible that

142 “Crowds and Bootleggers and Prohibition and a Circus,” Arizona Republican (Phoenix, AZ), April 8, 1911.
143 Greater Oregon Home Rule Association to E.H. Crump, October 19, 1910, Box 13, Crump Collection, MPL.
144 E.H. Crump to the Greater Oregon Home Rule Association, October 20, 1910, Box 13, Crump Collection, MPL.
145 “Made By Three Mayors That Prohibition Has Proved a Failure in the Principal Cities of Tennessee,” Mixer and Server 19 (April 15, 1910): 34.
many persons resident in Salt Lake have never visited a state where there was a state-wide prohibition law in operation and do not know what the effect of it is,” explained the Salt Lake Herald-Republican in November 1910. “Salt Lake does not want to find itself in the same position that is now engaging the attention of the citizens of Memphis, Tennessee.”

Conditions in Memphis were not unlike those in Utah, the newspaper explained. Public sentiment opposed prohibition, but rural counties and politicians pushed it through, anyway. “The country districts of Tennessee forced a state-wide prohibition law upon the cities of the state, and you can see what Memphis is getting out of it. Do you want that in Salt Lake?”

The choice, the Herald-Republican editor argued, was either regulated saloons or a “drinking hell.”

Salt Lake City was not alone in drawing that parallel. Indeed, Memphis became the proverbial “canary in the coal mine” for anti-prohibitionists across the country. “Imagine what Richmond would be without the present restricted license system and under only nominal police control and you have a hint of what Memphis is under the undemocratic and unjustifiable State-wide prohibition regime,” wrote the Richmond Times-Dispatch in 1910. “Is there any good reason to believe that Phoenix will be better able to deal with the bootlegger and blind tiger than was the Tennessee city?” echoed the Arizona Republican in 1911. “So far no one has ever attempted to contradict the fact that prohibition laws aggravate drinking evils. It is through a licensed and

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regulated saloon that the sale of whiskey can best be handled.”150 “DO YOU WANT THESE CONDITIONS TO EXIST IN CALIFORNIA?” asked the California State Bar Association in “State Wide Prohibition: The Story of Memphis, Tennessee,” a three-fold pamphlet of statistics and quotes on the city’s tribulations.151

For others, a mere brush with Memphis convinced them prohibition was a fool’s errand. Arkansas doctor J.E. Bruce had supported efforts to ban alcohol sales in Little Rock and signed petitions to that effect, but as he informed the Arkansas Gazette, it took less than one hour in Memphis to change his position. While escorting his daughter to college in Alabama, Bruce explained, he had a brief layover in a Memphis train depot—a depot chalk full of drunks. “I may sincerely state that in the waiting room of that depot in Memphis I saw in one hour more drunken people than I have seen in Little Rock in six months,” Bruce declared. “I have figured that if the city of Memphis is a dry town, in the sense meant by the prohibition forces, Little Rock cannot afford, for moral reasons, to go dry.”152 So well known was Memphis’ reputation that when the city council of Fulton, Kentucky approved near-beer sales in 1911, a local newspaper noted those products “usually mean any old kind of beer” and predicted, “Fulton will soon be in a class with Memphis, so far as the booze operation is concerned.”153

To be sure, Memphis was not alone in its struggle to make liquor legislation work. An out-of-state newspaper polled sheriffs in Tennessee and Georgia on the

150 “Crowds and Bootleggers and Prohibition and a Circus,” Arizona Republican, April 8, 1911.


152 “Has Changed His Mind,” Arkansas Gazette (Little Rock, AK), October 8, 1910.

153 “Soon in a League With Memphis,” Hickman Courier (Hickman, KY), August 17, 1911.
effectiveness of prohibition in 1911, and across the board, every respondent noted conditions had worsened, not improved in their respective territory. The survey only canvassed Tennessee counties that previously had local prohibition—meaning, voters voluntarily chose to fall under the Four Mile law prior to 1909—and each lawman stated plainly an increase in arrests, public drunkenness, enforcement costs, and general dissatisfaction from their constituents. “This statewide law is very unsatisfactory and is causing a great deal of trouble,” wrote Sheriff R.L. Scruggs of Smith County. “People do not fear it as much as local option and it is harder to enforce,” explained Sheriff R.H. Compton of Henry County. For Sheriff D.C. Higginbotham, the proof was in his holding pens: “there are thirteen men in jail, ten of them are for selling liquor, and one for murder.”154

Despite the concerted effort of businessmen and pro-liquor organizations, Tennessee passed prohibition measures and went “dry” in 1909. Yet, “law” and “enforcement” proved to be vastly different beasts in Memphis. It was not that saloonkeepers in Memphis could do whatever they wanted; they had to operate within certain parameters, but the Crump administration, not the Tennessee General Assembly, created those parameters. The number of open saloons, flagrant violations (of both liquor laws and state authority), and the city administration’s complicity failed to go unnoticed, however. Crump intended for Memphis to do things how they wanted, and Governor Ben Hooper was equally determined to make both the man and his city toe the line.

154 “What the Sheriffs of Local Option Counties in Georgia and Tennessee Say About Statewide Prohibition,” Shiner Gazette (Shiner, TX), July 13, 1911.
CHAPTER 4
“EVERY LOW-DOWN DIVE IN MEMPHIS”: THE NUISANCE ACT OF 1913

“I promise you this—that when I am elected governor of Tennessee again, I will, with the help of an honest legislature and a good God, clean out every saloon and every low-down dive in Memphis.”

— Governor Ben W. Hooper, 1912

“I freely admit that no attempt has been made to close the saloons. I felt that I could serve the people better by devoting my energies to the upbuilding of this city along constructive lines.”

— E.H. Crump, October 10, 1913

By 1913, temperance forces in Tennessee were champing at the bit. The statewide law of 1909 had achieved, at best, limited success; they were eager to see supplementary measures that could finally rein in cities like Memphis who openly defied it, but that action was slow in coming. Political squabbling ensured the General Assembly passed no substantive liquor legislation after 1909, and the governor lacked the necessary tools to make it happen on his own. There was a brief flicker of hope when Governor Ben Hooper, the state’s first Republican governor in decades, secured reelection in 1912 (despite big Democratic victories across the country) on a platform of not only keeping, but also supplementing the existing liquor laws with tougher enforcement measures. The state Senate was lost to the “wets,” however, who yet again blocked any action.

The sum of this starting and stopping rolled into the legislative session of 1913, which newspapers accurately predicted would be “no less stormy” than the fight over

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1 Commercial Appeal, October 8, 1912.

2 “Mayor Crump Believes Liquor Bills Doomed,” Commercial Appeal, October 11, 1913.
prohibition in 1909.\(^3\) The melodrama was thick across the board—indeed, the deciding vote for an election bill was made by a delegate who was carried in on, and voted from a stretcher—but the main event was liquor. Hooper made plain his intention to see prohibition a legitimate reality, and declared that the current violations were not the actions of individuals but rather “the result of a powerful, organized conspiracy of a great number of men in and out of the state.”\(^4\) This conspiracy used elections and voters like puppets, the governor continued, through graft and underhanded tactics.\(^5\) In Hooper’s mind, it would take supplemental law enforcement measures to rectify the situation.\(^6\)

Memphis figured prominently in this debate as it, the state’s largest city, was the site of non-stop violations. To the further chagrin of prohibitionists, there was not even the pretense of secrecy. Open doors, windows, and electric signs reading “BAR” and “SALOON” invited patrons into establishments on busy streets, and authorities knew all about it. Two blocks from police headquarters saloons were running wide-open, violating not just the statewide law but earlier statutes requiring bars close at midnight and on Sundays.\(^7\) Yet, for the clamor about conditions in Memphis and Hooper’s resolve, there was one imposing obstacle: Mayor Ed Crump.

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By 1913, Crump had not only amassed serious power in Memphis, but he had also become a formidable force in the state legislature— influence he used to help stamp out earlier attempts for additional liquor legislation. Hooper saw the writing on the wall, and wanted new legislation bad enough to strike up a backroom deal with Crump. The political boss and his delegation would back the governor (ensuring his bills passed), and in return, state prohibition would exclude Memphis, and the governor would support Crump’s agenda for infrastructure development in Memphis.\(^8\) It was a win-win situation for both parties, and it seemed everyone was playing their part when groundwork began to exempt Memphis, Chattanooga, Knoxville, and Nashville from the Four Mile Law.\(^9\)

That agreement unraveled quickly, however, when Hooper endorsed a set of “force bills” offering a way to permanently close illegal establishments and regulate liquor shipping in the spring of 1913—measures that, if passed, would apply to the entire state, including Memphis. Unsurprisingly, Crump did not take kindly to Hooper crawfishing on their earlier bargain.\(^10\) Finger pointing and some choice diatribes followed from both camps. Indeed, twenty-first-century politicians could learn a thing or two about insults from their early-twentieth-century counterparts. Hooper declared

\(^8\) Crump intended to modernize Memphis and give the city administration as much control over that process as possible. The barter with Hooper came with an expectation that the governor supported Crump’s measure to improve railroad grades into Memphis, a large bond measure for a city-owned electricity plant, and the city’s authority to regulate telephone and telegraph companies. Allen H. Kitchens, “Ouster of Mayor Edward H. Crump, 1915 – 1916,” *West Tennessee Historical Society Papers* 19 (1965): 105 – 120, 106.


\(^10\) Crump was not shy about denouncing Hooper for what he declared “bare-faced lies.” As Crump explained in Nashville, “it was clearly understood and agreed before any effort was made to organize the two houses that there would be no liquor legislation.” “Crump Denounces His Former Fusion Allies,” *Commercial Appeal*, March 9, 1913.
booze interests controlled Memphis, and that Crump and his city “wouldn’t know
majority rule if you were to meet it in the road.” Crump dubbed Hooper “a liar, a
hypocrite, a thief, and an assassin,” and Hooper challenged detractors to either “show
the evidence or can it.”

The wheels started turning as the so-called “force bills” garnered attention, and
that sparked a larger debate about the validity of prohibition in Tennessee, period. It
was no mystery where most of Memphis stood in that conversation; rather than
prohibiting anything, the Memphis Commercial Appeal argued, extending the Four Mile
Law to large cities in 1909 had simply turned a legitimate industry (that generated a
great deal of tax dollars) into an illegal one. Conditions were already worse than they
had been before, the newspaper continued, and the proposed laws were a “menace to
the natural rights of every citizen of Tennessee” that would be responsible for
“political oppression, for graft, and for election stealing that would be limitless.”

To the relief of those who agreed with that assessment, the regular legislative
session ended without any liquor measures enacted. It turned out, however, that the
intense level of debate, setbacks, filibustering, delegates dramatically leaving to prevent
a quorum, and bitter fighting were a harbinger. Rather than accept defeat—or cow to

Commercial Appeal, March 15, 1913; “Crump Will Line Up With Regulars,” Commercial Appeal, March 4,
1913; “Hooper and lea Accuse Each Other,” Commercial Appeal, March 14, 1913; “Hooper Says Whisky


15 “Liquor Regulation Bills Near Passage,” Commercial Appeal, February 20, 1913; “Liquor Regulation
Bills Get Setback,” Commercial Appeal, February 21, 1913; “Liquor Regulation Bills Near Passage,”
Commercial Appeal, February 20, 1913; “Hooper’s Force Bills Gone to Oblivion,” Commercial Appeal,
anti-prohibitionist threats that they would keep the legislature in session for two years if he did—Hooper used gubernatorial power to call a special session. By hook or crook, he intended to pass measures defining saloons as public nuisances, regulating liquor shipments, and creating a way to remove city and county officials from office for malfeasance. In sum, tools to compel Tennessee cities to abide by, and enforce state law.

This time the battle lines were clearly drawn, and increasingly personal. Supporters pushed for immediate action on six enforcement bills, but the opposition was just as determined to see Hooper and his legislation end in failure. “We’re going to fight him at every turn. He’s thrown down the gauntlet and that means war,” declared Memphis Mayor Ed Crump. “I’m against Hooper tooth and nail,” echoed Speaker of the House Stanton, “He’s going to try and drive us into line through this extra session, but he’s going to have his hands full.

They made good on these promises. The session was certainly heated, and marked by the squabbling, close calls, and setbacks expected in the legislative process,

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17 “Hooper Issues Call for Special Session,” Commercial Appeal, August 30, 1913.


20 “Crump Will Fight Hooper to Finish,” Commercial Appeal, September 8, 1913.

but the high emotions produced a few decidedly uncommon events, too.\textsuperscript{22} Gun-toting private guards hired by both parties—described by newspapers as “bullneck thugs” and “professional killers”—patrolled the statehouse, for example, reportedly “prepared to shoot with or without provocation in the interest of the sides they represented.”\textsuperscript{23} Professional decorum also faltered when legislators rioted on the chamber floor and threatened to attack the speaker.\textsuperscript{24} Ultimately, the drama, filibustering, and adjourning to prevent voting paid off.\textsuperscript{25} Anti-prohibitionists successfully burned through the twenty-day special session, no liquor bills survived, and Memphis Mayor Ed Crump received a standing ovation for his role in securing that outcome.\textsuperscript{26}

This was a defeat, but Governor Hooper remained unwilling to say die.\textsuperscript{27} “Saloons are in rebellion,” he declared, and despite fears that reconvening could mean actual bloodshed, he called an unprecedented second special session.\textsuperscript{28} By this point,

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{24} “Prohibition: Temperance Hits Intemperate Town,” \textit{Memphis Press-Scimitar}, October 28, 1980.
\item \textsuperscript{26} “Liquor Bills Will Die, It is Believed,” \textit{Commercial Appeal}, September 27, 1913; “Extra Session Ends, Force Bills Fail,” \textit{Commercial Appeal}, September 27, 1913.
\item \textsuperscript{27} Hooper received criticism for this tunnel vision, however. The \textit{Commercial Appeal} declared on October 12 “law enforcement in the governor’s mind simply means the enforcement of the prohibition law,” which was coming at the expense of other pressing issues. “The Legislature and the Law,” \textit{Commercial Appeal}, October 12, 1913.
\item \textsuperscript{28} Prohibition: Temperance Hits Intemperate Town,” \textit{Memphis Press-Scimitar}, October 28, 1980; “New Session Called to War on Saloons,” \textit{Commercial Appeal}, October 1, 1913.
\end{enumerate}
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many Tennesseans were fed up with the use of legislative time (and tax dollars funding it) for a political pissing contest. Speeches and mass meetings began attracting large crowds and producing resolutions actually in favor of the law enforcement bills.\textsuperscript{29} Indeed, when Governor Hooper spoke in Memphis, it was to a crowd of 10,000.\textsuperscript{30} Although that did not mean the city had a spontaneous change of heart. Mayor Crump still opposed prohibition and predicted the bills were doomed, while the city’s principal newspaper declared the legislation nearly illegal itself, and the use of “lawlessness as a counter-irritant to lawlessness” absurd.\textsuperscript{31}

Regardless, the public outcry put pressure on state legislators, and that created a new sense of urgency. The issue was no less contentious, but the process became considerably faster.\textsuperscript{32} After ten months of wrangling and a great deal of money (the second special session cost an extra $10,000 alone), it took only four days for three force bills to be introduced, passed, and signed into law on October 16, 1913.\textsuperscript{33} The two Anti-Jug Laws addressed the flood of booze moving in Tennessee. They prohibited the shipment of alcohol between points within the state, and the delivery of alcohol in


\textsuperscript{30} “Memphis Holds Great meeting for the Law,” \textit{Commercial Appeal}, October 10, 1913.


\textsuperscript{33} After their introduction on October 13 and passage on October 15, the governor signed the measures into law on October 16, 1913. “Anti-Liquor Bills Passed,” \textit{Washington Herald}, October 17, 1913; “Legislature Quits; Funding Bill Wins,” \textit{Commercial Appeal}, October 18, 1913; “Heavy Cost of Law Enforcement Bills,” \textit{Commercial Appeal}, October 22, 1913.
quantities greater than one gallon from places outside Tennessee. Most important, however, was the Nuisance Act, defining establishments that offered liquor, gambling, or prostitutes as public nuisances and providing a way to close them by injunction.

To this point, state officials and even the governor could do little about the rampant Four Mile violations occurring—or more accurately, being allowed to occur—across Tennessee. The Nuisance Act, however, made it possible to sidestep local authorities who refused to enforce liquor laws. After its March 1, 1914 enforcement deadline, special attorneys (appointed specifically for this purpose), attorney-generals, and even regular citizens who met the requirements could initiate proceedings against shady dives and their proprietors. The result would first be an injunction instructing the establishment to close—essentially a warning shot. If business continued in defiance of that injunction, the next step was permanently enjoining the establishment, seizing all of its property and either destroying or selling it to cover legal costs. Defiant saloonists could lose everything from light fixtures to desk chairs, regardless of the city administration’s apathy towards prohibition—or sizeable campaign contributions that usually ensured “look-the-other-way” enforcement. The latter was an arrangement that not only existed; it was a central wellspring of support for the Memphis political machine.

The new legislation also offered a potential shot in the arm for prosecuting violations. Prior to its passage, Memphis liquor interests felt fairly safe ignoring the

34 This was not the first attempt to secure this type of law; in 1907, the state legislature passed a similar measure that prohibited the shipment of booze into dry areas from those that had legal booze. Yet then-Governor Malcom Patterson vetoed it. “Force Bills’ Pass, Democrats Favor,” Commercial Appeal, October 17, 1913; “Legislature Quits; Funding Bill Wins,” Commercial Appeal, October 18, 1913.

statewide law. Time had proven it unlikely for charges to be filed against them (especially if you knew the “right” people), and even less likely for a jury to convict if they did go to court. This only applied to state law, however. The federal government still issued and required liquor licenses, and would not hesitate to prosecute anyone who operated without one. Rather than risking a tangle with Uncle Sam, businesses had continued buying these permits from the internal revenue office after the statewide law took effect in 1909—creating a bizarre situation where saloons and retailers were simultaneously lawless enterprises licensed for legal trade. The Nuisance Act shook up that status quo. Now holding a federal liquor license was prima facie evidence in court, shifting the burden of proof off the state and onto the accused.  

It would be their responsibility to prove their innocence, not just reasonable doubt.  

What had been a safety net became a liability.

At face value, it appeared this legislation would stick much-needed plugs in several gaping holes. Yet, for all the backslapping Governor Hooper received, it quickly became clear the laws were neither airtight, nor a quick fix. First, state legislators overplayed their hand trying to block the shipment of alcohol into, or through Tennessee. Courts quickly struck those down as violations of interstate commerce.  

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36 Prima facie (literally translated as “at first face”) evidence is that which is considered sufficient and accepted as true until rebutted and proven otherwise. In April 1916, the Tennessee Supreme Court upheld internal revenue special tax receipts or stamps as competent evidence. The case in question centered on Memphian Mrs. Mae Elmore who was engaged in the retail sale of liquor. She was fine $50 and sentenced to three months in the Shelby County workhouse. *Mrs. A. Elmore v. State of Tennessee*, 135 Tenn. 347, 186 S.W. 453 (S.C. TN 1916).


39 This should not have been a surprise in Tennessee. Federal courts had been very clear on this issue. The Supreme Court struck down Kentucky’s almost identical effort in 1907, for example. *Adams Express Company v. Commonwealth of Kentucky*, 206 U.S. 129 (1907).
Second, the laws only applied to commercial trade. Regular folks were still able to order, transport, and consume alcohol for personal use. Alcohol would still come into, and be consumed in Tennessee. Thus, before the March 1 deadline even passed, it was clear this would not be a dry utopia.

Supporters had also touted the Nuisance Act as a streamlined, efficient way to close questionable establishments. It was actually a rather onerous, drawn out process. Allowing private parties to submit complaints against gambling joints and dive bars—not just elected or appointed officials—had been a big selling point. Yet, the fine print dramatically narrowed who was qualified to do so. Other states with similar nuisance laws set the bar at being a legal voter. Under the new legislation in Tennessee, a complainant had to be a “freeholder,” or someone who owned real estate. A person might be highly respected and even own a chain of businesses, but if they did not specifically own land or a building, their signature would not count. Thus, even if Memphians “saw the light” of prohibition, the pool of people who could actually do something about it was small.40

Further, there could be quite a distance between identifying a dive bar, and actually seeing it closed for good. A successful complaint produced an injunction, forbidding the business in question from continuing illegal activity. If the establishment violated the terms of that injunction, investigators had to gather enough conclusive evidence to prove it. Violators then faced prosecution, not on a liquor law charge, but for contempt of court. If those charges stuck, the court permanently enjoined everyone named in the original injunction. A court-appointed receiver took control of the business,

40 “Nuisance Bill Rests in Breast of Court,” Commercial Appeal, March 26, 1914.
locked out its owners, and oversaw the destruction or sale of all stock and fixtures—the latter going to pay the court costs. The contempt conviction came with a workhouse sentence of at least 30 days but not more than six months in jail, and a fine, left up to the discretion of the court, that could not exceed $50. Anyone caught trying to break into a place closed by an injunction—perhaps to carry off what they did not want sold—would also be guilty of contempt and face the same penalties. From beginning to end, this was a multi-step process that took, at best, months to complete. How much booze a business could sell before the law caught up was anyone’s guess. For glass-half full prohibitionists, though, something was better than nothing. The situation had been untenable with the existing legislation, so supporters held out hope the force bills might still be the missing piece.

It goes without saying that some legislative sessions do not exactly captivate the masses, but this was not the case in Memphis when the force bills became law in October 1913. Far from simply the liquor industry, city leaders, or even the larger business community, people from all rungs of society were following this episode. Indeed, Bill Thompson, a frequent guest in Judge Bacon’s city courtroom and less-than-productive member of society, cited the new laws (which were two days old) for his drunkenness arrest on October 18. “Judge, I had made up my mind to quit, but they passed this nuisance bill on us, and I just had to take a little. I have lots of good friends,” Thompson explained, “and it depressed me to think that it was going to be taken away from them.” “I commend you,” Bacon replied while assessing a $10 fine, “for thinking of your friends in this emergency.”41 Black roustabout Essick Harper, in court for stealing

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41 “Nuisance Bill Hits Bill Thompson Hard,” Commercial Appeal, October 19, 1913.
thirteen whiskey bottles from Max Miller’s saloon, offered a similar justification. “I done heard Mistah Millah say de force bill done passed, an’ late he guess he gwine ter jes dump he lot of licker into de rivah I thought I jis slip er lil case out’n de sto’ an’ hide it fo’ my own use, better if de rest done bin destroyed,” Harper reportedly explained. “I admire your thoughtfulness of the future,” Bacon acknowledged, “but you got your dates mixed a little. The nuisance bill does not go into effect until March 1, and between now and then it will be regarded as theft to take a bottle of liquor, the same as taking a cow or a chicken.”


Figure 4-1. “Temperance Meeting Pledges Support for Law Enforcement,” Commercial Appeal, February 9, 1914. Support for Law Enforcement. Memphis teetotalers published this declaration of support for the measure and Z.N. Estes’ promise to prosecute violators in early February 1914. Their endorsement of a national prohibition measure marks one of the first in Memphis.
Why petty criminals like Thompson and Harper could attribute their actions to this legislation by name speaks to a much larger and more important reality: prohibition had become a part of Memphis’ identity—although certainly not how advocates had hoped. By 1914, Memphis was on its third decade of fighting temperance watchdogs and lawmakers who kept trying to throw a yoke over the city’s neck concerning alcohol. Some wanted to see that yoke securely fastened—and the law’s passage delighted local teetotalers.43 Some saw it as state interference in local affairs, or tantamount to economic suicide. Others just wanted to get drunk with their friends in peace. Regardless of one’s position, Memphians were aware of and probably had strong opinions on both prohibition at large, and the new force bills.

As it had in the summer of 1909, it remained unclear what this new world would look like. Once again there was a slight reprieve between the legislation’s passage and enforcement—in this case, the Nuisance Law passed in October 1913 and did not take effect until March 1, 1914—but those five months were anything but idle. An obvious solution was cutting one’s losses, and an estimated fifty businesses had closed by January 1914 with more expected to follow suit.44 A larger majority, however, planned to stay in business until the authorities shut them down—which Shelby County Attorney-General Z.N. Estes promised would happen. This was, in some ways, a departure for Estes. He made no such declarations in 1909 (instead he fell in line with Crump’s declarations that public sentiment made enforcement impossible), but this time, Estes warned, anyone who dared stay open after the deadline could expect an injunction from

43 “Patterson Speaks to Packed Auditorium,” Commercial Appeal, February 9, 1914.

his office. For those determined to make hay while the sun shined, there were other pressing concerns, like what to do about city and county liquor taxes due on January 1 to stay in business.

It was rather brazen for authorities to start issuing liquor licenses again in 1912; the state had outlawed the retail sale of alcohol three years earlier. It was, however, a boon for Memphis coffers, netting a reported $120,000 a year in 1912 and 1913. County Court Deputy W.J. Logan reported there were at least 500 places in Memphis and the surrounding area that would need licenses on January 1, 1914, but it was unclear how those taxes would be collected since law dictated payments be made in not less than three-month increments and there were four months until the enforcement deadline. It was also unclear if this new legislation was actually going to stick or if it would be, as it was with the statewide law in 1909, a flashbang that caused a lot of noise and disruption initially, only to dissipate, allowing liquor businesses (and licensing) to continue as usual. So the city decided to hedge its bets—even if this truncated period only brought in $20,000 in 1914 they still wanted their money—by only collecting fees for two months, and Shelby County voted to follow suit soon after. Even more pressing than licensing to ensure uninterrupted business was testing these laws in court. A successful legal challenge could erase this headache altogether, and even though

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45 Keebler, “Prohibition in Tennessee,” 682.


attempts to invalidate the statewide laws of 1909 failed, liquor interests held out hope that this time, it might work.

The first offensive was against the jug bills. Controversy surrounded the interstate shipping law (restricting shipments to one gallon or less for personal use) as some attorneys argued it was ironclad, while others declared it a violation of interstate commerce. It did not take long for an express company in Nashville to press the issue, and presiding Chancellor John Allison agreed with the challenge in November 1913.48 Citizens could order liquor in any quantity, Allison ruled, and the Tennessee Supreme Court agreed, invalidating the interstate jug law a day before its scheduled enforcement.49 Tennesseans could buy all the out-of-state booze they wanted, in whatever quantity, and have it shipped to them.50 This stipulation of course only applied to personal use, not commercial trade. Still, it was a victory for outside liquor interests. Trying to take down the Nuisance Act, however, would have to wait. That dragon could not be slain until someone violated it after the March 1 deadline.

Most places made good on promises to continue normal operation until forced to do otherwise, but as the deadline approached, the liquor industry became restless.51 Legal teams tore the Nuisance Act apart looking for an angle or loophole that might work to their advantage, but those hired guns reported it appeared both constitutional


50 “Patterson Predicts Long Dry Spell,” Commercial Appeal, November 19, 1913.

and “exceedingly vicious.” If it was airtight, the next issue was preparing for the worst-case scenario. For many Memphians, this was no small matter. The city’s breweries, distilleries, and 450 saloons were not just the source of a good time; they were also employers. From bartenders to bookkeepers, grain-distributors to delivery truck drivers, thousands of jobs hung in the balance—and by extension, the livelihood of thousands of families.

That future looked most bleak for in-state retailers and saloons. Since they operated strictly in Memphis or Tennessee, the Nuisance Law—provided it was actually enforced—would have enough bite to shut them down permanently. Some decided they were sick of the headache and chose to switch gears entirely—joining the ranks of businessmen who made the same decision in 1909. Louis Vaccaro, who had run a saloon for twenty-seven years and his father twenty years before that, decided to close his place and go into the dependably legal dry goods business. Flex Lavaggis decided his Beale Street bar would become a drug store, while “Doc” Hottum planned to try his hand at selling syrup—although Doc would soon figure prominently in a massive bootlegging bribery scandal, so that resolve faltered. Across the city, retailers announced plans to end liquor sales in favor of alternative products, like buttermilk, mineral water, soda pops, lemonade, and ice cream cones.

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Others were hesitant to pull the trigger on drastic change. What if there was a yet-unrealized loophole? Authorities might also refuse to enforce it legitimately, as they had after the statewide law. Some businesses assumed July 1, 1909 would be the apocalypse and cashed in their chips completely, only to see it was business as usual within a year. True, authorities warned of rigorous enforcement after March 1, 1914, saloonists mused, but they issued the same threat in 1909. No one wanted to throw the proverbial baby out with the bathwater, particularly when that “baby” was a blue-chip investment like alcohol, capable of high yields with guaranteed consumer demand. So many decided to hedge their bets; they would renew their property leases and keep saloon fixtures but start selling different, legal products like soft drinks or cigars. This would pay the rent until they could, as the Commercial Appeal quipped, “see which way the cat jumps” under the new law.  


58 “City to Deal Gently With Saloon Owners,” Commercial Appeal, December 20, 1914.


Alcohol manufacturers faced largely similar options; that is, to shut down, switch, or move forward with caution. For those that chose the latter, it usually meant regular production with new contingency plans. Several outfits in Memphis added clauses to new leases and contracts automatically voiding the agreements if the law actually stopped liquor sales. Others decided to play it safe by switching to a new product. Companies wanted to shift production as seamlessly (and cheaply) as possible, so this
typically meant different types of beverages, foodstuffs, and liquids that used existing equipment. Projections of increased soft drink sales made soda pops or the ingredients used to create them a popular choice. Indeed, a Chattanooga company purchased the five-acre, $100,000 facilities of the Memphis Brewing and Malting Company (that had sat vacant since it closed in accordance with the statewide ban on manufacturing in 1910) specifically to convert it for making Coca Cola syrup in March 1914. Many breweries had introduced some type of “next best thing” drink in 1909, offering a template and ready-made product to reintroduce in 1914.

Figure 4-2. Memphis Liquor Men, John W. Schorr and Louis Sambucetti. Tennesseans, 1901.

Unlike retailers and manufacturers who operated and sold strictly within Tennessee, there was more ambiguity when it came to wholesalers and outfits that already did interstate business. Memphis wholesalers announced immediately after

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the force bills passed in October 1913 that they were unconcerned, and intended to
make no substantial changes. “While I can’t say just yet what we will do I would be
willing to assert that we are not going to alter our affairs very much,” declared James M.
Canale of D. Canale & Company. “We are going to fill all orders,” agreed Louis
Sambucetti of Sambucetti & Company. “We do not think that fanatical legislation can
destroy a business that the Supreme Court has held to be legal.” A firm in St. Louis had
offered to buy and relocate his three stores and stock, Sambucetti admitted, “but
Memphis is my home, and here I am going to stay.” Lesdore Scott of H. Scott Sons
echoed his sentiment. “Why should we yield to the whim of every set of legislators that
comes along? We have invested our money here and are going to keep it here.”63

For all the posturing, these powerful businessmen were concerned enough to
circle the wagons. By early 1914, they had formed the Wholesale Liquor Dealers
Association to protect the interest of wholesale liquor dealers in Memphis, placing J.M.
Semmes, of the established firm B.J. Semmes & Company, at the helm.64 Semmes
denied that it would initiate or participate in any test cases, but the organization did hire
city attorney C.M. Bryan to advise the group on their rights as related to interstate
business.65 This move was understandable; Memphis wholesalers were not only facing
Tennessee laws, and negotiating those of adjoining states, but they also had to contend
with the new Webb-Kenyon Act, a federal measure blocking alcohol shipment from
“wet” states into “dry ones” through interstate commerce unless the booze was for

63 “Liquor Men Say Laws Make No Change,” Commercial Appeal, October 18, 1913.

64 It is unclear whether this organization was explicitly new, or if it was an offshoot, or resurrection of the
Wholesale and Retail Liquor Dealers Association—which was a particularly influential organization in late-
nineteenth-century Memphis.

personal use. The organization received favorable news from this inquiry in late January 1914 when Bryan and the other legal consultants determined that, if their reading of the law was correct, interstate business could continue after March 1. It would just take a little extra work to ensure Memphis wholesalers were the ones who profited from that trade.

Up to this point, it was rather easy for someone in Tennessee to order booze from a Memphis wholesaler and have that order shipped on the next train tout de suite. If you happened to live in a remote locale that did not have a railroad stop, no problem; firms like Sambucetti & Company were happy to send it to your nearest station for a $5 service charge. The intrastate jug law would ban this type of point-to-point shipment. What would remain possible after March 1 was for an out-of-state liquor dealer to fill that order and ship it—provided it be for personal use, and less than one gallon—to the Tennessee customer. This option unsurprisingly provoked criticism; if alcohol would still be flowing in, it seemed rather absurd to send money from it to another state while Tennessee footed the bill of enforcement. However, it offered wholesalers an opportunity. If they opened branches in another “wet” state, they could have the best of both worlds. This was a repeat of 1909, of course, when businesses made similar plans or moved across state lines. Yet, when the coast was clear (that is, when it was


apparent there would be no strict enforcement of the statewide law), they returned to Memphis. This time the plan would be soliciting orders at Memphis headquarters and filling them from a secondary location to bypass the law.

![ANNOUNCEMENT

The Interstate Shipments of Liquor From Memphis Will Continue Without Interruption Now and After March 1.

We take pleasure in making the above announcement to all of our friends and patrons in the adjoining States, upon advice of the highest legal authorities, who have positively assured us that we are clearly within our rights, both State and Constitutional, and we solicit a continuation of your much appreciated orders, with the assurance of getting that same prompt service which you now enjoy.

We desire to state further that in our determination to conduct our business on a purely legitimate basis, the dealers of Memphis who handle Tennessee business have made most satisfactory provisions for the handling of Tennessee business with their usual promptness, making these shipments from the most available distributing points outside of Tennessee.

Memphis Wholesale Liquor Dealers’ Association

Figure 4-3. Memphis Wholesale Liquor Dealers’ Association, Interstate Shipments. Commercial Appeal, March 1, 1914.

Plans to open satellite operations increased when lawyers returned with opinions that it would be possible to have liquor shipments of any size sent to Memphis firms, provided they distributed it wholesale to points outside the state from their headquarters in the city.69 The Wholesale Liquor Dealers Association even bought advertising space in the Commercial Appeal to announce as much in January and February 1914.

“ANNOUNCEMENT. The Interstate Shipments of Liquor From Memphis Will Continue Without Interruption Now and After March 1,” read the ad, assuring customers that the “highest legal authorities, who have positively assured us that we are clearly within our rights, both State and Constitutional, and we solicit a continuation of your much

appreciated orders with the assurance of getting the same prompt service which you now enjoy.”

Many were skeptical, if not entirely unconvinced that anything would be different in Memphis and that this would not repeat previous legislation that crashed and burned because it was unsupported by the people of Memphis. Editor of the Commercial Appeal C.P.J. Mooney even used boldface in his October 1913 editorial to emphasize his point that “there must always be a steady general demand for its enforcement or it will fail.” Mooney also believed the liquor question had made the state myopic at the expense of other social issues. The “drink evil” was worth denouncing, he acknowledged, but it was foolish to suggest that simply eliminating alcohol would in turn eliminate other social ills. “Liquor did not drive this woman to her occupation,” Mooney argued of prostitution, “the occupation probably drove her to liquor.” The same low wages and limited options that pushed prostitutes towards booze did the same to working men, Mooney continued, who struggled to support their families under the weight of poverty.

Mooney begrudgingly concluded that the city needed to observe the liquor laws, however ludicrous they seemed, if for no other reason than to uphold the larger respect for law and order. He also argued it the responsibility of all Memphians to help those who were losing their jobs and livelihoods. “It is true that these men have been operating saloons in violation of the law, but it is also true that the entire public was equally guilty with them, because the public tolerated the order of things that was

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71 “Obedience to Law is on the Conscience of Men,” Commercial Appeal, October 19, 1913.
existing.” Many of the unemployed were native Memphians with families to feed and without resources to support them for a month, the editor concluded, so those who found new occupations should be encouraged and commended. “During the period of transition the burden of life will be hard for many. It is the duty of those upon whom the burden is light to assist those whose load is heavy.” It remained unclear how this “burden” would play out, or if Memphians would rise to Editor Mooney’s call to help those left out in the cold as March 1 approached. Yet, one thing was certain. Memphis would send the legal saloon out in style.

February 1914 was almost a carbon copy to June 1909 and the events that preceded the statewide law. Many were convinced that Memphis would again be less “dry” than prohibitionists triumphantly predicted, but they were also unwilling to chance it. Like their 1909 counterparts, patrons rushed to fortify their reserves before the enforcement deadline and liquor dealers did gangbuster sales in quantities ranging from single bottles and cases to massive wholesale orders—although some businesses reportedly hung crepe from their façades, as customary for a funeral. It was déjà vu in the saloons as well; Main Street bars were so busy one Friday evening, the Commercial Appeal remarked it looked like the night before an election. “We can’t step around any when the saloons are closed,” explained one merry-maker, “so we are going to do it now.”

73 “800 Saloons Close Doors,” Bryan Daily Eagle and Pilot (Bryan, TX), March 2, 1914.
Fate was at least kind enough to let the March 1 enforcement date fall on a Sunday; and Memphians made that last Saturday night count. Men and women—it was reportedly deemed unwise to let husbands go to the brouhaha unaccompanied—packed the businesses, sidewalks, and streets of Memphis’ downtown where booze flowed freely. Cash flowed freely, too. One saloonist reported sales in excess of $1,500 between 7 pm and midnight alone, while deliverymen ran non-stop all day and night using cars, trucks, horses, wagons, and even wheelbarrows to fill last minute retail and wholesale orders. The whole scene reached a fever pitch after 11 pm. Hundreds of beers and whiskeys were poured and proprietors started offering drinks and whole
unopened bottles at fire-sale prices as time ticked down. One saloonist even dragged a big scale into his barroom, posted a sign that “ALL THIS HAS TO GO,” and started selling by the pound.

For establishments that intended to obey the law, it was over at midnight. Some places posted guards at bar entrances to turn people away. “You can’t get by,” explained the Peabody Hotel doorman to a couple just in on the late train. “It’s after 12 now.” Across town, another latecomer entered a bar at 11:56 yet missed out on his last drink by getting into an argument—over the merits of the Nuisance Law, no less—and failing to place his order before the clock chimed. “Nothing doing,” replied the bartender to his belated request, “you waited too long.”

Cops stationed at well-known points around midnight intended to ensure compliance, but places that actually closed did so with relative ease. Revelry died down and crowds thinned as people headed home, staggering on their own accord or under the weight of last-minute purchases. One man, who had just invested in numerous bottles and three jugs from a Beale Street saloon, discovered his eyes had been bigger than his arms when he tried to leave. Deciding to sacrifice one for the well-being of the many, this liquor baron remarked to a passing crippled man that the fallen jug was his, “if you can get away with it.” The handicapped gentleman looked at the booze, thought a moment, and then continued down the street—assisted by one new jug, and with one less crutch.75

Some declared that, “without exception,” Memphis saloons obeyed “Willie Close” (as the Nuisance Act was nicknamed) and dutifully closed at midnight, but this was not

75 “Unusual Quiet in Close of Saloons,” Commercial Appeal, March 1, 1914.
true. Saloons did remain open, although they were often of a more seedy nature, and thus not a terribly big surprise to see them flaunting the law. There was a smattering of incidents, like the thief who broke into M. King’s saloon on Front Street in the early morning hours to steal whiskey, but otherwise police work was surprisingly slow. Police put no extra men on duty, and made only two arrests on Saturday and one on Sunday. In fact, cops arrested fewer drunks the week after the law took effect than the week prior, to the delight of liquor law supporters; although the count, 7 arrests to 9, was hardly a windfall change.

It quickly became clear these two observations, made in the first hours—Memphians testing the new law, and city police not making many arrests—would be the standard. Indeed, enforcement would be an entirely lopsided affair in Memphis and Shelby County because Mayor Crump made it abundantly clear that he would not turn a tap for the new legislation, and since he stood at the helm of a political pyramid that encompassed the city administration and Memphis Police Department, his edict extended to their actions, as well. Crump justified this stance by saying he was simply acting on the true will of his constituents. The majority of Memphians did not want prohibition, he declared, so it was better to spend the people’s time and tax dollars rooting out thieves and highway robbers and gambling dens. So much for Governor Hooper’s foolproof plan to make Boss Crump toe the line.


Figure 4-5. Memphis at night, 1911. Visible in the photos is the Dixie Saloon, Orpheum Theater, Lyric Theater and Poolroom—just a few of the area’s numerous bars and gambling houses. *Night in Memphis.*
While true, it was equally true that there were dicey establishments that attracted violent people and immoral behavior—legitimate public nuisances—operating in Memphis neighborhoods. When Crump discussed conditions in Memphis, he did not reference the letters and requests he, the police, and city commissioners received that pleaded for action on these places. Residents of the twenty-second ward, for example, wrote to Mayor Crump in December 1913 demanding the closure of the Monlesarist Inn, a joint owned by underworld kingpins Jim Kinnane and George Honan, on North Second Street. The place was not only a “disgrace to the city,” petitioners Robert Sullivan and J.R. Fields declared, but a danger to the neighborhood. Drunken patrons fought in the street, threw bricks at nearby houses, and in November 1913 had a “regular Sham Battle of shots” that frightened everyone. “For the respect of our Wifes (sic) and Children who can not (sic) pass or get on or off Street Cars for the profane language used by patrons,” they pleaded with Crump to take action, pointing out Commissioner Utley’s failure to act on their earlier letter.  

When Crump ordered an investigation into the matter, police sergeant J.S. Brett declared that he was in the area as much as two or three times a night and “never heard a thing out of the ordenry fo (sic) a place of this kind.” Brett instead suggested that the complaint was just the work of “sore heads” and declared no one had complained to him—although it seems doubtful people would complain to the cop that was protecting the dive bar they wanted closed.  

This type of information made no difference when it came to enforcing the Nuisance Act after March 1, 1914. Crump and

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81 J.S. Brett to W.J. Hayes, December 19, 1913, Box 4, Crump Collection, MPL.
his minions made it clear they would be on the sidelines, so the burden fell to the two offices that had not fallen into the machine orbit: the Attorney-General and the Shelby County Sheriff’s Office.

Figure 4-6. A) Z.N. Estes campaign flyer, 1912. B) “Vote for Estes and Close the Dives,” Commercial Appeal, April 21, 1908.

The bulldog leading this charge was undoubtedly Attorney-General Z.N. Estes.82

While not without his own faults and questionable episodes (not having a completely

82 Zenas Newton Estes, Jr. (December 6, 1877 – February 23, 1943) came from a distinguished Southern family. His maternal great-uncle was the Governor of Alabama, and his father was a captain in the Confederate Army. Educated first by private tutors, Estes attended private school in Memphis before attending the University of Virginia. He started law school at UVA after failing eyesight forced him to abandon a master’s degree, graduated in 1899, and began practicing in Memphis soon after. He became a member of the Memphis Bar and joined the Business Men’s Club. Was a member of the UVA football team for three years as well as the track team, and was a member of Alpha Tau Omega. Had a brief stint as the head coach of the Ole Miss football team in 1900, but only lasted one season—assumedly because the team record under his tenure was three losses and zero wins. Paul B. Barringer, James Mercer Garnett, and Rosewell Page, University of Virginia; Its History, Influence, Equipment and Characteristics, with Biographical Sketches and Portraits of Founders, Benefactors, Officers and Alumni (New York, NY: Lewis, 1904), 378; “Z.N. Estes Records by Year,” College Football Data Warehouse,
clean slate seems to have almost been a prerequisite for office holding in Memphis),
Estes was serious about pursuing violators.83 Indeed, his one-time alliance with Boss
Crump disintegrated and turned bitter specifically over the issue of prohibition—and no
one stayed at odds with il duce if they could avoid it.84 While liquor men laid in plans and
citizens stocked up on booze in the months preceding the enforcement date, Estes was
in the background issuing the same warning: operate after March 1, and he was coming
for you. His office even prepared 1,000 injunctions by mid-February as a gesture of
good faith on this promise.85 The Commercial Appeal ran articles with headlines like,
“Estes Ready to Drain the Town,” and that was precisely the message he wanted to
send.86 For those who heard that message, Estes encouraged them to prove it by
surrendering their federal liquor license, and since the enforcement deadline fell on a
Sunday, his office would even break with custom and open on the Sabbath to make it
easy.87 This proved to be a smart move. Of the 700 who held permits from Uncle Sam,
567 took this offer and surrendered licenses on March 1.88 Those who failed to do so
became priority number one in the attorney general’s office.89

83 Estes stood accused of collusion with gamblers in 1911, and faced even more damning charges in
1914—charges that ultimately led to his ouster. For more on this episode, see chapter 5.

84 Estes removed any doubt concerning his feelings about Crump when he referred to him as “boss skunk
tongue” and accused him of election and legal fraud. G. Wayne Dowdy, Mayor Crump Don’t Like It:
Machine Politics in Memphis (Jackson, MS: University of Mississippi, 2006), 21.

85 “Estes Making Ready to Drain the Town,” Commercial Appeal, February 8, 1914.

86 “Estes Making Ready to Drain the Town,” Commercial Appeal, February 8, 1914.


89 The Day Book, March 7, 1914; “Knell For Memphis Saloons,” Washington Herald, March 1, 1914;
Saloonists closed in advance, changed businesses, sold different products, and surrendered their federal licenses; still, many refused because they thought Estes was bluffing. As early as March 4 a reported two hundred places were, in fact, were still selling booze in Memphis—many under the guise of being “reborn” from their saloon past as a new soft drink stand. There were other attempts at subterfuge, like locking front and back doors and funneling customers through a side entrance. Others beefed up incentives, like making free lunches available all day long, and offering new treats like cake and pie to entice otherwise-hesitant patrons.\textsuperscript{90} Conditions like these were mostly in establishments of the middle to lower caliber, and early attempts to purchase alcohol at nicer bars that catered to upscale clientele failed. Many predicted it was only a matter of time, however, before the “lid” started to come off and people felt emboldened to start, little by little, selling booze until it was easy to prove they were violating the Nuisance Act. That was the moment groups hell-bent on enforcing the new laws were waiting for.

As for the city’s wholesalers and businesses engaged in interstate sales, the immediate priority was combating misinformation. Indeed, the industry standard of advertising in regional publications took on a new sense of urgency after March 1. “Any report which you may have heard that Memphis Wholesale Liquor Dealers or Mail Order Liquor Dealers can not (sic) make shipments to you is absolutely false,” declared the city’s wholesaler organization. “The recent act of the legislature does in no manner attempt to stop the sale or stop the shipments of liquors to points outside the State of


Tennessee.”91 Outfits able to fill in-state requests echoed that guarantee. “Orders for Memphis or other Tennessee cities can be shipped from another convenient State in deference to the Interstate Commerce Laws and the Laws of Tennessee,” assured B.J. Semmes & Company—identifying the company in subsequent ads as “INTERSTATE SHIPPERS.”92

Figure 4-7. Interstate Commerce Liquor Shipping Advertisements. *Commercial Appeal*, March 8, 1914.

After quelling rumors that they would be in business at all, the second task was explaining how the new system would work. Sambucetti & Company published their sales list, explained that orders from Memphis would be handled by their Cairo, Illinois branch while out-of-state requests would be filled by their Memphis office, and provided addresses for each location—as well as an encouragement to request their one-hundred page sales catalog.93 D. Canale & Company took out a quarter-page ad in the

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Memphis Commercial Appeal to inform patrons that they were "in a position to render prompt deliveries" via Helena, Arkansas. If anyone doubted that claim, a subtle reminder: "THERE IS A BOAT FROM HELENA TO MEMPHIS EVERY DAY."  

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**Figure 4-8.** A) "Special Attention to Memphis." Commercial Appeal, March 8, 1909. B) "Now Shipping Whiskies and Budweiser Beer." Commercial Appeal, June 17, 1914.

Most of these orders would be filled by either rail or water, and the force bills intended to make that liquor transportation more transparent with new requirements for meticulous record keeping (by both carriers and county clerks), plus bans on delivering liquor to minors, anyone not listed as a consignee, and harsh punishment for using

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There was a lot of handwringing at first about what this would mean for railroad and express companies. Several large outfits even suspended all liquor transactions going to, or through Memphis (which for one meant turning away two wagonloads of booze that very same day) until attorneys could be consulted. When they resumed trade, it was with new, stringent rules for all booze shipments: nothing over a gallon, signatures and paperwork in at least duplicate, and by signing those documents it absolved respective companies of all responsibility. Soon after, thanks to legal decisions that invalidated the one-gallon restriction and validated the interstate delivery of alcohol into Tennessee, Memphis’ shippers were ready to roll. Governor Hooper and the General Assembly intended to pull out the big guns, but a reported eighty percent of regular liquor traffic into, and through Memphis would be able to sidestep the worst thrown at it.

As a result, there was not a big increase or decrease in liquor cargos running through Memphis immediately after March 1. “We handle now about 400 packages daily, most one and two-gallon quantities,” explained local agent R.S. Hampshire. Business was nominal, but “this probably is accounted for by the fact that almost everyone laid in a plentiful supply previous to the closing,” Hampshire continued. “When this reserve has been disposed of the incoming shipments probably will take on added

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95 The consequence for violating the ban on transporting alcohol from county to county within the state was a fine of at least $100 but not more than $500 and a jail sentence deemed appropriate by the court, but not exceeding six months. “Interstate Jug Bill,” Commercial Appeal, October 17, 1913.


97 “Memphis Whisky to Continue to Come,” Commercial Appeal, October 21, 1913.

98 Reports held that “practically no liquor” was shipped into Memphis anyway, and only 20 percent of the booze sent out was destined for another Tennessee port. “Express Companies Refuse All Whisky,” Commercial Appeal, October 19, 1913.
weight.” Although the new law’s stipulation that all liquor shipments were public record could suppress business, Hampshire acknowledged, and some buyers were not keen for their activities to be public record.99

After rail, water was the next big shipping conduit, and Memphis’ choice position on the Mississippi River made it a popular choice. This waterway was central to the city’s identity, history, growth, and economy. Yet, being located at the junction of four states, connected to cities from St. Louis down to New Orleans by a river that was navigable year-round, was a legal nightmare—and not just for liquor. Indeed, from Memphis’ earliest days authorities struggled to effectively police a city where criminals could simply jump into a skiff, cross the river, and escape their jurisdiction. These geographic realities paired with the ever-increasing traffic of goods and people from all corners prompted Police Chief George T. Haver to declare in 1907 that “Memphis on account of its geographical location” was “possibly the most difficult city to patrol and protect of any of like size and population.”100 When it came to enforcing the liquor laws in relation to Memphis waterways, the two problem areas were excursion trips and interstate commerce.


100 Police Chief Haver made this statement in a larger argument about the need for more patrolmen and a stronger force (a request made repeatedly by his successors, as well) to meet the unique complexities of protecting Memphis. “Experience has taught us that criminals from all the States named, fugitives from justice, escaped from prisons or on mischief bent are attracted here, either to remain or to do some unlawful act while en route to other cities. Memphis is along the great highway of travel between North and South, also the East and West, and with its eleven railroads and water transportation, navigable all year, it presents an attraction to thieves to commit depredations not possessed by any other city, and the means for criminals to escape on account of its close proximity to other States are unsurpassed. A thief has only to be taken across the Mississippi River to Arkansas in a skiff after some criminal act here, and he is out of the State and beyond the jurisdiction of our officers. This is cited merely to show under what handicaps we are frequently placed in our efforts to arrest those who commit grave crimes in this City.” George T. Haver, “Report of the Chief of Police,” Annual Report of Police Department for Year 1907 (Memphis, TN: S.C. Toof & Co., 1907), 45 – 46.
Excursion trips on water or by rail were nothing new, although their quality and purpose varied significantly. Sometimes trips were added to existing schedules for special events or holidays that might attract extra passengers, like a boat to New Orleans for the Mardi Gras. Other outings were for entertainment, sometimes of a rather seedy nature. Excursion boats on the Wolf River in the nineteenth century, for example, were essentially floating whorehouses. Synonymous with sex and violence, these sorts of trips were a thorn in respectable Memphis’ side, and particularly after

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101 It should be noted that while they did not play the same role in circumventing prohibition laws, excursion train trips were equally if not more common to those made by water. Some trains brought people into Memphis—for $2.50, musician Alex Sims explained, a ticket holder could ride into town from Vicksburg, Mississippi to spend the day and evening before returning that night—while others took Memphians elsewhere. Fellow musician Robert Henry highlighted the popularity of trips to Chicago in his 1973 interview, particularly to see boxing matches. “So many people from Memphis would go up to Chicago for prizefights,” he explained. “Chicago was a Memphis town.” Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 3, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL); Robert Henry, interview by Margaret McKee and Fred Chisenhall, October 15, 1973, pg. 13, MPL.


103 This practice extended beyond the Wolf River. Other sources highlight a “floating brothel for roustabouts” and the creation of a “woman’s boat on the water” on the Mississippi River. For the latter, prostitutes leased cabins for fifty cents, and saw clientele while the boat traveled between Memphis and Rosedale, Mississippi. Paul Oliver, Songsters and Saints: Vocal Traditions on Race Records (Cambridge, NJ: Cambridge University Press, 1984), 116 – 117.
reports surfaced of men and women jumping off the boats to swim "in a costume similar to that worn by Mrs. Eve at the time of her courtship." This prompted the *Memphis Avalanche* to declare that Wolf River was a source of infamy, “inhabited by a low class of people of both sexes.”

How turned up (or how disrobed) passengers became was a function of the boat, but all excursion trips shared the common purpose of socializing, and often provided like live music, gambling, drinking, dancing, and general frivolity.

If liquor laws prevented that frivolity on land, Memphians were happy to find it on the water after March 1. For steamboats like the *Pattona* that already served alcohol while traveling up and down the Mississippi River—an inherently interstate trade, as the vessel crossed state boundaries multiple times each day—it was initially assumed the new laws would not be a disruption. If anything, there might create an uptick in trade if the demand for boats and trips out of the Memphis harbor increased. Yet, questions soon emerged concerning the legality of these trips. Holding a federal liquor license was now prima facie evidence of guilt in Tennessee, but these boats did not just operate in the Volunteer State. They repeatedly crossed over boundaries, and whenever they made contact with land, were subject to the laws of that territory. This meant a steamboat had to hold a federal liquor license because it was selling alcohol in states like Arkansas where it remained legal. Yet, they could simultaneously receive a

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Nuisance Act injunction in Tennessee for holding that mandatory permit: a boozy Catch-22.\textsuperscript{107}

Figure 4-10. Memphis Riverfront and Mississippi River. \textit{Memphis Greets You}, Bluff City Engraving Co., 1914.

Thanks to those concerns, reportedly “not even the river was ‘wet’” on March 1 as excursion boats opted to suspend sales rather than risk being the “example” authorities used to warn others. The \textit{Charles II} posted a sign over its bar saying that no

drinks would be served, to the chagrin of some passengers.\textsuperscript{108} True to form for Memphis where alcohol was concerned, the desert did not last long. Within a week, the “‘Battleship’ Pattona” announced it would resume alcohol sales onboard, but not until the boat reached the middle of the river and crossed out of Tennessee’s jurisdiction. “The Pattona is a regular excursion boat, and is not being run for the bar, and is not dependent on it for support,” emphasized Captain B.F. Young; “it will be run in exactly the same manner in which it has been run for the past six years.” Yet, there was dissonance between the captain’s statements and ticketholder expectations for a boat that also provided live bands and dancing.\textsuperscript{109}

If there was one constant in Memphis when it came to booze, it was that boundaries would be tested. If they could get away with it, it would probably happen—or at the very least, until an outside force stopped it. Unlike so many others, excursion steamers had a way to continue liquor sales with hardly any alteration to their existing modus operandi. Since Tennessee and Arkansas divided in the Mississippi River rather than a terrestrial line, the legal boundary between the states was the center of the main channel (i.e., the middle of the river). To stay within the law, a vessel need only cross that point to begin liquor sales, business as usual. It took less than a month for excursion steamers to start pushing that envelope. A Pattona passenger testified in early April 1914 that he not only saw booze sold once the vessel left the Tennessee shore, but was also offered whiskey once they had returned to the Memphis wharf—an illegal act, since they were back on Tennessee soil. Captain B.F. Young did not deny


“the barroom was run full blast out in the stream,” but did deny making sales in violation of Tennessee law—although those claims seemed dubious.\textsuperscript{110} Like the other workarounds other legal workarounds devised for evading liquor legislation, those slinging booze could not resist the temptation of bending those laws until they broke.\textsuperscript{111}

As far as interstate shipments of alcohol via water, the big problem was again proximity to other states that did not share Tennessee’s legislative commitment to prohibition. Not only were there multiple trips every week between Memphis and St. Louis, Cincinnati, and Louisville amongst others, it was perfectly legal for a Tennessean to order and receive alcohol from another state. In some isolated hinterland that might have meant something, but by virtue of geography, Memphians were not waiting a couple days to get a jug from St. Louis.\textsuperscript{112} The next state was a quick jaunt across the water. So unsurprisingly, the “trans-Mississippi booze business” grew quickly after March 1.

The most circuitous route was shipment from Memphis into Memphis. That is, shuttling of alcohol across the sandbars from West Memphis, Arkansas to Memphis, Tennessee.\textsuperscript{113} “If Arkansans are wasting any sympathy on reports of thirst-starved Memphians,” the \textit{Commercial Appeal} noted dryly, “they have only to gather at the river and watch the \textit{Organ} and the \textit{Hustler} execute the boomerang.”\textsuperscript{114} Wholesale and retail liquor firm Sam Baumgarten & Company set the gold standard for this “boomerang.”

\begin{itemize}
\item \textsuperscript{110} “Pattona Denies Sale at Memphis Wharf,” \textit{Commercial Appeal}, April 29, 1914.
\item \textsuperscript{111} “Pattona Denies Sale at Memphis Wharf,” \textit{Commercial Appeal}, April 29, 1914.
\item \textsuperscript{112} “The City of Memphis Has Adequate Transportation Facilities,” \textit{Commercial Appeal}, April 11, 1915.
\item \textsuperscript{113} “Nuisance Act,” \textit{Hopkinsville Kentuckian} (Hopkinsville, KY), March 3, 1914.
\item \textsuperscript{114} “Hustler and Organ are Aiding Thirsty,” \textit{Commercial Appeal}, March 26, 1914.
\end{itemize}
Their system worked like this: a customer ordered a bottle of whiskey. That bottle was taken from the company’s stock in Memphis, placed in a boat, ferried across the river to Arkansas, the boat made a U-turn, the bottle traveled back across the river, made land in Memphis, and was finally “delivered” to the customer. This process happened so quickly Baumgarten offered it as a “while-you-wait” service.115

This was not the only clever strategy invented in Memphis after March 1 to circumvent the state liquor laws. And when a mastermind found such a workaround, or a tweak that provided profit without prosecution, it typically spread like wildfire. To the chagrin of Attorney-General Z.N. Estes—who hardly needed another item added to his laundry list of violation tactics—this was the case with locker systems. Nicknamed “mushroom clubs,” because some quite literally sprung up overnight, these were another repeat of post-July 1, 1909 tactics.

In a legally run locker club, alcohol was owned exclusively by individuals belonging to the larger organization. Members supplied their own bottle, notated with their initials or membership number, and then stored it under lock and key at the group’s headquarters. When a member was thirsty, they ordered from a bartender who retrieved their bottle, mixed a drink, and served it. By law, this was limited to members; if the name on the bottle did not match the person ordering, it was no dice.116 Peter McHugh found this out when he walked into a saloon-turned-literary club and requested a drink to calm his stomachache in mid-April 1914—although questionable by contemporary standards, whiskey was a common treatment at the time. “Sure I have a bottle, that’s it,”


ventured McHugh, pointing at a random shelf when the bartender asked him which of the many bottles lining the wall was his. “Oh come off it,” the bartender replied before turning him out. “That belongs to Judge ____.” McHugh struck out quietly on this unnamed judge’s liquor bottle (an eyebrow-raising factoid in itself), but of course not everyone was as inclined to go gently into the good night. One man, angry that he could not get a drink in late April 1914 because he was not a member, forcibly stole a bottle from another patron, stuck it under his coat, slammed some money on the table, and lit out for the exit. A generous wallop upside the head, courtesy of the bar manager, showed him the error of his ways and sent the bottle back to its owner.118

To be sure, these locker systems were déjà vu. Memphis had already seen and experienced them in the summer of 1909, as they became a popular tactic to circumvent what was then a brand new statewide law. Elite social groups simply ran the same play in 1914, announcing plans to convert, surrendering federal liquor licenses in advance, and installing the necessary storage units. The Chickasaw Club posted notice: “all members of the club are hereby notified that if they desire to have any alcoholic beverages served in the club rooms, either to themselves or their guests, on and after March 1, they will be required to have their own alcoholic beverages placed in lockers.”119 The Elks and Tennessee Club soon followed suit.120 Once again, saloonists also embraced this tactic as a front for plain old liquor sales. Some places closed one night as a bar, threw up some lockable cabinets and reopened the next morning as an

117 “Prohibition Bad for Bots,” Commercial Appeal, April 19, 1914.
120 “Usual Quiet in Close of Saloons,” Commercial Appeal, March 1, 1914.
intellectual society that just happened to have a locker system, as well.\textsuperscript{121} One noticeable difference in 1914 was the alleged interest or hobby clubs used as their justification for existing. For unknown reasons, literary circles and book clubs became quite popular. Like the Shelby County Literary Society that was opened on East Calhoun Avenue.

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From the outset it seemed like an unlikely operation as the two founding “librarians,” Joe Parrissa and Nubble Gwynne were from opposite sides of the political tracks. Gwynne was a Crump man (and thus had ties to the police) while Parrissa was aligned with courthouse officials who were decidedly anti-Crump. It turned out this was calculated. The two were tolerating each other because they believed it could produce a “raid-proof” operation: Gwynne’s ties to the cops plus Parrissa’s ties to the courthouse would be the perfect way to steer clear of trouble. Unfortunately, Parrissa could not hold up his end of the deal and the plan crumbled in mid-July 1914. All of their

\textsuperscript{121} “Locker Clubs Next in the Firing Line,” \textit{Commercial Appeal}, April 19, 1914.
“literature”—dozens of cases of whiskey and six casks of beer—was poured into the street, with the exception of one five-gallon jug. County detective R.B. Wilroy assumedly saved this jug for evidentiary purposes, but someone apparently had a thirst for the society’s particular brand of knowledge. So they stole it out of the detective’s back seat. Parrissa and Gwynne were far from the only book lovers in Memphis. By late July 1914, attorney-general Estes served notice on twenty literary societies and narrowly missed ten others who closed before deputies could get to them.\footnote{122}{“Literary Club Ends in Disappointment,” \textit{Commercial Appeal}, July 12, 1914.} \footnote{123}{“Literary Clubs Hit Hard by New Injunctions,” \textit{Commercial Appeal}, July 25, 1914.}
Nuisance Act, to the surprise of many: reputable hotels. In fact, the three swankiest hotels in Memphis, catering almost exclusively to upscale clientele, seized upon this tactic as a means of continuing alcohol sales. The Peabody, Gayoso, and Chisca had all closed their elegant bars—although unlike the hundreds who had surrendered them, they did retain their federal liquor licenses on the grounds that the kitchens prepared certain dishes with alcohol—but in March 1914 they each made plans to institute locker systems.\footnote{124}

This went beyond installing and providing storage space for alcohol.\footnote{125} The hotels also provided a new service allowing guests to place whiskey and beer orders with hotel clerks, who then turned the request over to liquor firms. The firm promptly filled the order, and then delivered it to the hotel where waiters served it to that guest who ordered it, either in their room or at dining table. Hoteliers even made plans to allow liquor firms to store quantities in advance to speed up this process. This set-up allowed guests to purchase and consume alcohol despite legislation meant to stop that very thing—all without breaking the law.\footnote{126} Attorney-General Z.N. Estes threatened to come after these hotels and warned a federal liquor license would not protect them from indictment, but that did not stop these operations. Managers at each place said they

\footnote{124} The Gayoso Hotel, named for explorer Don Manuel Gayoso de Lemos, originally opened in 1844. The main entrance originally faced Front Street and overlooked the River, but changed when Main Street became a main thoroughfare. Tennessee Writers' Project, \textit{WPA Guide to Tennessee} (Knoxville, TN: University of Tennessee Press, 1986), 221.


had not sold a drop of liquor since March 1, and had served nothing that was not from a locker.\textsuperscript{127}

By late spring 1914, the picture was not a pretty one for anyone who expected overnight success. The state had spent a lot of time and money to pass the force bills, and authorities talked a big game leading up to the enforcement deadline, but after March 1 it was hardly a “new world order” in Memphis. Real or \textit{de facto} saloons were starting to open, alcohol was being ordered, shipped, and delivered, and even the nicest places in town were finding ways to circumvent the spirit, if not the letter of the law. Enforcement was already a large question mark since the mayor and his posse would offer no assistance, but what remained unclear was prosecution. This was the last frontier, capable of either breaking the back of liquor men, or the resolve of authorities. The outcome would prove critical for the city’s future, as federal prohibition would soon be on the horizon.

“The day of the open saloon has gone in Tennessee. Liquor will make its last stand in Tennessee at Memphis.”

— Former Governor, Malcom Patterson

“Prohibition in Memphis is a joke.”

— Chattanooga Mayor, T.C. Thompson

By the fourth week of enforcement, the new had begun to wear off the Nuisance Act in Memphis. Authorities—or at least those trying to enforce the law—were pushing hard to eliminate retail alcohol sales, but the “lid” still started to lift, as once-closed saloons quietly opened back up. Initially service was limited to friendly faces. Unknown parties were likely to find themselves rebuffed, or at the very least regarded with suspicion. Everyone knew informants were out looking for violators, and no one wanted to risk arrest or injunction. One clever (if not unscrupulous) Memphis saloonkeeper used this to his advantage. When customers ordered beer, he furtively scanned the room, slinked into the back, and returned with full, cold glasses poured from unlabeled bottles. No one questioned the covert maneuvers or the price; authentic lager was hard to come by. Yet had they possessed keener wits or discerning palates, they might have realized they were not actually violating state law. Their bartender was a con man, and they were the suckers who just paid real beer prices for non-alcoholic brews—shady capitalism at its finest.

1 “Patterson Predicts Long Dry Spell,” Commercial Appeal, November 19, 1913.

2 “Made by Three Mayors That Prohibition Has Proved a Failure in the Principal Cities of Tennessee,” Mixer and Server 19 (April 15, 1910): 34.

Each illicit sale (whether real or imagined, in the case of the former saloonkeeper’s clientele) and the small uptick in alcohol-related arrests reflected a larger testing of prohibition’s boundaries. Why would affected parties not test those waters? This was not Memphis’ first time with either new liquor laws, or bold proclamations from Nashville that “this time” it was really going to work. The cumulative lesson from the earlier stabs at prohibition, starting with the Four Mile Law of 1877 through the statewide measures of 1909 and up to the Nuisance Act of 1914, was that liquor could adapt and survive. Be it through unanticipated legal loopholes, restructuring business to stay outside the law’s grasp, or thanks to the apathy of local authorities, people consistently found ways to continue sales, production, and consumption. If this held true for the Nuisance Act, who wanted to be on the ship of fools committing unnecessary financial suicide by going out of business?

The logic was easy to follow, but what made spring 1914 different was the resolve of certain authorities towards real enforcement. To be sure, Mayor Crump was not one of those figures. He had no intention of seeing prohibition succeed in his city, keeping himself and the machine—which included the entire Memphis Police Department—on the sidelines. Shelby County Sheriff T. Galen Tate and Memphis Attorney-General Z.N. Estes, on the other hand, decided to buck the trend (and defy Crump’s considerable authority) by following the letter of the law. Estes repeatedly warned that he meant business, and would doggedly pursue violators. Sheriff Tate’s jurisdiction did not cover Memphis proper, but he echoed that vow for outside the city limits. Making good on those promises required manpower and resources, however,

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and both were in limited supply. Indeed, the attorney-general’s budget made hiring a sufficient number of permanent detectives to collect evidence difficult, and securing proof (that also held up in court) was the difference between simply identifying and successfully prosecuting violators. Assistance to fill this particular void came from a somewhat surprising place: civilian reform organizations.

![Law and Order Pledge Cards](image)

Figure 5-1. Law and Order Pledge Cards. In an effort to generate public support, the Committee of Fifteen ran this pledge card in the *Commercial Appeal*, encouraging those who believed in liquor law enforcement to clip, sign, and mail it in as proof. “Law Enforcers Ask Local Moral Support.” *Commercial Appeal*, March 18, 1914.

They lacked official power, but support from groups like the Anti-Saloon League (focused exclusively on liquor), Law Enforcement League, and Committee of Fifteen (both concerned primarily with law and order) proved invaluable—and cheap. So committed to enforcement were these organizations that they actually hired their own investigators or “spotters” to comb Memphis, locate violations, collect evidence, and supply it (and sometimes their testimony in court) to the attorney-general’s office, free of
Authorities’ use of civilian-gathered intelligence was not out of the ordinary; they had done so in the past, including after the statewide law of 1909. Yet, this proactive, hands-on approach was a slight departure for the reformers. Grassroots activism was a cornerstone of all three groups, but this approach more typically included holding rallies, signing petitions, and lobbying politicians than sponsoring covert operations. It seemed that conditions had progressed (or perhaps more aptly, devolved) to a point that required less talk and more action.

Whether these civilian groups used fellow teetotalers or investigative mercenaries—that is, hired guns motivated by money, not ideology—varied. Not all applicants possessed great moral fiber, however. After the rejection of his application for a Memphis spotting gig in April 1914, Walter P. Johnson decided to go with the next best option: extortion. Armed with a counterfeit letter from the governor, Johnson informed saloonkeepers they could either pay him a $25 tribute or go to jail. He managed to get money from at least one establishment before complaints reached police. The result was a $50 fine and vagrancy charge for Johnson, and a statement from Police Chief Hayes encouraging other blackmailed saloonists to contact him and

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5 Committee of Fifteen chairman J.T. Walker explained to reporters that his group was “merely doing the work which must be done in Memphis to secure the enforcement of the laws.” To that end, Walker continued, “we are co-operating with the office of the attorney-general, in whose hands and that of the grand juries the prosecution of violators under the four-mile liquor law so far rests. Later, when the cases are brought to trial, we are confident that the judges of the courts and the trial juries will be furnished sufficient proof for conviction.” As of mid-March 1914, the committee met on a daily basis, to plan the day’s efforts. “More Injunctions to be Asked for Today,” Commercial Appeal, March 13, 1914; “Law Enforcers Ask Local Moral Support,” Commercial Appeal, March 18, 1914.

6 Spotters helped extensively after the statewide law went into effect in 1909, but long before that, authorities accepted information from the public. When the first ordinance regulating liquor in Memphis passed in 1826—setting a fine of $10 to $50 for violating the current controlled licensing system and quart law—it also authorized a reward for good intelligence. If it led to a successful arrest and indictment, informants could collect half of the fine the defendant paid. Yao Foli Modey, “The Struggle over Prohibition in Memphis, 1880-1930” (Ph.D. dissertation, Memphis State University, 1983), 23.
press charges, as well. Johnson was hardly peerless in his scheme, but the swift action of the Memphis Police Department against extortion, not the illegally operating saloons in question (and asking other barkeeps to come forward without fear of retribution), was telling.⁷

Bad apples like Mr. Johnson notwithstanding, spotters provided critically needed manpower and were often rather successful. The Committee of Fifteen, a local law enforcement organization, gathered evidence for thirty-one saloon indictments before the end of March 1914 alone, relentlessly monitored already-enjoined establishments for additional violations, and organized clubs within churches and women’s groups to cultivate additional support.⁸ Governor Hooper recognized the potential of civilian efforts, and threw his weight behind the cause in mid-April 1914, creating a standing $50 reward to anyone providing information leading to the conviction of illicit booze sellers.⁹ This incentive did not apply everywhere in Tennessee. Rather, Hooper limited it to the counties of Knox, Davidson, Hamilton, Madison, and of course Shelby—the respective homes of the largest (and historically anti-prohibitionist) cities in Tennessee. “Several considerations have caused me to take this step, but present conditions in Memphis and Jackson furnish the immediate occasion,” the governor declared. “I do not

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⁹ Offering reward money in exchange for information on liquor law violations extended beyond Tennessee, and even the United States. Russia used a similar incentive to encourage its local authorities to catch violators in 1914, and as a result, the number of discovered illicit distilleries went up precipitously. United States Brewers’ Association, The 1914 Year Book of the United States Brewers’ Association (New York, NY: The Trow Press,), 56; United States Brewers’ Association, The 1915 Year Book of the United States Brewers’ Association (New York, NY: J.J. Little & Ives Co., 1915), 191.
believe the same amount of public money can be spent with better effect elsewhere.”

Clearly, Memphis continued to be a thorn in Ben Hooper’s side.

With civilian spotters in the streets targeting liquor dealers, Z.N. Estes’ “secret agents” following up on reported violations, and a $50 finder’s fee as motivation, it did not take long to hit pay dirt. Handcuffs and injunctions came first for C. “Dusty” Miller and N.J. Nereoux, operators of the Lyric Buffet, and C.B. Garabaldi and J.A. Kallaher of the Orpheum Buffet, after authorities found liquor beneath both bars. The first Nuisance Act conviction went to Fred Ragghianti on April 8. Authorities enjoined his establishment in March 1914, but he violated that injunction by unknowingly selling whiskey to Law Enforcement League affiliates on April 2. Ragghianti’s defense was ignorance, declaring he did not know he was breaking the law. Memphis chancellors were unmoved, however, and the Tennessee Supreme Court agreed. Justices upheld his conviction, and Ragghianti headed off for a three month, all-inclusive stay in the Shelby County workhouse.

Once the seal was broken, it became a deluge of violations, indictments, cases, and the attorney-general’s office working overtime to keep up. The past made vigorous prosecution seem unlikely, and many people—attorneys included—remained surprised by the new resolve. “You fellows are suddenly bloodthirsty,” declared attorney M.J. Anderson (representing J.P. Lynch and J.J. Persica of the Park Hotel) in Judge


Palmer’s court on April 21. That statement probably summed up the sentiments of many, but Palmer did not take kindly to it. “If you meant that remark for the court, I will fine you for contempt, sir,” the judge replied hotly, sending Anderson backtracking. “I was addressing a pleasantry to the distinguished representatives of the attorney-general’s office,” he answered quickly, fiddling with his pockets.\(^{14}\) Those representatives had sassy replies of their own; Attorney-General Estes suggested his team was not blood, but “liquor thirsty,” while Assistant Attorney-General W.R. Harrison trolled Anderson’s clients, promising to “add something to their experience on the county roads.”\(^{15}\) The last barb was, of course, a thinly-veiled reference to the workhouse prisoner chain gangs that built roads throughout Shelby County—a fate that assumedly awaited all convicts.\(^{16}\)

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Still, to say prosecutors faced an uphill battle would be an understatement. In reality, it quickly became an enforcement game of “whack-a-mole:” just as authorities handled one problem, another sprung up. The earliest offensive targeted saloons, for example, but channeling resources towards retailers left wholesalers largely to their own devices. This is to say nothing of ever-increasing (and alcohol-soaked) excursion boats, or vessels slingshotting between Tennessee and Arkansas riverbanks—reportedly “so heavily laden with booze they are likely to sink”—under the guise of interstate trade. The explosion of locker clubs and the restructuring of businesses to become (or at least appear to be) one was equally problematic. Private individuals could still legally possess and consume alcohol, businesses wanted to capitalize on that fact, and locker systems offered an opportunity.

To be sure, Memphis did have an established, thriving set of organizations coalescing around business, philanthropic, intellectual, or social interests (some memberships read like a “who’s who” of society) with deep ties to the community. It was perfectly legal for these groups to adopt locker systems, and those ran in strict accordance with the law were largely bulletproof. Yet, the majority of newly-minted clubs—after the statewide law of 1909, and even more so after the Nuisance Act in 1914—meant to sidestep prohibition. Lucky for prohibitionists and Attorney-General

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18 While far from representative, at least one of the city’s more respectable organizations, the Business Men’s Club, decided to go with law and order rather than the locker club work-around—which it had not after the statewide law of 1909. In early July 1914 a special committee to investigate whether they could legally introduce a locker club system into their organization in July 1914, as “it is not the intention of the Business Men’s Club to install and operate a locker system if it cannot be done legally,” explained a representative for the organization. This did not stop the Law Enforcement League from issuing a warning that they would quickly file an injunction suit if any wrongdoing emerged. So the BMC contacted U.S. District Attorney for Memphis Hubert Fisher, who forwarded their questions concerning legality—and specifically whether they had to have a federal liquor license—onto the internal revenue department in Washington. “We propose to operate the locker system within the law or not at all,” declared Mr. Runyan.
Estes, shady locker systems could fake everything except their fundamental reason for existing: money.

No one was going to well-known saloons suddenly describing themselves as “literary societies” to chat about books after March 1, 1914. The tune had changed, but these retailers wanted to dance the same step: their booze for your money. That required reframing the services rendered. Patrons were not paying for alcohol by the drink, proprietors explained; now they were paying the bartender to serve them alcohol by the drink.\(^{19}\) That typically cost ten cents a pop—conveniently, the price of a real drink in saloons of yore.\(^{20}\) This scheme fooled absolutely no one, of course. Memphians got the joke when the *Commercial Appeal* wryly noted the “literature of most of them consists of labels on bottles.”\(^{21}\) In the eyes of the attorney general, however, charging a dime for services like bartenders, ice, and storage was profiting off liquor trade.\(^{22}\)

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\(^{19}\) “Hotels Are Charged with Selling Liquor,” *Commercial Appeal*, April 26, 1914.


\(^{21}\) “Clubs Supplant the Late Pesky Saloon,” *Commercial Appeal*, April 17, 1914.

\(^{22}\) “Hotels Are Charged With Selling Liquor,” *Commercial Appeal*, April 26, 1914.
in other states had deemed similar activity prosecutable offenses, and Estes hoped that he could set the same precedent in Memphis.\(^{23}\)

Whether judges and juries would help or hinder that effort remained unknown. Justices in other Tennessee cities announced their resolve to give violators no quarter. “I will not give them a minute more than I have already given them,” warned Judge Neil of Nashville—although he started making good on that promise in November 1913, giving saloonists the choice of closing or three months in the workhouse.\(^{24}\) Chattanooga was on a similar page. Some thought the bench order to surrender federal licenses was a joke in October 1913, but realized it was not when sheriff’s deputies arrived at their establishments.\(^{25}\)

Early enforcement did not happen like this in Memphis, and Estes’ post-March 1 campaign faced a potentially serious stumbling block: jurors. Memphis juries had a reputation for refusing to convict liquor law violators. That reputation was both earned and accurate, although juror apathy was not limited to alcohol—or to Memphis. Jury nullification was hotly debated issue in nineteenth and early-twentieth century America, as juries across the country often declined to punish serious crimes.\(^{26}\)


\(^{24}\) “No Mercy Granted Nashville Saloons,” *Commercial Appeal*, October 26, 1913.


\(^{26}\) Earlier examples of jury nullification centered on issues like slavery and freedom of speech or religion, but its frequency skyrocketed during federal prohibition. Indeed, Harry Kalven and Hans Zeisel declared in *The American Jury* “the Prohibition era provided the most intense example of jury revolt in recent history.” Thanks to state-level legislation, Tennessee jurors had a head start. For more on jury nullification within the American criminal justice system, see Harry Kalven and Hans Zeisel, *The American Jury* (Boston, MA: Little, Brown, 1966); Neil Vidmar and Valerie P. Hans, *American Juries: The Verdict* (Amherst, NY: Prometheus Books, 2007).
Even seemingly airtight evidence produced acquittals in Memphis. Berney Stiles, for example, carried a pistol, used it to start a shootout with a cop, and stopped only after a bullet from that officer’s gun stopped him. Yet a Memphis jury declared him not guilty of pistol carrying in 1902. Critics pointed to other outrageous incidents—the acquitted Mississippian who murdered a stranger in a Memphis hotel, the man who walked after killing his brother-in-law in an argument over furniture, the husband who publicly murdered his wife (in a country club of all places) but still received bail—as proof of a broken system. These verdicts not only tarnished the reputation of the justice system, reformers argued, they also cheapened the lives of police officers, encouraged lawbreaking, and damaged Memphis’ image. The city was growing weary, one editorial lamented, of seeing such “flagrant failures to enforce the law.”

An overhaul of criminal justice did not follow these concerns. Rather than the proverbial blindfold of lady justice, Memphis juries viewed cases through an additional lens calibrated to race, class, gender, and status. Some saw the act of issuing guilty verdicts, and even testifying or providing evidence not as a public service, but tantamount to being a snitch. Unsurprisingly, then, these all-male, all-white juries often reinforced existing hierarchies with decisions based more on their own values than strict interpretation of the law or evidence.

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29 “Judge Cooper’s Charge,” Commercial Appeal, April 18, 1902.


Long-standing juror apathy, combined with prohibition’s unpopularity in Memphis did not bode well in 1914. The grand jury term just before the Nuisance Act took effect did not set a great example, either. Those jurors earned the dubious distinction of returning the least true bills—that is, deciding there was not enough evidence for a case to go to trial—that anyone could remember.\(^{32}\) If that trend held out, the Herculean effort it took to get booze barons even inside a courtroom might be for naught. Initially, those fears were right on the money.

The first case to go to a jury verdict ended with Judge Jesse Edgington, “white with anger,” kicking twelve jurors out and banning them from ever serving in his courtroom again. The infraction was their refusal to convict D. Gallani in what should have been an open-and-shut case: the defendant held a federal liquor license (shifting burden of proof off the state), a spotter testified to buying beer from him on March 12, and the defense controverted none of that evidence. Still, in less than thirty minutes the jury voted to acquit.\(^{33}\) Their deliberations were not without drama, however. Those outside the jury room could hear shouting and screaming, and snippets recorded by the press revealed the debate centered on more than Gallini’s beer. “If this law is enforced taxes will have to increase,” one juror reportedly declared. “How about your oath?” another replied. “You swore to enforce the law regardless of your personal opinions about prohibition.”\(^{34}\)

This verbal spat said a lot about the deep-seated ambivalence many Memphians held towards prohibition. Still, judges had to fill jury boxes, so some began trying to filter

\(^{32}\) “Grand Jury Ends Term with Record,” *Commercial Appeal*, January 17, 1914.


\(^{34}\) “Jury Refuses to Convict Four Milers,” *Commercial Appeal*, April 29, 1914.
potential jurors during *voir dire* by asking if they would convict when sufficient evidence existed in liquor cases. The first time Judge Edgington posed that question, three men immediately answered “no,” and he removed them from the selection pool.\(^{35}\) Venire for the grand jury that would try the Memphis Hotel Company (operator of the city’s three swankiest hotels, the Gayoso, Peabody, and Chisca) did not go much better. The state quickly exhausted its allotment of challenges because so many of the fifty men stated their flat-out disagreement with prohibition. Of course, this could have been a ploy to avoid jury duty, but their explanations were telling.\(^{36}\) Some believed that it was the quality of the establishment that mattered, and that no “first-class bar” could be a nuisance. Others said they would not trust any evidence secured by police-hired investigators or spotters. More than a few admitted to being members of locker clubs that served alcohol, like the hotels on trial, prompting Judge Edgington’s suggestion they perhaps were more qualified to be witnesses, not jurors.\(^{37}\)

Despite these efforts, Memphis juries remained a question mark. Prohibition continued to create dissent among jurors—some believed the punishments too extreme, others argued their peers did not take the job seriously enough—and the *Commercial Appeal* likened the situation to a “smoldering volcano…liable to break open at any time.”\(^{38}\) Still, the attorney-general’s office did have a couple allies, and Judge Edgington declared his courtroom was one of them. Not only would laws be strictly enforced and


\(^{36}\) For more on ways to avoid jury duty, specifically by dressing as Princess Leia, see Liz Lemon, *30 Rock*.


cases promptly set for trial, Edgington warned he would not allow batch processing, like the current practice of streamlining court proceedings by allowing defendants to pay court costs and go free.\(^{39}\) This time, Edgington reiterated on April 10, the accused would be “actually tried and punished if found guilty.”\(^{40}\) Perhaps it was the large number of indictments being returned, or a premonition of the heavy workload (indeed, within a week there were more than seventy-five untried liquor cases on the docket), but it took exactly one day for Judge Edgington to change course.\(^{41}\) Instead, he would be running a special on Four Mile Law violations: plead guilty, pay a $50 fine plus costs, and do thirty days in the workhouse. Rolling the dice and going to trial was welcome, but take heed, Edgington cautioned. Losing at trial meant harsher punishment up to $500 and six months in jail, and potentially more fines at the judge’s discretion. Winning at trial would not be easy, Edgington continued. Having held a federal liquor license prior to March 1, 1914 was now prima facie evidence, meaning the burden of proving their innocence was now squarely on the shoulders of the defendants.\(^{42}\)

Some criticized this plan for offering the minimum punishment to all violators regardless of the severity of infraction, but it had merit beyond the obvious saving of time, money, and docket congestion. For the first time, jail was a non-negotiable aspect of breaking liquor laws in Memphis and Shelby County—and that was a game changer. Booze was big business, so for even the moderately successful fines were a slap on the

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\(^{39}\) Edgington vowed to dispose of four-mile cases in less than sixty days—quite the promise given delaying trials by months had been a diversionary tactic since 1909. “Four-Milers Will Go to Workhouse,” Commercial Appeal, March 18, 1914.

\(^{40}\) “Four-Mile Cases Are Set for Trial,” Commercial Appeal, April 10, 1914.

\(^{41}\) “Coan’s Case Not Set,” Commercial Appeal, April 19, 1914.

wrist. The prospect of those wrists swinging a pickaxe on a workhouse chain gang, however, was a different story. This is perhaps why Judge Edgington strenuously emphasized he would not entertain any “let’s make a deal” overtures from well-paid attorneys. This was a “take it, or leave it” program.43

Bold pronouncements that faded into oblivion were not new in Memphis—case in point, Boss Crump riding into office on a reform ticket to close up dives and gambling, but doing neither between 1909 and 1914. It seemed Judge Edgington meant to buck this trend. By late-April 1914, he had heard four cases, sent three men to the workhouse, and one to the county jail. Although not all of his colleagues shared this tenacity. Judge J.W. Palmer of the second division was slower to act. As in, he did not act at all—a fact repeatedly pointed out by the local press. Unlike Edgington, Palmer had not announced his intentions towards liquor cases, and by early May, critics accused him of purposefully avoiding them altogether.44 He repeatedly continued cases (some multiple times), and had yet to preside over a single Four Mile Law trial, prompting the Commercial Appeal to quip he had adopted President Woodrow Wilson’s “watching and waiting” policy.45 Defendant A. Allegrini actually requested his case transferred so Palmer, not Edgington, heard it.46

Palmer eventually did convict his first “four-miler” on June 9, but this climate was almost identical to the post-statewide law saga of 1909, and that made reformers and

43 “Leniency is Offered Four-Mile Violators,” Commercial Appeal, April 11, 1914.
45 “Antisaloonists are Wary with Witnesses,” Commercial Appeal, April 24, 1914.
prohibitionists nervous. There had been a flurry of activity that summer, too, but authorities kept finding ways to postpone trials. That tactic went on so long that, amid waning enforcement interest across the state, they were eventually able to drop all charges. “I tried to enforce the four-mile law in 1909 when it was first enacted,” explained former attorney-general Luke E. Wright—who had incidentally switched teams by 1914 and was fighting not for liquor laws, but for a brewery in the current attorney-general’s crosshairs. “I got hundreds of indictments and I tried to force the law. I found after a time that I was about the only person about the law, and was just like a squirrel in a cage,” Wright concluded. “I was making a whole lot of speed, but was not getting anywhere.” Without fear of retribution, liquor began to flow openly as if the statewide law did not exist, and neither Attorney-General Estes nor his supporters (in Memphis or Nashville) wanted to see that outcome repeated in 1914.

Judge Edgington’s court continued to press forward as he sent more men to the workhouse, including J.J. Persica and J.P. Lynch of the Park Hotel. The legal woes of

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50 Persica and Lynch stood charged with selling booze in violation of the Four Mile Law and closed by injunction as a public nuisance. The hotel’s defense team (Caruthers Ewing and the firm of Anderson & Crab Tree) countered by challenging the constitutionality of the new law. They argued it illegally passed, did not sufficiently define a “nuisance,” allowed the seizure of private property without compensation, placed unreasonable burden on building owners—who could be prosecuted if tenants were operating a public nuisance or if the space was rented for the sale of alcohol. Further, they argued the Nuisance Act allowed “legislative usurpation of judicial authority,” was classist as it only allowed freeholders to file complaints, and nit-pickiest of all, that the “caption does not accurately describe the body of the bill.” Ultimately, these lines of reason moved neither Memphis chancellors nor the Tennessee Supreme Court. “Knell For Memphis Saloons,” Washington Herald, March 1, 1914; “Nuisance Act Will Be Given a Test,” Commercial Appeal, March 10, 1914; “Saloon Men See a Gleam of Hope,” Commercial Appeal, March 25, 1914; “Nuisance Bill Rests in Breast of Court,” Commercial Appeal, March 26, 1914.
these hoteliers and “men-about-town” attracted a lot of attention. Yet, their trial did more than ensure they wore stripes for the next six months, it also shed light on the business of enforcement, starting with the evidence used against them. That proof came largely from Dr. W.D. Ray, J.C. Sparr, and J.L. Payne, members of the Anti-Saloon League and three of the many spotters canvassing Memphis under auspices of reform organizations. Ray, Sparr, and Payne showed it could be quite a process—although that “process” seems more reminiscent of a college pub-crawl than a covert law and order mission.

Far from being a single-target, these spotters visited at least twenty-four other establishments on the night they secured evidence against Persica and Lynch. At each place, the protocol was the same: they ordered whatever the establishment served, drank it, and if they thought it was intoxicating, they poured a sample into a glass jar for later analysis. In other words, these beacons of prohibition cashed a couple dozen drinks before they even reached the Park Hotel. Defense attorney Anderson said he

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51 Liquor men had a stake in the success of this case, so it came as no surprise that the March 25 hearing packed to the gills. Some of the city’s best-known wholesalers and diamond-wearing saloonkeepers turned out, bringing a “rooting” spirit and confidence that even the smallest details were evidence that their side would win. “Just look at the books they have got,” whispered notorious underworld figure Jimmy Coan, as he pointed to the defense table. “They have got twice as many as the other fellows.” The book stack proved a poor indicator, and the air of confidence extinguished when Chancellors Heiskell and Fentress struck down the defense’s “everything but the kitchen sink” attack on every point. The chancellors did rule a five-day grace period necessary before enforcing an injunction, so falsely accused parties could prove their innocence. “Nuisance Act Wins Complete Victory,” Commercial Appeal, April 2, 1914.

52 Appellants appealed this decision, but received no quarter from the Tennessee Supreme Court. Justices not only upheld the decision against Lynch and Persica, and thus the constitutionality of the Nuisance Act, but also affirmed the ruling against Memphis liquor dealer Fred Ragghianti, the first person convicted of contempt for violating an injunction. Ragghianti, who just finished his thirty days in stripes on the initial liquor law violation, did an about-face and headed back into the workhouse for another month courtesy of the contempt decision. “Supreme Court Holds Nuisance Act Valid,” Commercial Appeal, June 14, 1914; “Persica and Lynch Ordered to Prison,” Commercial Appeal, April 25, 1914.

53 “Rollins Sold Liquor is Sentenced to Jail,” Commercial Appeal, July 2, 1914.
could hold his liquor, but was “envious of a man who could take 20 drinks and still tell the difference between beer and Brewette.”

After the trio decided the Park Hotel had served them real beer, they waited for the bartender to turn his back, pretended to blow foam off the brew as a cover, and spilled a sample into their waiting quinine bottle. After leaving the hotel bar they labeled that bottle, placed it in a handbag, and eventually delivered it to chemist Lehman Johnson. Johnson’s sample analysis—probably made with a clearer head than the men who collected it—determined the liquid was not just above the limit, it was five times the legal alcohol by volume percentage. The science was irrefutable and Johnson’s testimony was solid, so defense attorneys zeroed in on the spotters. On the night in question all three were drinking (perhaps even drunk), and when asked to recount details on the witness stand, not one of them could identify or even describe the bartender who allegedly sold them the beer. That certainly raised questions about the presumed integrity of spotters, and the veracity of the evidence they collected. Still, it did not create reasonable doubt in the eyes of the local or state Supreme Court, and the conviction stood after appeal.

The Park Hotel was not the only establishment in hot water. Grand juries heard evidence against numerous hotels, including the Gayoso, Peabody, and Chisca. For the latter three, the Anti-Saloon League claimed it had proof of outright liquor sales rather than the strict locker club each purportedly ran—and since they declined to surrender

57 State v. Persica, 130 Tenn. 48, 168 S.W. 1056 (S.C. TN 1914).
their federal liquor licenses (on grounds that the kitchens used alcohol) the burden of innocence was upon them. The grand jury was convinced enough to return true bills against those three and over twenty others, while the chancery court issued another thirty-one injunctions.\textsuperscript{58} It took several months of back and forth courtroom battles, but the attorney-general added the Peabody (and then by extension, the Chisca and Gayoso Hotels) bar and locker club to his win column when it closed in mid-June 1914.\textsuperscript{59} The visibility of the defendants made this an important victory, but it was just the tip of the iceberg. If anything, the attorney-general’s office was treading water in the spring and summer of 1914 and trying not to drown under the clever reinventions and workarounds devised to thwart his enforcement drive. The week of the Peabody decision, for example, every single case on the docket except four was an alcohol-related violation.\textsuperscript{60} The following week added another forty-five.\textsuperscript{61}

The attorney-general directed a lot of initial effort towards thwarting retail liquor sales, but he was equally concerned about manufacturing. Like selling booze, producing intoxicating beverages continued despite the statewide laws of 1909 that supposedly banned it. The Nuisance Act, however, significantly raised those stakes. Paying a fine was one thing, but seeing one’s brewery or distillery seized and inventory destroyed was quite another.

\textsuperscript{58} “Indictments Follow Liquor Injunctions,” \textit{Commercial Appeal}, April 28, 1914.


\textsuperscript{60} “Liquor Cases Fill Up Court Calendar,” \textit{Commercial Appeal}, June 7, 1914.

\textsuperscript{61} “Many Liquor Cases Set,” \textit{Commercial Appeal}, June 14, 1914.
The Memphis-based Tennessee Brewing Company had figured prominently in legal challenges to the manufacturing ban of 1909, and since that challenge ended in defeat, and it was assumed the company had been toeing the line ever since, producing non-alcoholic beverages. Attorney-General Estes did not agree, as evidenced by the arrest warrants issued for J.W. and Jacob Schorr in late spring 1914. Estes claimed the company’s non-alcoholic product “Brewette” (particularly popular in soft drink stands) was actually intoxicating, and that was a claim he made on good authority. Using a fake name, he had purchased a case of Brewette and after downing one of the unlabeled bottles, noticed he felt a little too good. Science confirmed his suspicion.62 Chemists determined the sample Estes sent for analysis contained eight times the legal alcohol by volume, hardly a non-alcoholic alternative.63

The Schorrs quickly filed an answer, but not one that denied the charges. Instead, they denied any connection with the company. TBC was under the control of trustees, the Schorrs argued, and it had been that way since the company surrendered its existing charter in 1912.64 This meant there was technically no “Tennessee Brewing Company,” and technically no agents or officers to prosecute. Chancellor Francis Fentress agreed, dismissed the charges, and took the heat off J.W. and Jacob Schorr—at least temporarily. Estes then filed a new suit gunning for those trustees, and the matter returned to court.65

63 “Grand Jury Reports for Law and Order,” Commercial Appeal, April 8, 1914.
64 “Schorr Files Answer,” Commercial Appeal, April 9, 1914.
65 “Schorrs Aare Discharged,” Commercial Appeal, April 12, 1914.
This time, the “company” did not deny having real beer after March 1, 1914, but declared it earmarked exclusively for interstate shipment. The only products sold locally were non-alcoholic, explained secretary J.B. Schorr, and the case General Estes received was an isolated incident. Real and “near-beer” were stored on the same floor, and workers simply filled the order incorrectly—a mistake Schorr assured would not happen again, as they had already separated product storage to avoid future mix-ups.66 Chancellors Fentress and F.H. Heiskel gave the benefit of the doubt. After two days of arguments, they approved a partial injunction against the TBC.67 The production and sale of non-alcoholic products, the ice delivery business, and interstate shipments of real beer—the portions of the business model that remained legal—could continue. Yet, if they violated those terms by selling anything intoxicating inside Tennessee, it was lights out, both figuratively and literally. The business would be dismantled, alcohol stocks destroyed, and property sold at auction to cover court expenses.68 Company advertisements were quick to emphasize their compliance. “This beverage is safely within the state law, as evidence by the Holtzendorff Laboratories’ Analysis,” assured Brewette ads, making it truly the “popular temperance drink.”69

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68 “Tennessee Brewery Hit by Injunction,” Commercial Appeal, May 9, 1914.
Figure 5-3. Brewette advertisement. Chemists and laboratory analysis, to determine if a liquid was actually intoxicating, became very important in court cases for both the prosecution and the defense. *Commercial Appeal*, May 9, 1914.

The Tennessee Brewing Company kept its nose clean after this legal row because of the partial injunction that made its management criminally liable for violations. Yet, like locker clubs, Memphis-to-Memphis water commerce, and converting businesses to interstate trade, offering these partial or modified injunctions became another work-around for the liquor industry. The sentiment behind modifying injunctions was admirable enough. Instead of shuttering everything (which the law could certainly do), they allowed legitimate lines of business to continue provided owners swore not to sell alcohol again.

Attorney-General Estes was highly critical of these second chances, however. He believed partial injunctions simply offered an opportunity for busted parties to find an alternative solution, like switching over to a locker club, to keep alcohol flowing. By not
locking places down completely with blanket injunctions for the business and facilities in question, Estes argued, it would only create future problems. Potential recipients of these modified injunctions were, of course, quick to give their best “babe in the woods” routine. They assured officials they saw the error of their ways and would never mess with booze sales again.

It turned out Estes was right. Promising to stop selling liquor to secure a modified injunction became an easy ruse for reopening or continuing illegal activity. The Cook Brewing Company constantly violated their injunction, for example, but it was not until agents started tailing a deliveryman that they proved it. The company driver pulled up to a Memphis business, but tried to drive off once he realized agents were watching him. Detectives not only found real beer in his wagon—which he claimed was for personal use—but also an invoice showing the beer was already paid for, in cash. Anticipating modified injunctions, as well as switching a business into someone else’s name (who was not listed in earlier documents) was just part and parcel of the gymnastics Memphis’ liquor interests devised to dodge the law.

Despite the odds, Estes continued doggedly pursuing violators. Soon his office began pointing the finger of blame in a new direction: wholesale liquor dealers. Not for breaking the law themselves, however, but as puppet masters encouraging others to break the law for their benefit. It was plain to see that authorities were straining under the weight of enforcement. Both the sheriff’s and attorney-general’s office found

70 “Clubs Supplant the Late Pesky Saloon,” Commercial Appeal, April 17, 1914.


themselves spread thin, while liquor infractions were clogging court dockets—all before the Nuisance Act was even six months old. In this enforcement nightmare, wholesalers saw an opportunity: overwhelm the system, completely exhaust authorities and their resources, and then wait for enforcement fervor to die a natural death, just as it had after the statewide laws of 1909.74

The vehicle for reaching that end game would be those at the bottom of the liquor totem pole: retailers. Wholesalers had considerable pull with this demographic. A large majority of Memphis retail operations—estimates held over 75 percent—were affiliates of larger wholesale companies that had first helped them get into business, then offered protection and assistance to stay in it. Under legal alcohol, this had been a fairly symbiotic relationship between supply and distribution. Now it was calculatedly parasitic.75 Retailers were pushed to keep selling (inventory they bought from their big-brother wholesaler, of course), and told not to worry. If they found themselves in trouble, assistance would come to them in their hour of need. That kind of trouble wholesalers “behind the curtain” were banking on.76

Indeed, when a defendant took Judge Edgington’s package deal of pleading guilty and accepting the minimum punishment, the court could dispose of a case in an estimated two minutes. When a defendant chose to have their day in court, however, lawyers could ensure the case took two days to resolve. At that pace, just dealing with

the current three hundred cases on the docket in mid-May 1914 would take two years.77 Busted retailers were unsurprisingly pushed to insist on trials. The strategy was a winner for wholesalers, as it promised to swamp dockets across the board. For retailers, it was an obvious loser. Taking the deal meant thirty days in the workhouse, but going to trial and losing meant the maximum six months and a fine of possibly $500—and judges like Edgington were willing to convict.78 It did not take long for authorities to catch on, or admonish wholesalers for playing fast and loose with people’s lives by sacrificing retail affiliates like chess pieces.

For Attorney-General Z.N. Estes, this meant prosecuting violators who were almost victims themselves. “I would rather send one wholesaler to the workhouse than a dozen bartenders,” he lamented, but “a lot of the retailers are illiterate and believe everything the wholesalers tell them.”79 The Commercial Appeal agreed, declaring Memphis wholesalers were acting like military leaders—military leaders who assembled the troops, ordered a charge on the enemy, and then hid behind a tree. The additional factors of class and ethnicity made the practice even more troubling. “What does it matter to the militant wholesaler if he loses a few pawns provided it may checkmate the courts in the end?” declared the Commercial Appeal. “True the pawns are flesh and blood, they have women and children dependent upon them, maybe they are foreign born aliens, perhaps illiterate with little knowledge of American laws, manners, or the

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language. The less accustomed he is to American methods the more dependent upon the wholesaler will the retailer be, and the most confident in his ability to protect him.”

Wholesalers, of course, flatly denied these allegations. The Memphis Wholesale Liquor Dealers Association announced early on it would not assist any former customers who were still in operation, but the sincerity of that statement was doubtful. Particularly since seventy-five percent of people arrested on liquor infractions between March and June 1914 used the same bondsman—who just happened to be a prominent Memphis wholesaler, as well. Yet, it was the treatment of Italian-born retailer Clement Compassi, who dared to criticize a powerful wholesaler during his trial, which proved most telling.

When the first batch of violators received their convictions and sentences in mid-April 1914, there were loud pronouncements about what their experience would be like “on the inside.” County commission chair T.B. King declared it would be no free ride in the workhouse. Everyone, regardless of social or financial stature had to work, and since there was already a labor shortage at the workhouse, an infusion of liquor law violators would be a welcome addition. After sentencing, prisoners received an


82 Evidence suggests Memphis liquor interests were engaged in this sort of activity before 1914, and throughout prohibition. Bond records and sureties tie low-level booze peddlers to some of the biggest names in town. Before 1920, that included reputable businessmen. When authorities arrested G. Pierini in a South Memphis blind tiger in October 1912, for example, his bondsmen were none other than Doc Hottum and Louis Sambucetti, two wealthy, respected liquor men. “Perini Makes Bond,” Commercial Appeal, October 8, 1912; “Canale Liquor House Enjoined,” Commercial Appeal, June 6, 1914.

83 “Estes and Tate Reply to Strong,” Commercial Appeal, June 6, 1914.

84 J.B. Buchanan declared he tolerated no booze within the county jail. “Do Not Expect Liquor in the County Jail,” Commercial Appeal, March 9, 1914.

assignment to one of several camps dispatched to work on county roads. A foreman (assisted by armed guards) led each camp, and assigned jobs based on prisoner ability. Those at the bottom of the heap swung a pick and shovel, while the most coveted (read: easier) positions were less labor-intensive. These included dishwashers, water-boys, cooks, or best of all: the foreman’s “trusty” or majordomo, a job that came with uncharacteristic freedoms.  

Even a cursory understanding of race or penal systems in the early-twentieth-century South make it completely unsurprising that workhouse assignments cleaved as much around skin color as intelligence or talent. When liquor-law violators started getting put away, their “talent” was deemed best suited for easier tasks. In reality, they had exercised their real talent before reaching the workhouse gates: greasing palms. By late April 1914, of the three men first sent away on a Nuisance Act charge, two were resident water-boys and the third was watering mules. Although the Commercial Appeal noted hydration positions were not staying apace with convicted men, so some might be taking an active role in expanding Shelby County’s infrastructure.  

Clement Compassi, whose accusations against influential wholesaler P.A. Monteverde (for “treachery” in misleading him to break the law) published in local newspapers, had a markedly different experience than any of the dozen other liquor violators entering the workhouse at the same time. While his peers tooted water, Compassi found himself locked in chains doing backbreaking labor under the watch of armed guards. Unlike the others, he worked all day and slept (over forty men to a single

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86 “War on Liquor Extends to Jobbers,” Commercial Appeal, April 21, 1914.

long bed) with black prisoners. For a white man in the early-twentieth century South, the latter was meant as an indignity and insult.

The *Commercial Appeal* declared Compassi “the only four-miler who has done as much as one full day’s work for the county,” and questions emerged as to why the hammer had dropped on him specifically. Workhouse superintendent E.E. Strong explained it as a precautionary measure, due to Compassi being a violent, dangerous prisoner and a flight risk. Yet Vick Sedito, another Four Miler in the workhouse at the same time who *had* run away—in fact, he ran away three times in a single year on an earlier sentence for receiving stolen property—was not shackled. It was only Compassi: a well-educated polyglot and first-time offender whose previous experience in Memphis courtrooms was assisting as an interpreter.88

Compassi’s disproportionately harsh treatment might have been, of course, a matter of coincidence, but that is unlikely. Instead, sources suggest the powerbrokers in Memphis’ liquor game were sending a message via retaliation—and for good reason. Retailers and employees were small potatoes operators whose influence and money dwarfed in comparison, but they might also possess something far more valuable: incriminating information. This is not to say all wholesalers were trying to fly under the radar, however. J.L. Canale of D. Canale & Company responded with laughter when a county detective suggested he might face arrest in May 1914, and even taunted the officer that they would never catch him—telling words from a leader within one of Memphis’ largest, oldest, and most respected firms.89


Whatever the intention, the Compassi incident quickly mushroomed beyond an isolated retaliation against a single man. First, after notable figures in Memphis interceded, Superintendent Strong backtracked and explained he had mistaken Compassi for a different prisoner, and ordered the chains removed from his legs. Then, on the recommendation of Attorney-General Z.N. Estes, Governor Hooper pardoned Compassi altogether. This is when the real fireworks began.

Superintendent Strong allegedly leveled an attack at General Estes over this pardon, declaring it nothing more than “cheap politics.” Estes replied that Strong was merely a Mayor Crump puppet, “giving tongue to his master’s voice.” Strong denied that statement. In fact, he denied even making it, claiming someone in the city administration made it and attributed it to him. “This is Mayor Crump’s style, to hide under the names and to speak through the mouths of his puppets,” declared Sheriff Tate in response, “it is a tissue of lies from the start to end.” Estes quickly echoed that sentiment and deemed the whole incident a publicity stunt since “liquor prosecutions are interfering with some one’s campaign contributions.” That “someone” was of course Mayor Crump, who did not take kindly to General Estes’ accusation that he had fabricated Superintendent Strong’s statements. Crump also did not appreciate claims that he was the “godfather of saloons” and in league with the city’s scummiest vice-lords (this was true), who were footing his campaign bill (again, true), and ensuring inaction from the Memphis Police Department.

90 “Four-Miler Talked; Placed in Irons,” Commercial Appeal, June 3, 1914.
91 “Estes and Tate Reply to Strong,” Commercial Appeal, June 6, 1914.
92 “Estes and Tate Reply to Strong,” Commercial Appeal, June 6, 1914.
93 “Estes and Tate Reply to Strong,” Commercial Appeal, June 6, 1914.
“Sheriff Tate, Estes nor anyone else need be uneasy about me getting some one (sic) to do my talking,” Crump replied, as he lobbed his own battery of accusations. By the mayor’s estimation, Estes was guilty of writing bad checks, extortion, accepting money in exchange for partial treatment, and even borrowing money from Memphis retail and wholesale liquor dealers.\(^{94}\) This personal back-and-forth cat fight—one skirmish in a larger battle that would have important consequences in the upcoming election—continued on the front page of Memphis newspapers with Estes assuring his record was “clean as a hound’s tooth” and that it was “absurdly false” to state otherwise.\(^ {95}\) The real voice of reason came, yet again, from Commercial Appeal editor C.P.J. Mooney, who declared everyone could end the whole mess by just observing and enforcing the law.

“Prohibition may be an intemperate measure. Prohibition in large cities may fail in execution. It may be impractical,” Mooney argued, “but the law is upon the statute books.” If the mayor and commissioners instructed police to pursue violators wholeheartedly, the sale of booze in Memphis would drop quickly, and significantly. With the ambiguity gone, Mooney continued, everyone would know what to expect and the liquor question would finally remove itself from city and county politics. For readers sharing his annoyance with the ongoing Crump versus Estes, Tate, and Hooper saga, Mooney noted another silver lining: “enforcement of the law will also result in a cessation of interviews and statements which are now wearing out typewriters.”\(^ {96}\)


\(^{96}\) “End Controversies by Enforcing the Law,” Commercial Appeal, June 7, 1914.
Mooney offered a logic that appealed to many respectable Memphians who had no ties to the liquor trade. He believed it the “supreme duty” of both citizens and law enforcement to see law respected, and that made sense to people who had no financial or political horse in the race.\(^\text{97}\) While debates about prohibition and civic duty were not new—nor the open animosity between Boss Crump and elected officials who refused to heel to his commands—the Compassi episode created a ripple effect that reached city leaders, newspapers, and even the governor’s office in Nashville. The incident also pulled back the curtain on some other harsh truths about prohibition in the summer of 1914—and the type of power that liquor men were really wielding in Memphis.

It was common knowledge that enforcement efforts in Memphis were hobbled by public disinterest, apathy (if not malfeasance) in the mayor’s office and police department, and limited resources for those who were actually trying. Getting charges to stick and shipping violators to the workhouse was not an easy task, so when it did happen, it was considered a victory. Supporters had even more cause for celebration when Attorney-General Estes started netting some of the biggest fish in town, like E.A. Laughter, Nello Grandi, and Joe Robilio.\(^\text{98}\) True, it had become a running joke that Four Milers were using their political connections to get easier workhouse jobs like hauling water, but most considered some type of punishment better than having booze barons get off scot-free, as they had since 1909.

Yet, Clement Compassi’s uneven treatment for speaking against a bigwig wholesaler raised questions about who really ran county work camps. Workhouse

\(^\text{97}\) “End Controversies by Enforcing the Law,” *Commercial Appeal*, June 7, 1914.

Superintendent Strong’s verbal switch after the Compassi news broke suggested it was not him. Even more telling was an early July 1914 incident where bloodhounds (tracking a suspected murderer) led police to a home containing not the killer, but well-known liquor man Joe Faccaro. This would be unremarkable, except records placed Faccaro, at that very moment, in the workhouse serving time. No one had raised any alarm about a disappearance, escape, unexpected pardon, or other reason for Faccaro to be enjoying a casual meal with friends instead of donning stripes.\(^9\) It turned out this was not an isolated incident. Reports came in that liquor men were leaving camp and going into the city with almost free reign. One convict was actually living out his sentence in a Memphis hotel.\(^10\) With rumors swirling, the grand jury decided to find out what was really happening by appointing a task force to make unannounced inspections. If anyone hoped those investigations found underworld kingpins on a rock pile, they were soon disappointed.\(^10\)

“When I got there I found most of the prisoners at work on the road,” grand juror N.R. Jones reported on July 14, “however, I found an able-bodied four-miler, G.W. Owens, sitting around in the shade and doing nothing.”\(^10\) Owens turned out to be the rule, not the exception. The next stops found career criminal (who in a few years would be dubbed the “King of the Bootleggers”) E.A. Laughter relaxing and chatting up a workhouse foreman, while Nathan Pera had been given a gun, and allowed to stand guard over a crowd of black inmates. County detective R.B. Wilroy went to another

\(^10\) “Estes and Tate Reply to Strong,” *Commercial Appeal*, June 6, 1914.
\(^10\) “Four-Miler Talked; Placed in Irons,” *Commercial Appeal*, June 3, 1914.
camp where he spotted four white men in a group of mostly black prisoners. Three were grimy with dirt, wearing shackles, and exhausted, while the fourth wore a clean, crisp white shirt and tie. Two of the browbeaten men were serving time for riding a train without a ticket, and the third for failure to pay a small court fine. The dapper gentleman was notorious gambling and alcohol kingpin, Nello Grandi.

At the next location, Jones and Wilroy found more liquor sellers doing nothing—or at least, doing nothing punitive. They reported well-known saloonist Joe Robilio was entertaining himself by building a cart and putting his name on it.\textsuperscript{103} The real icing on the cake, however, was Wilroy’s next discovery: a group of liquor-law violators enjoying an idyllic picnic in the woods, complete with booze to drink and female guests as company. No word on whether those women were their wives, although one girl did grab a bottle and try to hide it when Wilroy discovered them.\textsuperscript{104} As Wilroy left he happened to meet County Commissioner (and Boss Crump \textit{caporegime}) E.W. Hale in passing. “Fine lot of workers you’ve got down here!” Wilroy exclaimed. Hale said nothing in reply.\textsuperscript{105}

This was fantastic irony: liquor dealers, sentenced to the workhouse for violating liquor laws, caught drinking inside that workhouse. Yet it was also a testament to the power and connections those men had in Memphis. Not even the confines of incarceration touched them in the same way. Some people quipped the county ought to

\textsuperscript{103} “Four-Milers Make Merry at Works,” \textit{Commercial Appeal}, July 14, 1914.

\textsuperscript{104} Crump surrounded himself with loyal men who had proven themselves over the long haul. His top two lieutenants, Will Hale and Frank Rice, were ultimately with him twenty-five and thirty-five years respectively. Jonathan Daniels, “He Suits Memphis,” \textit{Saturday Evening Post}, June 10, 1939, 46; “Four-Milers Make Merry at Works,” \textit{Commercial Appeal}, July 14, 1914.

\textsuperscript{105} “Four-Milers Make Merry at Works,” \textit{Commercial Appeal}, July 14, 1914.
send the Four Milers home, and save the money it was costing to “punish” them.106

What threw these scenes into even greater relief were the true conditions in the Shelby County workhouse and camps.

This was not the era of prison reform; out of sight was out of mind. Governor Malcom Patterson toured Shelby County facilities in 1909 and found prisoner conditions unsettling enough to pardon ten inmates. Seven of those ten were black; one was a ten-year old boy, one nearly dead from tuberculosis, three paralyzed, and the rest diseased. What these prisoners had in common was their incarceration for petty crimes. One man with a totally paralyzed arm, for example, was doing hard time for sleeping in a boxcar.107 It would be a few years before a lawsuit reached the state supreme court against a foreman who beat a prisoner to death, but the die was already cast with verbal and physical abuse like kicking and striking prisoners as they worked and naked beatings.108 In February 1913, courts convicted workhouse foreman C.W. Thomas of murderously assaulting prisoner Ernest Bozeman by repeatedly whipping him with sticks and leather straps until he lost consciousness; Bozeman even lost a finger by

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108 The Tennessee Supreme Court declared in its opinion that county commissioners had known “in a general way that the guards at the workhouse had been beating the prisoners for probably twenty years.” The county commissioners went unpunished, but justices did order stricter regulation of inmate treatment in that 1918 decision—and for good reason. The man in question, Benjamin Brown, was in the workhouse because he could not pay a $5 fine on a vagrancy charge. The day before his death, prison foremen beat him so savagely that he was insensible, and then left him lying on the road for hours. When the crew finished work for the day, he was loaded into a wagon and started convulsing on his way back to camp. The foremen then removed his chains and ordered him to stand, hit him again with leather straps when he could not, prompting more convulsions. Brown died later that night. Two days earlier, the same guards beat a white man to death. Although written years later, Blues musician Hambone Willie Newbern said it best in his Shelby County Work House Blues: “Lord the guards done treat me/like I was a lowdown dog,” “Shelby County Work House Blues,” Smithsonian Folkways, http://www.folkways.si.edu/hambone-willie-newbern/shelby-county-work-house-blues/blues/music/track/smithsonian (accessed September 1, 2015); E.W. Hale v. Malachi Johnston, 140 Tenn. 182, 197, 203 S.W. 949 (S.C. TN 1918).
amputation due to the severity of the beatings. In sum, the Shelby County workhouse was often a horrific place. A year before the Nuisance Act county commissioners had to instruct the workhouse superintendent that prisoners “be treated like human beings,” yet liquor law violators were able to relax and enjoy target practice with county rifles.109

By the summer of 1914, it was clear that despite significant effort, legitimate enforcement was not making any earth-shattering progress in Memphis. Many attributed that reality to city cops, and it was true the Memphis Police Department (a puppet of Boss Crump that cost the city $300,000 a year) was doing little, although reports suggested not all officers agreed with that position. “One of the police sergeants told my detective Mr. Wilroy that if the police were allowed to co-operate with the judges and the attorney-general the saloons could be closed in 48 hours,” declared attorney-general Z.N. Estes.110 Other officers asked him to close dives, Estes continued, but demanded confidentiality because they were afraid of retribution from the Crump machine. “One man asked me, with great secrecy, if I would not close up a liquor ‘dump’ on his beat,” Estes explained. “I told him that if he would furnish me the evidence I would break it up for him He said that he might get in bad if he took any hand, but that it was awful the way the place was run. I then asked him if he would testify to the character of the place.

109 The Shelby County workhouse, camps, and jail continued to be a problem as the years progressed. In 1917, grand jurors conducted a survey and were horrified at the filth, stench, unhealthy conditions, and food. Jailers did not give prisoners spoons, so they had to eat with their hands, in “much the same fashion as the animals are fed at the zoo, only it is not so clean at the jail.” The jurors concluded their assessment and recommendations for change by declaring “the present institution a disgrace and a crime against civilization and Christian decency.” Yet a year later, things remained unchanged, prompting the grand jurors to declare: “your jury does not recall seeing a more filthy and insanitary place where human beings are expected to exist than the cells or cages that were occupied by prisoners.” “Jurors Criticize Jail Mattresses,” Commercial Appeal, January 14, 1912; “Convict Foreman Gets Only Trivial Fine,” Commercial Appeal, February 7, 1913; “Four-Milers Make Merry at Works,” Commercial Appeal, July 14, 1914; “Grand Jury Finds Fault with Jail,” Commercial Appeal, January 14, 1917; “New Grand Jury Sworn in,” Commercial Appeal, September 14, 1918.

110 “Estes and Tate Reply to Strong,” Commercial Appeal, June 6, 1914.
but he said that he would be afraid to do so.” If implemented properly, the attorney general concluded, the law would really work. Instead, thanks to the upcoming election cycle and campaign contributions, his detectives were finding Memphis police officers not only refusing to arrest, but also tipping off saloonists to upcoming raids.

Reform-minded Memphians and organizations were increasingly furious with Crump for his part in ensuring this outcome. “We had hoped that several public gatherings, attended by enormous outpourings of the best citizens, would cause you to be convinced with us that, notwithstanding the laws should be enforced,” the executive committee of the Law Enforcement and Anti-Saloon League of Shelby County wrote Crump in May 1914. “In that hope we have been grievously disappointed. We come now as citizens to respectfully request that you give us a plan, unequivocal expression of your position in this matter and give your reasons for having persistently held out against the closing of saloons. We are convinced that the great rank and file of our citizens are in favor of law enforcement, whether they believe in prohibition or not. They revolt at the position in which they are placed, being heavily taxed to sustain you gentlemen and the police force of this city, who refuse outright to perform their duties under oath.”

Crump was both annoyed, and unmoved by this letter. A testament to his power, however, was the telegram sent by local businessman Joseph Fowler in its

111 “Estes and Tate Reply to Strong.” Commercial Appeal, June 6, 1914.
112 “Estes and Tate Reply to Strong.” Commercial Appeal, June 6, 1914.
114 Crump replied to this letter with a testy note of his own, knocking its senders for giving it to a newspaper first for publication, rather than coming to see him in person about their concerns. He went on
wake. Fowler stated emphatically that his name was on the Law Enforcement League message erroneously, as he had neither signed it nor attended the meeting that produced it. “I differ with you in some respects on the liquor question,” Fowler admitted, but “there is so much that is good and big in your program for city building that I am yours to command whenever I can serve to that end.” Fowler also sent Crump a carbon copy of his letter to the Law Enforcement League declaring his disagreement with their message to the mayor, and belief that “open criticism of public servants begets antagonism.” Crump’s manuscript collection does not include a reply to Mr. Fowler’s note, but it was probably wise that he sent it. Crump was an unwise enemy to make, the liquor issue was explosive, and local businessmen knew it. Publicly criticizing him—on prohibition or otherwise—was a risky move.

Joseph Fowler to E.H. Crump, May 4, 1914, Box 12, Crump Collection, MPL.

This can seem like an overreaction, but there were real, tangible consequences for one’s actions where Crump was concerned. James O. Graham recalled in his oral history one truck company owner, who had just sold the city of Memphis a fleet of trucks, announcing his intention to vote against the Crump administration. After hearing that, Graham explained, precinct captain and City Purchasing Agent Gordon Hollingsworth declared sarcastically: “He’s going to get a lot of business from me now!” When interviewers asked Nell Aspero about Memphians losing jobs for opposing Crump, she said her knowledge was mostly hearsay, but remembered one lawyer named Brown leaving town under such circumstances. He received an invitation to play cards with Mr. Crump, yet made the mistake of declining and subsequently received word he was no longer welcome to practice law in Memphis. “You did what Mr. Crump wanted or you suffered the consequences,” Aspero said. James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 10 – 14, 17, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU); Nell Aspero, interview by S. Glenda Maness, March 25, 1988, pg. 23 – 24, MSU.
Crump remained committed to his particular brand of non-enforcement, and so were liquor interests. Individuals went to jail and injunctions continued, but the various work-around methods devised to stay in operation persisted. Soft drink sales might have increased\textsuperscript{118}, but booze was still very present in Memphis. A single page of a local newspaper in late March 1914 perhaps revealed the mixed message best. In one column, an advertisement informed readers that non-alcoholic Graport was “a satisfying answer to the thirst question.” Across the page was another, three times as large, for mail ordering Cream of Kentucky whiskey for mint juleps.\textsuperscript{119}

Thus, if the first five years of so-called prohibition in Tennessee had taught anything, it was this: only a fool believed alcohol would ever be eliminated from Memphis. The spring of 1914 had shown the Four Mile Law and Nuisance Act could be an effective one-two punch, if it was properly enforced—and that was a big “if.” The mayor and city police did their best to throw up obstacles to the sheriff and attorney-general’s enforcement push, and to a large extent they were successful. Even so, it simply was not as easy to continue open sales in open, reputable establishments as it had been in the past. It was of course possible, arguably even easy, to get booze. Where, how, and from whom that alcohol flowed, however, was changing. The trade was not yet the sole purview of criminals and gangsters, but it was shifting away from the previous set of businessmen (many of whom were well-respected and law-abiding citizens) that had run saloons and liquor outfits in Memphis for decades. Some of that old guard would eventually become part of the illicit category. Regardless, alcohol was

\textsuperscript{118} “Early All Saloons Surrender Licenses,” \textit{Commercial Appeal}, March 2, 1914.

starting to move towards a new, more shadowy realm—at least for the layman. Rich people, by virtue of their resources, were always able to secure alcohol in a safer way. Yet the act of locating, paying for, and consuming alcohol started to look different after 1914. The associated risks were changing and intensifying; for Memphians, the possibility of a hangover was falling down the list of “worst-case” scenarios.
CHAPTER 6
“BEER, BOOZE, AND FEES”: ILLICIT ALCOHOL AND THE CRUMP MACHINE

“There is nothing involved in this August election other than greed for office and political power and a thirst for fees.”

— Commercial Appeal editor C.P.J. Mooney, July 14, 1914

“I don’t claim to be as pure as light or as stainless as a star.”

— Edward H. Crump

As the summer of 1914 wore on, violators kept testing the few Memphis authorities committed to the Nuisance Act and Four Mile Law. The liquor industry hoped for a repeat of 1909, when enforcement fervor dwindled allowing regular business to resume, and many believed that transition was already underway. Violations slowly became bolder, saloons closed by injunction (some even permanently enjoined with “for rent” signs in the windows) increasingly sold booze, and businessmen started applying for federal liquor licenses—apparently feeling safe in doing so, despite those permits being prima facie evidence of their guilt in state court. By July 18, the Commercial Appeal declared it just as easy to get a drink in Memphis as an ice cream cone.


3 The Nuisance Act also applied to gambling houses and brothels, and Attorney-General Estes did target both, but in a much more limited fashion. Liquor was the marquee issue in Memphis, and it commanded the most attention. “Estes Going After Memphis Gamblers,” Commercial Appeal, August 5, 1914.

4 It also came to light that saloonists had indeed surrendered their federal liquor licenses to the attorney-general’s office after the Nuisance Act took effect, yet did so knowing they could revive that permit—without the attorney-general office’s knowledge—by simply taking only needed to take proof of purchase to the federal authorities. “I think I have been stung,” General Estes declared after Deputy Collector of Internal Revenue T.H. Baker explained the scheme. “I think you have,” Baker replied. “More Seek Licenses; Hope Lid Will Lift,” Commercial Appeal, July 17, 1914; “Revenuers Are After Saloon Men,” Commercial Appeal, May 2, 1914.

Rumors swirled that both violations and enforcement reflected the upcoming state and general elections where Crump’s machine would again need the support of liquor men. In fact, some assumed the entire anti-alcohol campaign was “political claptrap” that would fade after the election. Crump supporters argued Attorney-General Estes was only pursuing liquor dealers to earn political capital with churchgoers and reformers so it was easier to defeat machine candidates at the polls, and that he was playing favorites with the violators he did target. Both Estes and the Anti-Saloon League denied those charges, suggesting instead that the mayor and police commissioner were encouraging saloons to reopen to further their own political agenda. Crump and Commissioner Utley similarly denied those charges, yet they also refused to comment on whether they would instruct city cops finally to enforce the law.6

Others scoffed at the suggestion that the upcoming elections had nothing to do with current conditions in Memphis. “It is a remarkable thing that the lid flew off everywhere at the same time,” Commercial Appeal Editor C.P.J. Mooney declared on July 19. “Are we to have a pre-election nullification of the law as indicative of the nullification that might follow the election? Or are some of our candidates lifting the lid themselves merely to let the boys know their power?” The “rotten absurdity” of the whole situation, Mooney continued, was that most legitimate, law-abiding saloons had obeyed the law and closed. That meant the remaining establishments were ran by proprietors who found the law not so persuasive.7

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6 Anti-Crump forces accused the mayor of allowing, if not ordering saloons to reopen to embarrass the attorney-general and sheriff, and cast doubt on their abilities.

7 “The men who sell liquor in defiance of the state law apparently are certain they no longer need to fear any intrusion from the hands of officers of the law,” the Commercial Appeal noted. “This is indicated by the manner in which the number of applications for internal revenue licenses has jumped since the election.” This jump was with respect to a particular type of establishment. Prior to the Nuisance Act,
Attorney-General Estes and Judge Edgington stuck to their guns, vowing to punish everyone who stepped out of line, and issued another fifty injunctions by July 21, 1914 as a display of good faith. That seemed to briefly sober everyone up. Places that were wide open on Saturday were dead on Sunday, staffed by bartenders who turned disappointed customers away with the explanation that the bar had “nothing doing.”

The chancery court took it a step farther, revoking a slew of modified injunctions that had allowed guilty businesses to continue legal trade if they disavowed future liquor sales. Chancellors intended these modified injunctions to be an act of clemency, and some restaurants, grocery stores, and hotels had taken this “second chance” to straighten up without losing everything. Yet, as Attorney-General Z.N. Estes predicted months earlier, far more used partial injunctions as a second chance for illicit activity. Revoking these measures acknowledged how pervasive violations really were in Memphis, and deputies made the rounds confiscating keys, locking all doors, posting notices, and banning everyone associated with the business or its owners (it had become vogue to reopen places under someone else’s name) from entering.

Yet for all this effort, the tide was turning and it was not in the direction of prohibition. The attorney-general turned to the public for help. “I now ask those citizens who wish to have the law respected irrespective of political affiliation to come to our aid. This is no bluff, this is no political advertisement,” Assistant Attorney-General Harrison

Memphis played host to a whole spectrum of watering holes that included opulent, lavish barrooms that catered to the wealthy and powerful. Those places were gone, and by the looks of the license records, they were not reopening. Instead, dive-bar owners were the ones securing licenses. “Flouting the Law,” Commercial Appeal, July 19, 1914; “Lid Also is Going Up,” Commercial Appeal, August 14, 1914.


9 “Sheriff Has Order; Saloons to be Closed,” Commercial Appeal, July 24, 1914.
promised. “The attorney-general’s office means business, and if you do then phone or write us your willingness to sign your name to these injunction bills. Do this, citizens of Memphis, and we will close these places that are flouting the law in less than a week.”

That fell short of being the clarion call the attorney-general hoped for, and frankly, desperately needed. Only one volunteer stepped forward.

Thus, as the August 1914 elections approached, a candid assessment of conditions in Memphis looked like this: law enforcement agencies divided politically in Memphis and Shelby County—the Memphis Police Department was an extension of the Crump machine, and the Shelby County Sheriff’s Office aligned with its leader and anti-Crump man, Sheriff Tate—and those divisions informed prohibition enforcement. The attorney-general and sheriff’s office were committed to enforcement, and received critical support from civilian organizations like the Anti-Saloon League and Law Enforcement League, but were still failing to make significant headway. Mayor Crump, and on his orders city police, refused to help at any stage, be it identifying violators, collecting evidence, assisting the judicial process, or keeping enjoined places closed.

Political factions were encouraging dives to reopen, and as the lid lifted, it even became hazardous to assist enforcement efforts. “It has become dangerous for our agents to inquire the name of the proprietor of any place they visit in search of evidence,” lamented Assistant Attorney-General Harrison. “Feeling against them among these law violators is bitter and we do not want them to run any danger of being

assaulted, and therefore...we have instructed them to take no chances.”  

14 County detective R.B. Wilroy found this out the hard way when he flashed his badge and tried to head up the stairs of a place on Beale Street without knowing the password required for entry in July 1914. The “guardian of the portal” first told him no, then surmised the detective was actually from the Anti-Saloon League. For that potential association, the bouncer—who, unfortunately for Wilroy, was wearing brass knuckles—cold-cocked him. The blind tiger’s proprietor later smoothed things over with Wilroy and apologized, but it did not bode well for gathering evidence. When someone flashing a law enforcement badge finds themselves laid out on the sidewalk, it was anyone’s guess what might happen to a civilian spotter.  

15 This was not only incident to highlight increasingly untenable conditions in Memphis, and unsurprisingly, law and order became a hot topic as elections approached. Of course, thanks to the centrality of prohibition in public discourse in the summer of 1914, “law and order” was a synonym for “liquor law enforcement.”

As a politician accustomed to getting his way, Attorney-General Estes and Sheriff Tate were not high on Mayor Crump’s list of appreciated public servants in spring and summer 1914. In fact, Crump was so annoyed with their refusal to fall in line behind his non-enforcement prohibition policy that he decided to run for Shelby County sheriff himself, just to boot Tate out of office and put pressure on Estes.  

16 Some Memphians welcomed that prospect. “While the citizens of Memphis can ill afford to give you up as


15 “Detective Thinks Saloon is Gone,” Commercial Appeal, July 7, 1914.

Mayor,” local attorney A.J. McDonald wrote to Crump, “you would be able to win without having to expend one dollar, your friends and admirers being legion, would elect you without effort upon your part.”17 Others were troubled if not horrified at the prospect of Sheriff Crump. The Law Enforcement League responded with an announcement that all of its energy and resources would go into the sheriff’s race and getting Tate reelected. “We appeal to the consciences of all good citizens,” the organization declared in a statement clearly aimed at Mayor Crump, “not to vote for any candidate for any law enforcing office who refused to enforce the law, and still refuses to enforce it in spite of all requests and appeals to him to do so.”18

McDonald was probably right; Crump could have secured the sheriff’s office easily. Yet he had overplayed his hand. Besides making moderate citizens uncomfortable (Editor Mooney argued it “dangerous to the community” to give the “absolute master of governmental affairs” even more power), it was also illegal: the city charter forbade holding more than one elected position simultaneously.19 Crump certainly did not want to relinquish his power as mayor, so with just ten days before the August 6 election, he tapped the machine’s former finance committee chair, J.A. Riechman—or more bluntly, a minion—to run in his stead.20

17 A.J. McDonald to E.H. Crump, March 25, 1914, Box 23, Crump Collection, MPL.


20 Born in Cincinnati, Ohio, John August Riechman (1872 – 1956) was a long-time Crump supporter and the president of the Memphis Associated Charities in 1910. He served as President of the Community Fund (a Memphis charity) for three terms between 1923 and 1926. Upon his death from an aneurysm in 1956, he had lived in Memphis for sixty-three years. William D. Miller, Mister Crump of Memphis (Baton Rouge, LA: Louisiana State University Press, 1964), 96; “Riechman Quits His Office, Not Charity,” Commercial Appeal, February 7, 1926; John August Riechman, Certificate of Death, No. 5251, 17
This was a wise substitution; Crump knew Riechman would follow instruction, and that was the real litmus test. However, there was soon another problem. Thanks to the delay in announcing his candidacy, Riechman missed the deadline to get his name on the official ballot.\textsuperscript{21} The election commission ruled after dramatic proceedings that Riechman could still run, but only as a write-in candidate.\textsuperscript{22} That presented an even bigger problem—one that spoke to the interworking of Memphis society, machine power, and electoral politics.

When Crump rode into the mayor's office in 1909, it was on a reform ticket promising to root out gambling, booze, and lawlessness.\textsuperscript{23} Many were optimistic about what those campaign pledges might do in practice. “I think the entire good citizenship and all decent people are with you,” wrote one citizen named Albert Benham. “It is time that such things as [notorious underworld figures] Haggerty, Margerum and the like were driven from the city, as their dives have been harboring places of criminals, and dives keepers are fences for burglars, purse snatchers and highwaymen.”\textsuperscript{24} In truth, however, the reform bloom was completely off the rose by summer 1914. Men like


\textsuperscript{24} Albert Benham to E.H. Crump, April 29, 1915, Box 5, Crump Collection, MPL.
Haggerty and Margerum were not only still in business, they were aiding the machine.\textsuperscript{25} Rather than bulldoze the underworld, Crump made it work for him.

To be sure, this was not out of the ordinary. Most early-twentieth-century political bosses instituted kickbacks and “pay-to-play” schemes where illicit entrepreneurs contributed regularly to stay in operation. Crump did the same in Memphis, and those financial contributions could be rather steep. Reports held that gamblers, for example, were required to pay a staggering forty percent of their profit to the machine.\textsuperscript{26} However, Crump was not exactly a cookie-cutter boss. Unlike Boss Tweed in New York, he did not use this revenue to line his own pockets.\textsuperscript{27} Tithings from saloons, gambling joints, and brothels were instead dividends reinvested into the machine, footing the bill for campaigns and winning elections. Every victory was, after all, a reinforcement if not expansion of machine influence. However, the criminal element did not stop at financial support. Crump offered incentives and rewards for loyalty, but when carrots proved ineffective, these men brought sticks. Proprietors of shady establishments were often the ones cracking skulls on Election Day, intimidating critics, or making ballot boxes

\textsuperscript{25} The involvement of underworld figures in electoral politics was not new to the Crump administration, however. “Crime czars” Mike Haggerty, Mike Shanley, and George Honan had been behind former mayor J.J. Williams, and in 1904, were indicted with some of their cronies for tampering with elections—although that put it mildly. In the Ninth Ward, they destroyed ballots, beat election officers, set a building on fire, and intimidated voters. “Election Indictments,” \textit{Paducah Sun}, January 18, 1904; “Indictments By The Wholesale at Memphis,” \textit{Stark County Democrat} (Canton, OH), January 19, 1904.

\textsuperscript{26} Ralph Martin, \textit{The Bosses} (New York, NY: G.P. Putnam, 1964), 122, 125.

\textsuperscript{27} Crump was not an exceedingly wealthy man when he entered politics, but he ultimately amassed a respectable holding by starting a private insurance company that ultimately became one of the larger underwriting companies in the South. Ralph Martin, \textit{The Bosses}, 122, 125.
disappear. They also played an important role in the system that guaranteed votes for Crump candidates—a system the machine had down to a science.

The voting factory worked like this: the city was broken down into wards, with each ward containing two or three precincts. City (and later county) employment increasingly fused with the machine, so employees were expected (read: required) to be active participants in the ward or precinct where they lived. This created a veritable army of foot soldiers who not only voted for Crump’s handpicked candidates, but also did machine grunt work. During campaign season, this might mean going door-to-door drumming up support, soliciting donations from businesses, or more likely, selling poll taxes.

Paying the poll tax—but more importantly, having a receipt as proof of purchase on Election Day—was a requirement in Memphis and most other Southern cities. Each cost $2 and came bound in a larger booklet of receipts. Ward workers received a certain number of poll tax booklets and two choices: sell them all, or pay for what remained. Who purchased, and who actually used a poll tax receipt on Election Day were not always synonymous. That caveat is critically important for understanding the machine, and its relationship to liquor, vice, and race.

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28 To be sure, this practice predated Crump’s tenure. Election Day violence, voter intimidation, and tampering were par for the course in Memphis—and any city in this period under boss rule. In 1905, for example, authorities arrested Sheriff (and future mayor) Frank Monteverde and two deputies for assaulting an election officer and stealing a ballot box. “Sheriff Arrested,” Paducah Sun (Paducah, KY), November 3, 1905.

29 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 8, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).

30 Nell Aspero, interview by S. Glenda Maness, March 25, 1988, pg. 19, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).

31 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 3 – 5, MSU.
Crump’s ability to deliver at the polls was central to his power, and since poll
taxes were required for voting, buying them became a form of political patronage.

“Some friend of mine would say, ‘I want to buy ten poll tax…give them to whoever will
vote right,’” explained James Graham. “Just like you would buy ten coca colas and say,
‘give them to the kids out there.’” When asked what it meant to “vote right,” Graham
replied, “Vote the Crump ticket!” Like general campaign contributions, purchasing poll
taxes in bulk became a way to demonstrate loyalty. This applied to anyone wanting to
curry favor with the machine, but it was particularly necessary for those needing
permission to operate in vice trades like liquor, gambling, and prostitution. Indeed, if
city police raided a saloon or brothel, it was most likely because its proprietors were not
“solid.” That is, they had not adequately supported the Crump juggernaut. As Ralph
Martin explained in his assessment of Crump, cops only moved on “the suppression of
vice that [was] not privileged.”

The main recipients of these poll taxes were African Americans, which was rather
uncommon for the period. The Jim Crow era is often a narrative of

32 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 3 – 4, MSU.

33 Loyalty to the machine was hardly unnoticed; in fact, it could translate into tangible benefits. James
Crawford recalled the scales tipping in favor of one man for a job at the health department because he
and his wife had pitched in to help sell poll taxes. “That’s the way your politics floated down there,”
Crawford explained. Boss Crump also (often quietly) came to those who he liked or knew supported him
in their hour of need. For example, an employee who contracted tuberculosis and was unable to continue
working, yet continued to receive her paycheck for the next twenty years. Or the black elevator operator
named Jim, who Crump kept on the payroll after doctors amputated his leg. Victor Robilio remembered
his father-in-law, a water company employee, having a heart attack and being unable to work. “I’ll see
what I can do,” Crump told the man. After that, until the day that he died, he had a bedside nurse and
received checks twice a month. In a time without social services as a safety net, Crump leveraged
resources to cultivate intense loyalty. James O. Graham, interview by Charles W. Crawford, July 14,
1988, pg. 6, 10 – 14, MSU; Victor L. Robilio, interview by Charles W. Crawford, April 3, 1980, pg. 3,
Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University,
Memphis, Tennessee.

34 Ralph Martin, The Bosses, 124.
disenfranchisement—poll taxes were, after all, a means of circumventing the 14th Amendment to prevent black voting—but this was hardly the case in Memphis. African Americans made up forty percent of Memphis’ population (the largest proportion of blacks in any American city over 100,000) and while not enough to win outright, that voting bloc could swing an election. Further, Tennessee was a Southern state that did not have all-white primary election laws restricting participation to white citizens.

Regardless of race, if you had a poll tax receipt, you could vote. This made it a far smarter political move to court, rather than block black suffrage. No one had to teach Crump this lesson; he won the mayor’s office by a margin of just seventy-nine votes in 1909, and most of those came from African Americans. Staying in power would require broad, consistent support at the polls, and black votes offered a way to accomplish that goal.

To be sure, African Americans had no choices here. The machine told them who chose, and those choices were always white, male, and Democrat. Still this system did offer a degree of agency that was unusual in the early-twentieth-century South.

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36 Indeed, this was still a city where a black man faced arrest for saying out loud he was as good as a white man. Commercial Appeal, June 9, 1906.

37 This proved equally unusual within Tennessee, as the General Assembly (like most Southern states) passed legislation in the late-nineteenth century to disenfranchise African Americans. Of particular note was the introduction of the poll tax, and the Dortch Law, which allowed illiterate voters to receive
“The negroes of Memphis constitute a sleeping political power,” noted one black man in 1911. “If we don’t get our rights under the law, then why not vote the officials out of power?” Crump understood this, and used incentives to keep African Americans electorally pliable. City jobs, free milk to poor parents, designating a day of the week for black visitors at the otherwise-segregated city zoo, and establishing Douglass Park in 1913, the first official city park for African Americans, were just a few of the ways Crump made himself a friend (or at least appeared friendly) to the black community.


38 *Commercial Appeal*, February 21, 1911.

39 In his reply to a letter from African American leaders in 1915, Crump declared his commitment to the black community. “I assure you it is gratifying to know that our course has met the approval of the lenders of your race in this community. It is my desire to co-operate at all times and in every way in the betterment of sanitary, health and moral condition of the colored people of Memphis, and I am glad to know that we have your support in these efforts.” T.H. Hayes to E.H. Crump, May 5, 1915, Box 16, Crump Collection, MPL; E.H. Crump to T.H. Hayes, May 11, 1915, Box 16, Crump Collection, MPL.

40 African Americans trying to enter a city park could be a dangerous proposition. “You men talking about going into the white man’s park will lose your hat the first time the gang get after you,” one man warned in 1911. The founding of Church Park, a project privately financed by black millionaire Robert Church, and then Douglas Park offered relief. Other Crump-led efforts included ordinances for improving streets in black neighborhoods by installing gutters, curbs, grading and resurfacing roads in 1910. “Miles of Street Work Being Done,” *Commercial Appeal*, August 16, 1910; “May Admit Negroes to the Overton Zoo,” *Commercial Appeal*, May 31, 1911; *Commercial Appeal*, February 21, 1911.

41 During the 1911 mayoral race, the *Commercial Appeal* noted, “Negro voters of Memphis have become so important a political factor in the present campaign” that incumbent Crump and challenger J.J. Williams both answered questions posed by the Colored Citizens’ Alliance. Crump sent a signed written statement (unlike Williams) that promised among other things arrangements for black physicians to examine black schoolchildren, and, while he could make no firm promises on the “saloon question,” to regulate bars in black neighborhoods. The Alliance ultimately endorsed Crump, to the chagrin of some members who argued it violated their bylaws. “Mayor Crump Writes to Colored Voters,” *Commercial Appeal*, October 29, 1911.
possible effort to prevent lynching of any person—Black or White.”

Crump’s prompt reply assured it was a “pleasure to assist those in need,” and listed recent improvements and services for black Memphians. “These are some of the things which have been done for your race in Memphis, under my administration,” Crump declared, “which is better than all the promises I might make.” He issued a similar reply—in fact, almost identical, suggesting a degree of boilerplate for black constituents—to a similar letter from the Central Committee of the Colored Voters of Shelby County. “We pledge you our support in the election,” the Committee wrote, “and we respectfully suggest the appointment of several Negro officers…and believe we are entitled to the same, and we ask for such political jobs as you can give us without injury to your self (sic) or party.”

By qualifying their request for assistance without “injury” to Crump or his party, the Committee highlighted an important reality. This did require a balancing act between doing too little and risking black votes, and doing too much and offending whites.

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42 The organization asked for better food for prisoners, and to ensure no prisoner released to anyone but state officers without requisition documentation from the governor, as lynch mobs often worked in collusion with southern jailers. Eleventh Ward Improvement Club to E.H. Crump, July 25, 1914, Box 26, Crump Collection, MPL.

43 These included, Crump declared, a branch in juvenile court for delinquent black children, black nurses and doctors to care for local children and segregated schools, improved health and sanitation in black neighborhoods, more streetlights, and he highlighted the distribution of food, clothes, shelter, and medical attention, on his instruction, for thousands of African Americans after a recent flood. E.H. Crump to the Eleventh Ward Improvement Club, July 27, 1914, Box 26, Crump Collection, MPL.

44 E.H. Crump to the Eleventh Ward Improvement Club, July 27, 1914, Box 26, Crump Collection, MPL.

45 Central Committee of the Colored Voters of Shelby County to E.H. Crump, n.d., 1916, Box 26, Crump Collection, MPL; E.H. Crump to Central Committee of the Colored Voters of Shelby County, July 27, 1916, Box 26, Crump Collection, MPL.

46 This is not to suggest that Crump was either racially progressive, or duplicitous. He was a segregationist, but also willing to intercede. “It has always been the policy of this government,” Crump replied to a black pastor’s complaint of disrespectful treatment at city hall in 1915, “to treat everyone with uniform courtesy, regardless of their station or mission, and you were entitled to like treatment.” In explaining his reasoning for supporting Crump in the 1911 election, Black journalist Harry Pace touched
Peter Van Vleet of the Van Vleet-Mansfield Drug Company (one of the largest drug firms in America and a household name in the South) praised Crump’s refusal to prioritize a black city park over other issues in 1911, for example. 47 “The Colored people of Memphis are a grievous Burden in more ways than one,” Van Vleet declared, “and while they should be fairly treated the Whites are first all the time.” 48 Still, Crump’s real motivation was never far away, as evidenced by correspondence with Mrs. T.S. Brown, President of the City Federation of Colored Women’s Clubs. “I know you are a friend to my race, and to me personally. Yours for a better Memphis,” Brown wrote. “I certainly appreciate your letter,” Crump replied. “Be sure to impress upon the members of your organizations the necessity of paying their poll taxes.” 49

It did not take long for the machine to get this voting factory up and running (1911, two years after Crump took office, produced the most registered votes since the 1870s), and illicit businessmen were an important cog. Each election cycle saloons gift wrapped hundreds, even thousands of votes—sometimes providing the numbers required to win—and in exchange they received political and legal protection. 50 This symbiotic relationship allowed dive owners to operate without fear of the police, and helped keep the machine dominant in city and county affairs. The machine did not stop on this issue of promises versus action. The “other candidate promises everything and I fear he will do nothing,” Pace said of challenger J.J. Williams, “this redheaded fellow frankly declines to promise some of the things we want, but convinced me that he will fulfill the promises that he does make.” T.J. Searcy to E.H. Crump, July 8, 1915, Box 26, Crump Collection, MPL; Linton Weeks, Memphis, A Folk History (Little Rock, AR: Parkhurst, 1982), 120.


48 P.P. Van Vleet to E.H. Crump, March 6, 1911, Box 35, Crump Collection, MPL.

49 E.H. Crump to Mrs. T.S. Brown, September 2, 1927, Box 106, Crump Collection, MPL.

50 William D. Miller, Memphis During the Progressive Era (Memphis, TN: Memphis State University Press, 1957), 89.
at simply funneling money from bootleggers and gamblers into poll tax receipts, however.\textsuperscript{51} Election Day was also a highly scripted affair. As historian William D. Miller explained, saloonkeepers acted as “political mentors” for their patrons and wards, telling them when, where, and who to vote for.\textsuperscript{52} Unsurprisingly, this was less of a request to exercise one’s civic duty, than a direct order.

“On election days we would work those card files and when the voters had not come in to cast the vote, we would telephone them and tell them we would send cars, automobiles, to get them to bring them to the polls,” remembered Nell Aspero, who worked as a lieutenant in the 36\textsuperscript{th} ward.\textsuperscript{53} “If people on your list hadn’t been in to vote, you would call and find out why. Or go by and see…what was holding them up,” echoed James Graham. This did not just apply to those lacking transportation; thanks to the card system, the machine knew who was ill, handicapped, or otherwise physically

\textsuperscript{51} Poll taxes were not the only way to support machine electoral victory, of course. In a time where ballots had to be counted by hand, Election Day could be a wearisome endeavor, so it was common for poll workers to be fed and watered throughout the day by precinct captains or ward bosses. “Back in those days if it happened to be a man in a shady business like a little bootlegging, that bootlegger fed you,” recalled James O. Graham. “I remember I was working in nineteenth ward there was a bootlegger right there on Dudley. He would always put up the money for the food and stuff that you had at the poll.” James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 96, MSU.

\textsuperscript{52} Miller, \textit{Memphis During the Progressive Era}, 89.

\textsuperscript{53} There were many ways to “kiss the ring,” but Crump had in place a system that tracked allegiance regardless of the method. Organized by street location and stored by each respective ward boss, the machine kept a card on every household in Memphis that listed each resident and details of their life including employment, political affiliation, and not only if, but specifically how they had voted in previous elections. Semi-transparent paper and eagle-eyed poll workers loyal to the machine made this invaluable information possible. “The ballots, in those days, were printed on thin paper that you could see through,” Nell Aspero explained. “There were little cubbyholes at the polls you could go for privacy,” she continued, but we knew when the ballot was put in the box and handed to one of us…the location of the ‘x.’ So we knew how that person voted If they voted against Mr. Crump’s friends who were candidates, we made notes of it and reported it.” James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 6, 9, 17, MSU; Nell Aspero, interview by S. Glenda Maness, March 25, 1988, pg. 21, 27, MSU.
unable to get to their polling station. Rather than lose that vote, a judge went to those individuals personally, allowing them to cast a legal ballot from their sickbed.\footnote{James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 6, MSU.}

It was even more common for machine workers to haul African Americans to the polls to ensure they voted \textit{en masse}. “I can remember my Uncle John loading them up,” Graham explained, speaking of John Crumpler, a ward-man in the Arcadian Hill area. “He’d load them up on this spring wagon and take them up to Meachamtown to vote…line them up there and he would furnish them all their poll tax.”\footnote{James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 3, MSU.} Once one group had voted, he headed back for another wagon full and did it again.

The machine did not stop by simply getting African Americans to the polls. As James Graham’s uncle illustrated, the machine kept registration forms and poll tax receipts, then handed them out on Election Day. Black voters sometimes received already-marked ballots. They simply walked in to the polling station, accepted the blank ballot given to all voters, submitted their already filled-out ballot, and then returned to their ward heeler with the blank form as proof of completion. Successful voters then received their promised reward: beer, whiskey, watermelons, Coca Cola, barbecue, and other enticements.\footnote{Roger Biles, \textit{Memphis in the Great Depression} (Knoxville, TN: University of Tennessee Press, 1986), 36, 40, 41.}

This system was a powerful weapon, but whether Crump could leverage it toward his candidate for Shelby County Sheriff in 1914, J.A. Riechman, remained unclear. Of all the incentives used to maintain good relations with the black community, education was not as high of a priority. Normally this would be a non-issue, but Riechman’s name

Anyone else might have conceded defeat, but Crump put his machine to work. In a few days’ time, black Memphians found themselves students in a one-word boot camp: “RIECHMAN.” A massive canvas sign lit by electric bulbs stretched across Beale Street, with letters two-foot high, reading: “Write it this way: RIECHMAN.” Notorious saloonist Mike Haggerty dispatched a horse-drawn wagon to traipse around town while half a dozen men stood on street corners, all armed with chalkboards, demonstrating how to write the surname—particular emphasis on the “i” before the “e,” since it had to be spelled correctly for the vote to count—before erasing and starting the process over again.\footnote{“Negroes Taught to Write ’Riechman,'” \textit{Commercial Appeal}, August 2, 1914.}

This educational campaign drew scorn, but critics also accused Crump forces of falsifying voter registration slips, using the same name multiple times in different wards. That received a staunch denial, the plot thickened when deputy sheriffs raided G.W. Woodward’s grocery store and saloon on July 17. Besides the expected booze cache—four beer casks and five gallons of whiskey—deputies found forty-nine registration slips with names and addresses that did not match those published in city directories; in fact, some names were not in the directory at all.\footnote{Stored in his cash register, Woodward immediately declared he was simply storing the slips for the owner, and that no nefarious business was involved. These conditions prompted anti-Crump forces to}
later in life to Crump forces supplementing voter lists with names from tombstones, these accusations were probably true, although it is impossible to know how many of the reported seven thousand total registration slips stockpiled for the Riechman election were counterfeit.60

Against all odds, the “write-it-in Rick” campaign actually worked. Riechman outpaced incumbent T. Galen Tate by nearly six thousand votes.61 This was hardly a model demonstration of the electoral process, however. Besides claims of voter lists padded with false names (and accusations that Crump henchmen rounded up insane asylum patients and poorhouse wards, put poll tax receipts in their hands, and took them to vote), conflict between warring factions turned into physical violence. The Commercial Appeal noted its surprise that no one received injuries requiring hospital attention.62

This was not particularly surprising. Anti-Crump forces had expected voter fraud (the truckload of poll tax receipts secured before the election was a good indicator), and tried to prepare accordingly.63 For Sheriff Tate, that meant deputizing and arming

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60 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 96, MSU.

61 Crump candidates won handily across the board. “The election as so overwhelmingly in our favor that I do not see how any other than that of vindication can be placed upon it.” E.H. Crump to Kenneth D. McKellar, August 22, 1914, Box C, Kenneth D. McKellar Papers, Memphis Public Library, Memphis, Tennessee; Commercial Appeal, August 7, 8, 9, 1914.

62 C.P.J. Mooney claimed in a damning editorial on Election Day that his staff discovered nearly 5,000 voting registration slips with city cops and firemen, and a slew of county and city employees soliciting votes and stumping for Crump candidates with tactics that were not just shady, but also a violation of the city’s charter. Commercial Appeal, August 6, 1914.

63 African American voting was a particular concern. Election officials who were not part of the Crump machine tried to safeguard against fraud by putting non-Crump people in charge of black wards and polling stations. That effort ultimately proved unsuccessful. “Judges in Negro Wards Anti-Crump,” Commercial Appeal, July 28, 1914.
additional men just for the election, and at the last minute, that included Attorney-General Z.N. Estes and Assistant Attorney-General W.R. Harrison.\textsuperscript{64} The wisdom of arming two attorneys with no law enforcement experience aside, Sheriff Tate intended to give them the legal power to act on misconduct. That proved necessary, as sheriff’s deputies found themselves trying to stop unfair voting, while city cops cleared the way for it. Authority is contingent upon other parties recognizing it, however, and Crump supporters did not. When General Harrison saw poll officer R.P. Mattison take a black man’s ballot and mark it for him, he tried to intervene. That is, until ward boss and divekeeper Billy Shea stepped up. “Boys, we will not let them take him out,” Shea declared, as the situation quickly deteriorated.\textsuperscript{65} The outcome was the attorney-general office’s leadership sitting in jail. Rather than stop Shea or the voting fraud, city cops arrested Estes and Harrison on trumped up pistol carrying charges for carrying the weapons Sheriff Tate gave them.\textsuperscript{66}

In another part of town, Shelby County election commissioner H.O. True discovered illegal voting guides (benefiting Crump candidates) in polling booths.\textsuperscript{67} For

\begin{itemize}
\item \textsuperscript{64} One might argue that the Sheriff’s office threw the first punch, although they were simply enforcing the law. Just before the election, the sheriff’s men executed a series of raids on “pet” saloons—that is, establishments tied to the machine and protected by city cops. This included the Monarch, owned by Jim Kinnane. Kinnane had a lookout posted at the electric switchboard who was supposed to cut off all the lights if a raid occurred, to give patrons a better chance to escape and make the task of raiding more difficult. In this particular raid, however, the lookout decided it was every man for himself. He left the lights on and abandoned his post, giving the raiders plenty of light to work by. “Pet Negro Dives Raided by Posse, \textit{Commercial Appeal}, August 5, 1914.
\item \textsuperscript{65} “Police Put County Officers in Lockup,” \textit{Commercial Appeal}, August 7, 1914.
\item \textsuperscript{67} H.O. True drew the scorn of Crump supporters the day before the election, as well. He ordered printers to mix-up the order of candidates on the ballots, so illiterate voters could not bring in a pre-fabricated guide with cutouts to ensure they selected the correct (i.e. Crump) candidates. \textit{Commercial Appeal}, August 5, 1914.
\end{itemize}
removing them, he found himself jumped from behind and beaten savagely by notorious
divekeeper and Crump-supporter E.A. Laughter who then rode away from the scene
accompanied by a city police officer.68 Interestingly, Laughter was supposed to be in the
county workhouse, doing time for a liquor law conviction that should have kept him
incarcerated through late September. Instead it seemed he was released just in time for
the election—a convenient coincidence, no doubt.69

These heavy-handed tactics unsurprisingly drew criticism. Supporters declared
the city administration was about business and progress, but it was undeniable that
underworld figures played an active and even violent role in maintaining machine
power.70 Editor C.P.J. Mooney declared Election Day a disgraceful “orgy of machine
politics,” and lambasted the deployment of “the keepers of the most notorious hell holes
in Memphis” to secure victory. 71 “The whole city and county administration is soaked in
politics of the lowest machine type,” Mooney declared.72 “It has come to pass that
elections here are decided by that side which can bring to bear the greatest number of
negro votes, dive votes, city and county employes (sic) and those professional hangers-


69 Laughter had pled guilty to a liquor charge on June 23 and was assessed a $50 fine and 90 days in the
Assaulted by Former Divekeeper,” Commercial Appeal, August 7, 1914.


Yesterday,” Commercial Appeal, August 7, 1914.

72 Mooney issued several strong editorials against the proceedings of this election, and took Crump
forces to task. “They are pulling and hauling for more power. They are conducting schools on Beale
Street and seeking to teach a gin-drinking nigger enough to make a mark and to write a name so as to
put him on a par as a voter with the intelligent taxpayers of his own race and with the white voters of
Memphis,” Mooney continued. “We have gang politics here, with hangers-on, dive keepers, habitual
lawbreakers and worthless negroes the instruments to be used for holding the ascendancy.” “An Orgy of
on who get their sustenance from the drippings that fall from officialdom.” The promise of commission government had devolved into a political machine, he concluded. “We are once more in a debauch of organized gang rule. If you don’t belong to the gang you needn’t come around.”

Both sides launched allegations of fraud, but the numbers were undeniable. Reichman’s campaign cost more than $25,000, and the city’s liquor men footed a lot of that bill. In 1913, the people of Memphis and Shelby County purchased an alleged 26,421 poll taxes. This was not only double the amount of any other year; it was also 421 more than the number of residents liable for the tax. “The huge increase was due to the negro,” the Commercial Appeal noted bluntly. “While negroes of the better class paid their own tax, thousands of rolls were paid by the Crump headquarters to secure the vote of negroes who have not before in many years been reckoned with in politics.”

Governor Hooper would reportedly call for a purging of voting registration lists in Shelby County to remove a few thousand of the black voters hastily added before the August elections, but ultimately the results stood. The big question that remained was what this outcome would mean for liquor and prohibition enforcement.


74 Fingers pointed all around, but it was undeniable that 20,000 votes—enough to determine the outcome of a judgeship race—went missing. Ballots even went into the courthouse vault, under lock and key and armed guards; for fear that more would disappear. “Ballot Boxes Are Guarded by Police,” Commercial Appeal, August 8, 1914; “Defeated Candidates All Seem Satisfied,” Commercial Appeal, August 8, 1914; “Defeated Candidates All Seem Satisfied,” Commercial Appeal, August 8, 1914.


76 Indeed, records declared more than 10,000 poll taxes purchased in the ten days leading up to the election, with the Crump faction picking up the tab on an estimated 6,800. Crump forces were in such a hurry that they reportedly paid poll taxes twice on some people, as they had not time to check the indexes. “Polls Paid Double Previous Records,” Commercial Appeal, August 14, 1914.

When the smoke cleared, the landscape was rather bleak for prohibitionists. Booze was everywhere, city cops were aiding and abetting violators, and thanks to the recent election, the only lawman committed to enforcement—Shelby County Sheriff T. Galen Tate—was on his way out.\footnote{78} To his credit, Tate announced he would pursue lawbreakers with the same ardency during his final weeks in office, but it remained unclear what would happen when the newly elected took office.\footnote{79} That concern was not limited to simply prohibition. After the elections of August 1914, a Crump “yes-man” occupied every city and county office except attorney-general and criminal court clerk. This was a new level of power for Crump, and his machine.

Since he lost his bid for county trustee, Z.N. Estes would remain attorney-general (and thorn in Crump’s side) for another four years.\footnote{80} Rumors circulated that he planned to resign, but Estes shot these down as pot stirring from political enemies, and declared he would not only continue, but also redouble his effort towards squashing liquor in Memphis.\footnote{81} This was the last thing Crump wanted, of course. Estes had run afoul of the mayor when he ran for county trustee and in his dogged pursuance of liquor men, but there were not a lot of options for getting rid of him. The position was an appointed one, selected by the governor. If Estes left, there was no question that Governor Ben Hooper (who already clashed with Crump on liquor law enforcement) would replace him with a man equally relentless. The next best thing was to troll or harass Estes, which Crump


\footnote{79} “Estes Proposes to Pursue Four-Milers,” \textit{Commercial Appeal}, August 9, 1914.

\footnote{80} Crump candidate P. Harry Kelly walloped Z.N. Estes in the county trustee race, by a margin of 14,752 votes to just 4,009. \textit{Commercial Appeal}, August 7, 8, 9, 1914.

did by targeting his salary. The attorney-general was supposed to make $5,000 a year; half of that came from the state, and the other from ex-officio fees from the county court. Crump saw to it that Estes did not receive those fees as a means of retribution, which was tantamount to a fifty percent cut in pay.\textsuperscript{82}

Still, Estes made bold statements about what he would do in the wake of this election. “When I went after liquor sellers and gamblers, the mayor’s $300,000 police force, instead of co-operating with the law, were set to tipping off raids. It was said I was not sincere.” The real problem, Estes, continued, was the police department’s behavior, which had moved from questionable to unacceptable. “The Police Department as it stands today is a monumental example of malfeasance,” he declared. “It has not only assisted in violating the law, and is therefore guilty of malfeasance, but has given privileges to some that were not allowed to others...both of these offenses are indictable and I intend to use the weapon the law has placed in my hands. I shall continue a relentless campaign against liquor sellers and four-mile violators, and I will make a Christian out of every man, be he official high or low, who gets in the way.”\textsuperscript{83}

Not everyone was so optimistic, however. Before the newly elected took office, the press began sounding the death rattle of liquor law enforcement. The \textit{Commercial Appeal} mused that it was impossible to say what prohibition might have really looked like since it had at best been only half enforced.\textsuperscript{84} “With a sheriff who will assume office within three weeks committed, it is assumed, to a policy of allowing saloons to run according with the encouragement given law violators by the Police Department, the


\textsuperscript{83} “Estes Proposes to Pursue Four-Milers,” \textit{Commercial Appeal}, August 9, 1914.

\textsuperscript{84} “Crime Increasing as Saloons Reopen,” \textit{Commercial Appeal}, August 14, 1914.
prospect for law enforcement appears woefully slim,” the paper noted on August 13.85

Even that interim period looked bleak. Judge Edgington was on vacation, leaving only Judge Palmer who, as the newspaper acknowledged “has never been a considerable factor in enforcing the four-mile law.”86

Mayor Crump was no doubt pleased when he surveyed the landscape on September 1, 1914. His machine controlled every city and county office except two, and J.A. Riechman’s victory as Shelby County sheriff was an important increase in power.87 Sheriff Riechman announced in his first statement his plans for improving plumbing and food in the county jail, but wasted no time confirming fears that his policy, as far as liquor was concerned, would be hands off.88 “Prosecution of all crimes in our criminal courts is a farce, and charges of graft have become so general that it has destroyed its usefulness,” Riechman explained. “I will serve all warrants put in my hands, but will not become a party to the gross frauds now being perpetrated for the purpose of confusing the public.”89

The Commercial Appeal acknowledged this could be open to misinterpretation, but perceived it an open admission “meaning he will not be a party to prosecuting four-


88 Riechman announced two weeks later his intention to pursue four-mile violators “whenever and wherever found,” yet noted in the same breath that resolve only applied to Shelby County, not Memphis, and he noted the difficulty of accomplishing even that since he had only twenty-five men—twenty of whom were already tied up with constant duty in the courts or county. Police Chief Hayes did issue an order for city cops to close some saloons on August 30, explaining that they had violated closing laws, but rumor held this temporary “lid” really intended to punish saloonists who had opposed the Crump machine in the August election. “Ailed Hand of the City Hits Saloons,” Commercial Appeal, August 31, 1914; “Riechman Says He Will Fight Liquor,” Commercial Appeal, September 12, 1914.

89 “Tate’s Successor Announces Policy,” Commercial Appeal, September 2, 1914.
mile violators.” At least not any inside Memphis, as Riechman stated his intention to leave that to city cops and focus on rural and suburban Shelby County—or at least as much as he could with just five deputies not already assigned to full-time positions. The Commercial Appeal again translated his statements to “mean that liquor will be sold in Memphis in defiance of the law, in so far as the police are able to protect the law violators.” The Commercial Appeal proved partially right; city cops did eviscerate some saloons. Namely, those ran by persons who opposed Crump in the recent election. Establishments tied to “Crumpites” continued business as usual, and within weeks, the newspaper noted increased crime and arrests than had been the case in Memphis since the Nuisance Act took effect on March 1.

Assistant Attorney-General W.R. Harrison kept the fight going against police-protected bars, but faced an uphill battle thanks to the limited resources at his disposal. He had no problem taking the new sheriff to task, however, particularly on Riechman’s criticism that only a fraction of liquor law indictments had gone to trial. Harrison offered concrete figures that cast the situation in a better light, but also noted it

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90 “Tate’s Successor Announces Policy,” Commercial Appeal, September 2, 1914.
91 Riechman did follow through with this promise, at least partially. His deputies executed a raid on suburban saloons in late September 1914, and made over eighty arrests. Yet all of those arrests were African Americans, who only paid $2 fines and costs. The absence of any white arrestees, raids on establishments frequented by white clientele, and low fines suggest this was perhaps a raid meant to keep up appearances rather than legitimate law enforcement. “Sheriff’s Men Raid Three County Dives,” Commercial Appeal, September 21, 1914.
was not a record the attorney-general’s office was ashamed of, as they could not devote every moment to Four Mile cases at the expense of prosecuting other crime. Harrison ultimately had a few choice words of his own on conditions in Memphis, and for Sheriff Riechman:

When you consider that there is a strong anti-prohibition sentiment among the men who would go to make up the juries of this county; when you consider that the police and detective force of the City of Memphis have not only remained idle in the matter of law enforcement, but have actively aided law violators in suppressing evidence, and have warned them of raids pulled off by Estes and Tate; when you consider that the very coterie of office holders and law breakers that put Riechman into power, have counseled, advised and encouraged the violation of the law, is it any wonder that now the town is wide open and the law is being openly and flagrantly violated and flaunted in the face of law abiding-citizens?\textsuperscript{95}

Riechman was a “layman” who did not know the law or how the system worked, Harrison continued. “His charge that liquor indictments have been held over the heads of dealers for political purposes is laughable when you consider the way that Honan, Kinnane, Canale and almost every other liquor dealer in Memphis worked for him on and prior to Election Day.”\textsuperscript{96}

To Riechman’s accusation that the attorney-general’s office sandbagged prosecutions and that an investigation would reveal “unbelievable conditions,” Harrison encouraged the sheriff to audit their records. Those claims were rich, Harrison noted derisively, “from a man whose party had an enormous slush fund for campaign purposes, who spent money right and left teaching negroes to ‘write it,’ who had the solid support of the saloon and law violating element of the city, who herded negroes to the polls in automobiles which white men drove, whose henchmen wrote their ballots for


them in violation of the election law."97 The machine’s only accomplishment when it came to prohibition, Harrison concluded, was turning the workhouse “a haven of refuge and delightful rest for the convicted liquor dealer.”98

If the election fallout was not enough for Memphis’ struggling enforcement campaign, the hits kept coming when the Anti-Saloon League admitted it was out of money. The ASL supplied critically important evidence to the attorney-general’s office (particularly in the absence of city police effort), but thanks to financial woes, the organization could no longer afford to hire spotters.99 Conditions were not much better in the attorney-general’s office. Without detectives, spotters to obtain evidence, and additional funds to secure either, things looked bleak.100 H.T. Holman explained that he petitioned the internal revenue collector in Nashville for a complete list of Memphis’ federal liquor license holders, but without the resources to track those violators down, he could not do much with it.101 The same trouble applied to executing raids, as city cops increasingly undercut those efforts by tipping saloonists off in advance.102

Legitimate intel and a well-planned raid did little good when “by some system of

101 Conflict continued in the Tennessee Anti-Saloon League in the coming months. Superintendent W.R. Hamilton ultimately resigned in October 1914 on concerns that the organization was abandoning its founding principle of nonpartisanship by endorsing a specific candidate for governor race. Hamilton wanted to stick to things being strictly nonpartisan. “Liquor Fight on Verge of Collapse,” Commercial Appeal, August 19, 1914; “Antisaloon Leader Resigns Position,” Commercial Appeal, October 6, 1914.
102 Other Tennessee cities faced this same problem. Nashville authorities planned to execute surprise raids to close over a dozen known saloons in June 1914, for example, but officers found virtually all of the establishments locked with “everything, including liquors, beer, cigars, glasses and other paraphernalia” gone, thanks to someone within the court system tipping them off in advance. “Saloonists Get Tip, Liquors Disappear,” Commercial Appeal, June 20, 1914.
telepathy,” as the Commercial Appeal declared wryly on September 29, 1914, “every saloon in Memphis seems to know in 10 minutes…that they were on an official inspection tour,” only to run “full blast again” after the raiding party left defeated.\footnote{103}{“Harrison Finds Drinks Very Scarce,” Commercial Appeal, September 29, 1914.}

However, just as Crump’s master plan seemed to be working—for both he and the liquor business—a new obstacle appeared on the horizon.\footnote{104}{The Commercial Appeal offered a succinct summary of the bootlegger perspective on September 22, 1914. “Interpreting the fight on saloons before the county election held on Aug. 6 as a mere political measure, heartened by the election of a friendly sheriff and the success of the Crump slate, avowed advocates of law violation, and the apparent collapse of the Antisaloon League and the state’s legal machinery, the saloonist has quit keeping his stock of liquor in his hip pocket, but parades it on the bar. The demand for federal liquor stamps has grown apace.” It seemed that optimism might fade, as the grand jury started to issue indictments, but that commitment proved short-lived. “Lot of Saloonist Still Unhappy One,” Commercial Appeal, August 22, 1914, “Saloonists in Bad,” Commercial Appeal, August 22, 1914.}

It again came out of Nashville. To this point, legislation was the vehicle for prohibition in Tennessee, and those laws focused on alcohol manufacturers and sellers.\footnote{105}{The intent of liquor laws in Memphis before 1909 was temperance, not prohibition. Rather than focusing on consumption, enacted legislation meant to control liquor business.}

The application of the statewide law of 1909 was imperfect across the state, but it failed spectacularly in Memphis, and critics assigned blame to Boss Crump. Prohibitionists pointed to the city and its mayor as justification for an additional enforcement measure that could bypass apathetic local authorities to root out repeat violators. That produced the Nuisance Act of 1913, but yet again, the state’s best effort flatlined in Memphis, and credit went to the mayor and his machine. Crump declared he was simply acting on the will of his constituents, but to prohibitionists, lawmakers, and Governor Hooper, he was thumbing his nose at Tennessee law, and by extension, state authority.\footnote{106}{Hooper actually sent his private secretary to Memphis in June 1914 to stay for a week and assess how bad conditions really were in the city. Hooper then earned no friends by making certain inflammatory comments about the Bluff City when he was in Washington, D.C. “Shelby Seems to be Worrying Gov. Hooper,” Commercial Appeal, June 14, 1914.}
argued the common denominator was not shortcomings in legislation, but malfeasance at the local level. This explosive issue extended far beyond the liquor question; if authorities began cherry picking laws to apply, it would undermine state governance. If legitimate law enforcement was the goal, corrupt local officials had to go. By mid-1914, Crump’s refusal to enforce prohibition had become a line in the sand.

Getting rid of Mayor Crump was no easy task. The most obvious solution (short of assassination, obviously) was voting him out of office, but that was unlikely if not laughable. Indeed, so troubled were Memphians by their mayor’s refusal to enforce prohibition, that they reelected him in 1911 by the largest margin in city history.107 Outside scrutiny intensified, but Crump supporters doubled-down, attesting to his popularity and positive impact. “Mr. Crump realizes, we believe, that his efforts on behalf of Memphis have always found a warm response in the hearts of Memphians,” declared Dr. R.B. Maury at a 1913 banquet thrown by local businessmen and professionals in Crump’s honor. “We think it is now time to openly manifest our appreciation and indorsement (sic) of his splendid work.”108 Even liquor law policy found traction. “I honestly believe prohibition has done more harm to the City of Memphis than the European war,” Abe Goodman wrote Crump in 1914. “We have not lost any lives on that account, however, but we have lost in values more in my judgment than countries affected by the war.”109

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107 This 1911 victory was the largest margin in city history to that point; he would break that record himself in coming elections.


109 Abe Goodman to E.H. Crump, November 4, 1914, Box 17, Crump Collection, MPL.
Public declarations of allegiance like this (and Crump’s manuscript collection demonstrates he received them frequently) have a “kiss the ring” quality, but they were also evidence of a simple axiom: Boss Crump was powerful, that power was entrenched, and he leveraged it masterfully. He was also poised for reelection in 1915 (ultimately it proved difficult to even find candidates willing to run against the machine), so only a massive disruption in the status quo could change this situation. Governor Hooper wanted to accomplish this, but had no such tool at his disposal. Thanks to the gubernatorial race of 1914, he did not get the chance to create one.

It was rather extraordinary that Hooper was governor at all; Tennessee was usually a Democratic stronghold, but the liquor issue proved so divisive in 1912 that it split the party. Prohibitionist Democrats bolted, joined Republicans (a coalition known as the “Fusionists”) and elected Hooper, the first Republican governor since Reconstruction. By 1915, however, Democrats had learned their lesson. Anti-prohibition rhetoric was political kryptonite. Winning the governorship would require reuniting the party, so they switched tactics and nominated staunch prohibitionist Thomas C. Rye. The strength of Rye’s record made it possible for prohibition Democrats to trust his

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110 The only opposition was a Socialist ticket. “Crump Opposition Short on Leaders,” Commercial Appeal, February 19, 1915; Miller, Mister Crump of Memphis, 111.

111 Democrats worked hard to undermine Hooper’s chance at a third term. They cast Hooper’s commitment to prohibition as political not sincere and produced evidence that the governor’s camp purchased and dispensed twenty-four quarts of whiskey during the August 1914 election. The party brought William Jennings Bryan to stump on behalf of Rye, and implore Democrats, as the Commercial Appeal noted, “to quit their petty bickering and quarrels” and reunite the party. “The liquor question in Tennessee is a dead issue,” Bryan declared before a crowd of thirty-thousand people in Nashville, “and I don’t know of a better way to get rid of a dead issue than to bury it. Your Democratic nominee, Gen. Rye, is good enough for me.” “30,000 Hear Bryan Make Plea for Rye,” Commercial Appeal, October 14, 1914; “Check Shows Hooper Crowd Bought Whisky,” Commercial Appeal, October 21, 1914; “Hamilton Says Hooper Insincere,” Commercial Appeal, October 22, 1914.
sincerity and come back into the fold—thereby undercutting the justification for supporting Governor Hooper’s bid for a third term.112

Rye won the election, but if Crump hoped the votes he delivered in Shelby County (a whopping 14,000 for Rye compared to Hooper’s 2,000) bought immunity, he was soon disappointed.113 Governor Rye quickly made good on campaign promises for rigid law enforcement.114 In his first message to the General Assembly in January 1915, he called for a mechanism that could remove incompetent public officials, and lawmakers answered with the Elkins Ouster Bill.115 This measure had the power to summarily dismiss (thus without a trial by jury) municipal, county, and state officeholders who failed to uphold the law, or who violated it themselves through public


113 Rye’s victory in Shelby County—facilitated by Crump’s endorsement—was overwhelming, but his statewide victory was more modest: 138,000 votes to Hooper’s 117,000. Commercial Appeal, November 4, 5, 1914.

114 The Anti-Saloon League queried Rye on how he would deal with liquor if elected, and he replied that he was in favor of legislation that would ban liquor advertisements in the state, a law that would hold up with regard to interstate shipping, and a law that would allow the removal of elected officials who failed to uphold the law. “Rye Will Favor Prohibition Laws,” Commercial Appeal, July 9, 1914.

115 Governor Rye was not the first to address the removal of malfeasant public officials over prohibition. As early as 1910, Memphis Federal Judge John C. McCall acknowledged the frustration of groups like the Law Enforcement League of Memphis, angry over city officials’ refusal to assist enforcement efforts, and cited “impeachment proceedings as a method through which their removal from office might be accomplished.” “Judge Decides in Favor of Saloons,” Daily Press (Newport News, VA), October 29, 1910; “Sensible Advice From a Federal Judge,” Daily Press, October 30, 1910; Commercial Appeal, January 29, 30, 1915.
intoxication, gambling, or violating a statute of moral turpitude.\textsuperscript{116} Rye wanted this “ouster law” to be an accessible tool that courts and citizens—not just the governor—could leverage.\textsuperscript{117} As a result, petitions could filed by city or county attorneys, district or state attorney generals, the governor, or (like the Nuisance Act) with the signature of ten freeholders—that is, property-owning citizens.\textsuperscript{118} All courts had jurisdiction to hear ouster suits, and the power to suspend defendants from their positions until the proceedings concluded.\textsuperscript{119}

There were criticisms of this “ouster law.” The entire Shelby County delegation unsurprisingly voted against it, but the \textit{Commercial Appeal} also voiced concerns.\textsuperscript{120} Editor C.P.J. Mooney acknowledged the very real problem of blatant corruption, but argued the ouster measure was a dangerous overreach of state power into local affairs that seemed more at home “in a volume of ukases of a Russian autocrat of the eighteen century, or in the commands of an Oriental despot.”\textsuperscript{121} Yet, the measure passed both houses of the General Assembly with ease and Rye signed it into law.\textsuperscript{122}

\textsuperscript{116} Bond, \textit{Memphis in Black and White}, 89.

\textsuperscript{117} Rye explained to the Anti-Saloon League, “I do not think any governor should have this power, but that it should be vested in the people through the means of a recall or lodged in the courts” that a way to remove officials existed—provided that it was “in the interests of the citizens of the commonwealth, and never in the interest of or for the benefit of an individual.” “Rye Will Favor Prohibition Laws,” \textit{Commercial Appeal}, July 9, 1914; Paul Isaac, \textit{Prohibition and Politics: Turbulent Decades in Tennessee, 1885 – 1920} (Knoxville, TN: University of Tennessee Press, 1965), 395, 406.


\textsuperscript{120} \textit{Commercial Appeal}, January 27, 1915.

\textsuperscript{121} In Imperial Russia, a “ukase” was a decree with the force of law from religious leaders, lawmakers, or the tsar. \textit{Commercial Appeal}, January 24, 30, 31, 1915.

\textsuperscript{122} \textit{Commercial Appeal}, January 29, 30, 31, 1915.
Boss Crump’s attitude towards state law—at least where it related to prohibition—had been cavalier. Rather than being punished for it, his power had only grown, in both local and state politics. Still, Crump’s refusal to close saloons was one of the big justifications for passing the ouster law, and he recognized its potential to decimate machine control in Memphis and Shelby County.\textsuperscript{123} If enemies started filing ouster suits for willful ignorance of liquor laws, more than just the mayor’s office would be on the chopping block. Instead of risking that possibility, Crump caved. The day after Governor Rye signed the Elkins Act into law, he ordered to the Memphis Police Department to shutter every saloon and gambling joint in town.\textsuperscript{124}

This decree came with his personal assurance “the laws will be enforced to the best of our ability,” but in true Memphis fashion, that commitment proved short-lived.\textsuperscript{125} Saloons were not only reopening as they had after the August 1914 elections, but also operating in collusion with police.\textsuperscript{126} Ninety open bars on August 25, 1915 and confirmation that cops notified those saloonists in advance of the “lid” dropping offered proof.\textsuperscript{127} So did the discovery of, and lack of action against city detectives found

\textsuperscript{123} This is not to suggest that Memphis was the only city in Tennessee balking at prohibition, or that Crump was the only public servant in Tennessee accused of malfeasance on the liquor question. Nashville faced many of the same challenges that Memphis did; namely, city officials and public sentiment against prohibition enforcement, and a “pay to play” system where the criminal element tithed to secure immunity. Still, Crump was both visible and vocal on this topic, and as a result, became a specter for the larger struggle.

\textsuperscript{124} Commercial Appeal, January 31, 1915.

\textsuperscript{125} Commercial Appeal, January 27, 30, 1915.

\textsuperscript{126} Saloon reopening reportedly happened like a chain reaction; after proprietors reopened and made a lot of money, their nearby peers took note and reopened themselves, prompting even more to follow suit. “40 Saloonists Face County Jail Terms,” Commercial Appeal, September 10, 1914.

drinking and gambling in local dives in early September.\textsuperscript{128} A discovery “showing beyond doubt,” Assistant Attorney-General Harrison declared, “the police know what is going on and indicates how easy it would be for the police department to close up every saloon in Memphis if orders to do so were issued.\textsuperscript{129}

Indeed, the signs posted on enjoined saloons, “Closed By Order of the Chancery Court,” became advertisements that attracted customers.\textsuperscript{130} Saloonkeepers were also adept at finding work-a-rounds. Opening up at a new location, or under the name of a different proprietor helped already-closed joints skirt the law—and thanks to local wholesalers equally inclined to sidestep prohibition, saloonists placed orders and replenished inventory in an hour, rather than waiting for legal, interstate transportation.\textsuperscript{131} Keeping front doors locked while business boomed out of back and side entrances was another common tactic, as well as operating in a multi-level

\textsuperscript{128} The alibis offered by these detectives included: entering a saloon to procure a match, seeing General Harrison enter a saloon and following him, and oddest of all: going to pick up figs a friend had left for two detectives inside a bar. “Officials Are Silent on Police Scandal,” \textit{Commercial Appeal}, September 11, 1914; “Detectives Were in Saloons After Figs,” \textit{Commercial Appeal}, September 12, 1914.

\textsuperscript{129} Harrison participated in the raids that caught these detectives red-handed, but declined to name them, as “they are following out the orders of the higher ups who control them, and to pull one of these joints would mean the loss of his job.” Yet Harrison did cite the incident as motivation for his declaration that the attorney-general’s office would immediately declare a moratorium on modified injunctions, as they only resulted in more lawbreaking. “40 Saloonists Face County Jail Terms,” \textit{Commercial Appeal}, September 10, 1914.


\textsuperscript{131} This changed briefly when the attorney-general’s office targeted brewery agents and enjoined them against selling beer in Memphis in late August 1914, and then promised in mid-September to hit all continued violations with a $50 fine and six months in jail. This briefly forced saloonists to get their booze through interstate trade. “The shutting down of the agencies will inconvenience the dives very much,” reported the \textit{Commercial Appeal} on September 12. “Instead of being able to put in an order and get it delivered within an hour or two, the new way will be to put in an order to the beer factory and wait.” Upon hearing the announcement, one saloonist rushed to the courthouse to find out if it was true, and then lamented the money he would lose waiting for a shipment from Evansville or Cincinnati. “Brewery Agents Are Warned to be Good,” \textit{Commercial Appeal}, September 12, 1914; “Saloonists Enjoined by the Wholesale,” \textit{Commercial Appeal}, September 9, 1914.
building. In the latter scheme, the first floor was a buffer zone; passersby saw the trappings of another grocery store, cigar stand, buttermilk emporium, or restaurant through the front windows. The real action was either upstairs or in the basement, while a guard—usually of the menacing, no-neck variety—regulated admittance, acted as a lookout, and when needed, an enforcer. The Majestic, for example, operated at the corner of Third and Gayoso as a soft drink stand on the first floor, saloon on the second floor, with a “crooked” dice game in one corner—with an equally notorious gambling joint running wide open across the street.

It was no secret that dives like this were open in Memphis. Indeed, it would be hard to believe that city authorities had no idea what happened at the Majestic, particularly considering the city of Memphis actually owned the building housing the establishment, and its proprietor, William Smiddy, was a former Memphis Police Department detective. Yet the city administration’s tolerance of such places did not mean all citizens happily accepted their presence. Both police and city hall received numerous complaints from people who wanted low-rent dives out of their neighborhoods, but most of those requests fell upon deaf ears. Residents had repeatedly asked cops to close a saloon on Fourth Street and Court Avenue in late

132 “In one place in the heart of the business district,” acting attorney-general Harrison explained on September 10, 1914, “which was apparently closed, with the curtains down, and which bore every evidence of being a deserted business house, we entered a side room and suddenly appeared in the barroom, where we flushed an eight-handed poker game. One city detective was in the game…The bar was in full swing with the ice box full of beer and whisky, ready to be served.” “40 Saloonists Face County Jail Terms,” Commercial Appeal, September 10, 1914.


134 The Commercial Appeal estimated that with the exception of “principle hotels” and a dozen “prominent” establishments, “every saloon, joint and dive in Memphis that was in full swing six months ago in the halcyon days was open” on September 9, 1914. “40 Saloonists Face County Jail Terms,” Commercial Appeal, September 10, 1914.

1914, for example, but it was not until a group of Masons took up their cause, went to the police station, and demanded action that the joint finally closed.\textsuperscript{136} City officials denied any responsibility, course. There had been no order to close saloons, and no order to allow them to reopen. “Our policy is hands off,” they declared.\textsuperscript{137}

Figure 6-1. “Provide Adequate Instrumentalities to Enforce the Prohibition Law in Memphis or Repeal It.” An unknown artist offered this rather accurate illustration of “police-protected vice” in Memphis. Saloons ran by Crump supporters violated injunctions with the blessing of the Memphis Police Department. Box 14, E.H. Crump Collection, Memphis Public Library.

For the Anti-Saloon League and Law Enforcement League—reform organizations which both reaffirmed their commitment to liquor law enforcement in early 1915—these conditions were intolerable. They called for action, and on September 7, a dozen citizens stepped up to the plate.\textsuperscript{138} They filed the first ouster petition in Memphis, charging Mayor Crump, Vice-Mayor and Fire and Police Commissioner R.A. Utley, and Police Inspector Oliver H. Perry with willful failure to enforce laws related to gambling,

\textsuperscript{136} “Ailed Hand of the City Hits Saloons,” \textit{Commercial Appeal}, August 31, 1914.

\textsuperscript{137} “Ailed Hand of the City Hits Saloons,” \textit{Commercial Appeal}, August 31, 1914.

\textsuperscript{138} \textit{Commercial Appeal}, September 8, 10, 11, 14, 1915.
prostitution and liquor, and actually encouraging violations with a fining system tantamount to graft.\textsuperscript{139}

This was a very bold move; people who merely spoke out against Crump often lived to regret that decision. Lawyer and machine worker Nell Aspero remembered a local attorney named Brown, for example, who made the mistake of declining Crump's invitation to play cards. For that seemingly small transgression, Mr. Brown was no longer welcome to practice law in Memphis. Crump was not above petty retribution, either.\textsuperscript{140} Like city workers putting “no parking” signs in front of a business, or inspectors condemn a critic's elevator. Later in Crump's reign, traffic cops harassed one anti-machine undertaker so often—religiously stopping and ticketing his ambulances


\textsuperscript{140} No retribution happened without Crump's approval, but he was certainly not the one getting his hands dirty. He preferred to posit himself in the “good cop” role, using other trusted capos for the dirty work. Indeed, Crump surrounded himself with loyal men who had proven themselves over the long haul. His top two lieutenants, Will Hale and Frank Rice, were with him twenty-five and thirty-five years respectively. Hale was chairman of the board of Shelby County Commissioners and a steady, even-handed force. But Rice was really Crump’s right-hand man; the two met as young men, Rice began by overseeing his campaigns, and ultimately became, as Judge Lois Bejach explained,” Crump’s “field marshal.” Crump and Rice met as young men, long before Crump became “Boss Crump.” They were both the sons of Confederate soldiers (Rice’s father was a surgeon for the southern forces), and over time they became close. Rice was even a groomsman at Crump’s wedding. As a campaign manager, he first oversaw Crump’s successful bid for director of the Business Men’s Club (a forerunner to the Memphis Chamber of Commerce) and then his subsequent political campaigns. The truth was probably somewhere in between the description of Rice as gruff, but “warm-hearted,” and those who declared him “mean and merciless.” In the machine, however, his role was that of an enforcer. He played bad cop so Crump did not have to, while never forgetting who was in charge. Make no mistake about it, Crump offered many carrots, but he and his henchmen were just as ready and willing to use the stick. Willie Gerber, an attorney and Crump lieutenant for years, beat up \textit{Commercial Appeal} Reporter Turner Catledge on Election Day in 1926, and then beat Catledge’s accompanying photographer for snapping shots to document it. Jonathan Daniels, “He Suits Memphis,” \textit{Saturday Evening Post}, June 10, 1939, 46; Turner Catledge, \textit{My Life and the Times} (New York, NY: Harper and Row, 1971), 45; Ralph Martin, \textit{The Bosses}, 139; Miller, \textit{Mister Crump of Memphis}, 55, 38, 42.
whenever they left the mortuary—that he placed a full-page advertisement in the newspaper, “ONLY AMBULANCE SERVICE IN TOWN WITH POLICE ESCORT.”

Nell Aspero explained it best: “you did what Mr. Crump wanted or you suffered the consequences.” Fear of those consequences is probably why three of the twelve men who signed the September 1915 ouster withdrew their names in under a week. Without those signatures, the petition dropped below the number required by law, and the ouster suit died. That did not protect signees against retribution, however. For W.E. Richmond, the cost was his position as an assistant manager (and fifteen-year employee) at Western Union Telegraph. Crump was not directly responsible for Richmond losing his job; that honor went to Memphis liquor dealers. Erasing any doubt of Crump’s strong ties to booze interests, all the local alcohol firms that did business with Western Union, including big-timers Sambucetti and B.J. Semmes & Company, threatened a complete boycott. As Richmond explained to reporters, “liquor houses called up and asked for their bills, saying that in the future their business would go to the other company because of my private act in taking sides in the decent government issue. Noting the embarrassment that I had caused my employers,” Richmond continued, “I handed my resignation.”

141 Ralph Martin, _The Bosses_, 137; Daniels, “He Suits Memphis,” 50.
142 Nell Aspero, interview by S. Glenda Maness, March 25, 1988, pg. 23 – 24, MSU.
144 _Commercial Appeal_, September 8, 10, 11, 14, 1915.
This first ouster failed to get off the ground, and that was a victory for Crump supporters. Still, that failure did not erase the sentiment behind the petition, or the conditions in Memphis that prompted it. Wanting to know if the rumors about open saloons were true, Governor Rye sent Tennessee Attorney-General Frank M. Thompson to investigate.147 From that covert mission, Thompson found enough ammunition to insist upon the filing of a second ouster on October 14, for the same charges against the same officials but with two more defendants: Sheriff Riechman, and Judge W.M. Stanton.148

The defendants first pled not guilty and demanded a trial by jury—no doubt expecting a more favorable outcome under those conditions, as Memphis juries were already loathe to convict prohibition violators.149 When a judge denied that demand, informing the defendants they would all be summarily tried without a jury, Crump, Utley, and Stanton (Perry’s case dismissed and Riechman’s postponed) changed course: they copped to the state’s charges and waived trial, so they could quickly appeal up to the

147 “State Takes a Hand in the Ouster Suit,” Commercial Appeal, September 13, 1915.

148 “Oust Memphis Officials,” Central Record (Lancaster, KY), November 11, 1915.

149 As Chancellors Heiskell and Fentress debated the merits of the ouster to determine whether Crump and Company would stand trial, fifty of the “most prominent business and professional men of Memphis” chartered a train and traveled to the Tipton County Fair specifically to see Governor Rye. They presented with a petition requesting the dismissal of ouster charges against Mayor Crump. Rye received the men, listened respectfully, thanked them for their time, but stuck to his guns. Not only did he lack the authority to stop the proceedings, Rye explained, his campaign promises of rigid law enforcement were sincere—and that commitment would not flag to accommodate Ed Crump. “Ouster Suit Waits on Court Decision,” Commercial Appeal, October 29, 1915; “Will Ask Governor to Withdraw Ouster,” Commercial Appeal, October 29, 1915; “Rye Says He Will Look Over Petition,” Commercial Appeal, October 30, 1915; “Rye Says He Meant It,” Commercial Appeal, October 30, 1915; “The Petition to Rye,” Commercial Appeal, October 30, 1915; “Gov. Rye Answers Memphis Committee,” Commercial Appeal, November 2, 1915.
Tennessee Supreme Court. On November 4, chancellors ousted all three men from office, and George C. Love became acting mayor.150

Figure 6-2. A) “Anti-Ouster Petitions.” A local businessman ran this half-page advertisement to underscore his support for Crump. Commercial Appeal, September 9, 1915. B) “What Do You Mean Ouster Proceedings?” The ouster proceedings captured local attention, prompting some businesses, like this tailor, to adopt it as a marketing tool. Commercial Appeal, September 10, 1915.

Initially, Crump was nonplussed. “I suppose you have heard that Utley, Stanton and I have had a little trouble over here,” Crump wrote to Ed Bass November 10, 1915.

“It is merely temporary, however, and we expect to be back at the old stand in a very few weeks. The people are still with us strong, which is half the battle, so we are feeling bully.”151 Crump received letters from the business community and regular citizens


151 E.H. Crump to Ed Bass, November 10, 1915, Box 5, Crump Collection, MPL.
confirming that support.\textsuperscript{152} “I want to tell you that I regret exceedingly the Ouster proceedings that have been instituted against you… I have the slightest doubt as to your integrity,” wrote local physician Dr. Goltman.\textsuperscript{153} “While we haven’t any serious apprehension as to the ultimate result of the outer suit, still, as you suggest, things of this kind are annoying,” Crump replied in thanks, acknowledging it “discouraging to the public official who is striving to give the people the best that is in him.”\textsuperscript{154}

Detractors existed, to be sure.\textsuperscript{155} Yet throughout his reign, Boss Crump’s supporters (whether support came from fear or love) were loyal, and quick to defend. “Nobody asked you to come down here,” replied precinct worker James O. Graham to an out-of-state visitor criticizing Crump. “If you don’t like the way Mr. Crump is running things, why in the h--- don’t you go back to Kentucky.”\textsuperscript{156} This was an apt summation of the pro-Crump position. People in the mayor’s corner thought the ouster was sour grapes from critics, and more outside interference in local matters.

In Crump’s mind (and he would continue to argue this until his dying day), the ouster was not really about prohibition, but rather a decade-long utilities contract with the city that was set to expire on January 1, 1916—a contract that Crump announced he

\textsuperscript{152} Crump received similar support during the first, brief ouster petition. The Associated Retailers in Memphis, an organization of local businessmen, formally declared their support for the mayor. “To oust Crump would demoralize the business of the city,” they declared, before lambasting the charges as “inopportune, ill-advised, without foundation, and calculated to injure the city of Memphis.” \textit{News Scimitar}, September 8, 9, 1915.

\textsuperscript{153} Dr. M. Goltman to E.H. Crump, October 16, 1915, Box 14, Crump Collection, MPL.

\textsuperscript{154} E.H. Crump to Dr. M. Goltman, October 18, 1915, Box 14, Crump Collection, MPL.

\textsuperscript{155} The \textit{Commercial Appeal} was somewhat ambivalent about the unfolding events. Editor Mooney disagreed with the ouster law, but conceded that he understood why it was necessary. “We want definitely and finally to go upon record that any sort of toleration of illegal sale of liquor should not be permitted,” he declared. \textit{Commercial Appeal}, October 16, 1915.

\textsuperscript{156} James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 13, MSU.
would not renew in favor of publicly-owned power.\textsuperscript{157} The ouster was then, by this estimate, a weapon meant to stop Crump from killing a private cash cow.\textsuperscript{158} As far as prohibition, Crump continued, he was simply listening the people of Memphis, who did not favor enforcement.

Crump's tune changed when Attorney-General Z.N. Estes joined the prosecution. He accused Crump of running a slush fund and running a protection system for liquor, gambling, and running a fine system that was tantamount to graft, where the cost ranged from $50 to run black craps games to $10,000 for alcohol manufacturers. "I have traced the boodle right up to his desk," Estes declared. "If his hands were not scorched, it was because he was asbestos gloves."\textsuperscript{159} Two weeks later Crump offered an olive branch, saying he would enforce prohibition if the ouster dropped, but that was too little, too late. The wheels were in motion, and the proceedings would not stop.

Things went from bad to worse when Sergeant Larry Long lost his job at the Memphis Police Department for not being "solid," or loyal to Crump. Proving it is always foolish to cross people who "know too much," Sergeant Long sang like a canary about

\textsuperscript{157} This was really an ongoing battle between Crump—who wanted public ownership—and the city’s existing gas, electricity, and telephone providers. Crump argued they were robbing Memphis blind (although Ralph Martin points out this was a convenient axe for Crump to grind any time other more serious criticisms arose), and the two entities sparred repeatedly. It is difficult to know the exact truth. As Crump explained years later: "When the ouster suit came up…Mr. Jim Brinkley came to my home, said he had authority to say…if I would drop the light question everything would be ‘hunky dory,’ the ouster suit would be withdrawn, no bother no expense, no trouble, everything would be lovely and the goose would hang high. I thanked him and told him, ‘Never, I would go to my grave before I would desert the people who elected me on a platform to give them cheaper lights.’" Further, Crump claimed to have met William Pinkerton of the Pinkerton Detective Agency years later, who told him his firm had been hired to follow Crump for several months. Historian William D. Miller did not take a hard stance in his largely sympathetic 1964 biography of Crump, but he did cast doubt on the probability of utility interests’ involvement, while acknowledging that Crump never wavered in his belief they were behind the whole affair. Paul Coppock, \textit{Memphis Memoirs} (Memphis, TN: Memphis State University Press, 1980), 241 – 245; William D. Miller, \textit{Mister Crump of Memphis}, 111 – 116.

\textsuperscript{158} Coppock, \textit{Memphis Memoirs}, 241.

\textsuperscript{159} Ralph Martin, \textit{The Bosses}, 130.
election fraud, saloonists, and his role in schemes Crump’s legal team was trying to deny. It was his job, Sergeant Long explained, to drive his buggy around Memphis, visiting dive bars to collect voting certificates. He loaded them in large sacks, took everything back to the courthouse, and then affixed the registration slips to poll tax receipts. When election season rolled around, he parceled the packets out to bartenders, who in turn distributed them to black voters. By his own estimate, he handled at least 30,000 of these shady poll tax receipts and voter registration slips over the past six years.  

This was just the tip of the iceberg. Crump’s relationship with the Memphis underworld was cronyism at its finest: vice bankrolled the machine in exchange for preferential treatment. Using what Paul Coppock dubbed a “quiet cafeteria system of paying fines,” the criminal element, from gamblers to saloonists to madams, had a weekly appointment in city court. Each Monday they went in, paid a fine of $50, and went back to their business. This was a cash cow for the city treasury, and essentially

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161 The criminal element was certainly not the only group to receive preferential treatment. Crump extended that courtesy to a variety of different parties, even down to small and seemingly absurd examples. Hot-tamale stand owner M.J. Kline, for example, declared he had been run out of business on Crump’s order so another hot-tamale man named Quiggins, from Crump’s hometown of Holly Springs, Mississippi, could succeed. Daniels, “He Suits Memphis,” 46.

162 In 1918, former Police Chief Oliver H. Perry testified in a gambling case and received questions from attorney Ralph Davis about fees. “I never collected one,” Perry explained of the weekly $50 fee system, “the saloonkeepers were forced to bring the money to headquarters.” Attorney Ralph Davis continued. “Wasn’t that procedure the orders of your master and leader, Edward H. Crump?” he asked. “Yes, sir,” Perry replied. “But I acted under orders.” “Cry ‘Politics’ in Big Gambling Case,” *Commercial Appeal*, February 15, 1918.
a de facto licensing system for illicit activity.\textsuperscript{163} Purveyors of vice offered their weekly tribute and their businesses continued, unmolested by city authorities, like clockwork.\textsuperscript{164}

This was certainly not a new practice. In 1904, the \textit{Commercial Appeal} decried the same sort of system where gamblers were periodically indicted, paid fines, and officials collected fees as a "rake off."\textsuperscript{165} Still, under Crump’s command, this type of malfeasance business as usual. One Memphis liquor dealer, for example, was “arrested” (read: tithed his necessary payments) a staggering forty times; for another man, it was thirty-nine.\textsuperscript{166} Needless to say, plausible deniability was not a realistic defense strategy given such damning evidence. Yet, nothing better illustrated the strength of Crump’s base than how his ouster played out.

The hope of faring better at the Tennessee Supreme Court did not work. The justices upheld the lower court ruling, affirming the ousting of both Mayor Crump and Police Commissioner R.A. Utley. Justices agreed that sufficient evidence existed to show the mayor failed to enforce and even encouraged gambling, prostitution, and alcohol violations.\textsuperscript{167} This did not mean the drama was over; in fact, it was just beginning. As the state was trying to kick him out, Crump was also up for reelection. Either people did not believe the accusations, or they simple did not care, because they went to the polls and voted their mayor back for a third consecutive term by a resounding 4,572 votes to 522. Memphis celebrated and Crump—who made

\begin{footnotesize}
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\item[163] Paul Coppock, \textit{Memphis Memoirs}, 242.
\item[164] Bond, \textit{Memphis in Black and White}, 89.
\item[166] Keebler, “Prohibition in Tennessee,” 682.
\end{itemize}
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exceedingly few public speeches, preferring others and usually Charles Bryan, to speak on his behalf—announced to the crowd, “I feel grateful to all my friends for their extreme loyalty.”

This presented a rather interesting legal quandary for the city and state. The Tennessee Supreme Court affirmed Crump’s ousting on February 12, 1916, but it could not apply to Crump’s newly won third term. It had retroactive but not proactive power, and Crump had not been sworn-in yet. This meant it would take another ouster suit to boost Crump, and opponents promised that would happen if he tried to take office. In the end, Crump circumvented a second ouster and simultaneously fortified his power by executing a razzle-dazzle move of the highest order.

On the morning of February 22, 1916, a handful of Memphis’ post powerful men gathered at the courthouse. When that meeting began, W.T. McLain was the mayor of Memphis. At 9:30 am, Crump was sworn in for his third term as mayor and R.A. Utley (who had been ousted as police commissioner) sworn in as vice mayor. Crump stayed in office for two minutes—long enough to collect $879.31 in back salary from the official start of his third term on January 1—and then promptly resigned. At 9:32, R.A. Utley succeeded him as mayor. The board of commissioners then, on Crump’s order, selected Commissioner Thomas C. Ashcroft to fill Crump’s unexpired third term as mayor.

168 Charles Bryan was a city and county attorney who often served as a “substitute speaker” for Crump. Miller, *Mister Crump of Memphis*, 72; McIlwaine, *Memphis Down in Dixie*, 361.


Architects of the ouster meant to shatter his power over Memphis, but they were playing checkers and Crump was playing chess. By executing this revolving door—indeed, four mayors in less than ninety minutes—Crump sidestepped the ouster and retained control of the city by choosing his own successor. And that successor was a puppet who knew the score. “I shall always consider that you are the real mayor of Memphis,” Ashcroft wrote in private correspondence, although the picture of Crump hanging in his office made that abundantly clear to everyone else.¹⁷¹ This is not to say the ouster had no negative impact. As Frank Rice’s daughter Frances recalled, “Financially it was very disastrous to my father and to Mr. Crump, too. There they were in office and doing well, they thought, and then this suit came up.”¹⁷²

Yet, through a brilliant (albeit unscrupulous) series of moves, Crump ensured both he and the machine would weather the storm. His opponents had played their best cards and lost. He was out of the mayor’s office, but Crump’s power was even more absolute—and there was a positive relationship between Crump’s power and illicit activity. Once he held the reins again, the bootlegging game only expanded and solidified. If there ever was a time where turning Memphis “dry” through legislation seemed possible, it certainly was not after Crump and his cronies survived their ousters. They only refined their craft over the coming years, putting Memphis liquor men in a uniquely strong position to not only survive, but also thrive under the coming storm of federal prohibition.

¹⁷¹ Linton Weeks, *Memphis, A Folk History*, 120.
¹⁷² Miss Frances J. Rice, interview by Charles W. Crawford, September 21, 1989, pg. 13, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee.
Under state-level prohibition, apathy and potential profit encouraged many otherwise law-abiding businessmen to dabble in illicit alcohol. They were simply unwilling to shutter existing operations, or pass up tremendous profits in starting one, for legislation that Memphians did not want and city leaders would not enforce. After the statewide law of 1909, this meant utilizing loopholes like transforming saloons into locker clubs, greasing palms, and tithing to the political machine. After the Nuisance Act of 1914 tightened the noose on sales inside Tennessee, liquor interests used federal interstate commerce laws as a safety blanket. Companies switched (or at least appeared to switch) to exclusive interstate trade, thus making it possible circumvent state-level prohibition and safely continue trade with out-of-state customers. The resourcefulness of the Memphis liquor fraternity was undeniable. Yet with every subsequent piece of legislation at the state and then federal level—plus ouster lawsuits targeting high-ranking city officials who aided and abetted violators—the booze game increasingly became the purview of “real,” that is, intentional criminals.

Of course, every person who knowingly violated a liquor law in Memphis and Shelby County was by definition a criminal. Until the mid-1910s, however, that “crime” usually drew outrage that focused less on the alcohol itself and more on the absurdity of prohibition. Hardline teetotalers existed in the Bluff City, but more people saw the explosion of blind tigers and violations as a byproduct of unwanted state interference in local affairs. Still, temperance advocates continued their campaign for a legitimately “dry” Tennessee, and over time, their success made liquor an increasingly dicey trade requiring committed and premeditated criminal activity. It was one thing to sell alcohol in a family-run business, replenishing inventory with a trusted local wholesaler. Risking
prison time moving booze with armed guards—watching just as closely for hijackers as law enforcement—was quite another. If there was a precise tipping point in this transition, from legal businessmen to bootleggers, it is difficult to isolate. For many other cities and states, it was the Volstead Act, ushering in federal prohibition. Still evidence suggests that passing of the baton was already well underway, if not already accomplished in Memphis by the time the Eighteenth Amendment took effect in 1919.

Understanding the evolution of state-level and then federal prohibition, and Memphis’ contentious relationship with both, lays the foundation for the second half of this dissertation. Here the lens of analysis shifts to the ground level to reconstruct the worlds of three groups: bootleggers, drinkers, and lawmen. Some historiography implies that the real story of prohibition happened in legislative chambers, but these chapters demonstrate otherwise. History remembers few of the names, yet the real failure of prohibition lies with the average, forgotten people who violated it thousands of times each day across the country. Had Americans simply accepted and obeyed the Eighteenth Amendment, the subsequent chapters would not exist. Yet they did not. By examining the modus operandi of those supplying, consuming, and fighting (or pretending to fight) against its violation, new insight emerges into prohibition-era Memphis, and the people creating waves that policymakers had to navigate.¹ These are their stories.

¹ These chapters specifically address Memphis, but there is a larger argument to make here about the field’s approach to discussing grassroots activity and non-political actors. Al Capone and Elliot Ness might be necessary in this narrative, but they are not sufficient or as representative as some texts would have us believe. Diving into the daily realities and modus operandi of these three groups adds substantial value to this dissertation, but perhaps also offers an approach with the power to shed new light on well-trodden cities and regions.
CHAPTER 7
“THE GREATEST NUISANCE THAT EVER ENCUMBERED THE EARTH”:
BOOTLEGGERS, TRADE CRAFT, AND ILLICIT LIQUOR

“The bootlegger is not only a lawless wretch, but that he is the greatest nuisance
that ever encumbered the earth is shown by his daily transactions.”

— Memphis Commercial Appeal, November 4, 1921

“They make more moonshine liquor on President’s Island and in remote sections of
Shelby County in a day than the wildcatters of Hardin, Davidson and Morgan counties
do in a week.”

— Revenue agent on Memphis conditions, 1923

In many ways, illicit liquor operations were not unlike legal enterprise. They
created supply chains to move products from producer to consumer. They prioritized
minimizing risk, maximizing revenue, and ensuring uninterrupted, stable business.
Logistics were just as important for booze barons as they were for furniture companies
manufacturing tables and chairs from the vast expanse of virgin hardwood forests that
surrounded Memphis. Indeed, successful bootleggers were criminals, but they were
also savvy businessmen, made more so by their ties (read: bribes, tithings, and
payouts) to local authorities and willingness to use whatever means necessary to
ensure profit. Prohibition fundamentally reshaped organized crime in the United States,
and that applied to Memphis, too. These bootleggers simply cut their teeth sooner under
state liquor laws, and honed their craft under federal prohibition.

1 Commercial Appeal, May 25, 1969; Susan Snell, Phil Stone of Oxford: A Vicarious Life (Athens, GA:
University of Georgia Press, 1991), 126.

2 By 1915, Memphis boasted the “largest inland cotton market” and “largest hardwood lumber” market. As
a promotional insert in the Commercial Appeal declared, “Surrounding us are the largest hardwood
forests in the world. Is it a wonder that Memphis presents to the prospective business man and
manufacturer splendid reasons why he should locate here?” “Why Memphis is Metropolis of Great Middle
South,” Commercial Appeal, April 11, 1915; “As Memphis Sees the Future,” The Nation 108, no. 2801
(March 8, 1919), 348.

Everyone involved in illicit liquor had the same end goal: converting booze into money. Yet outside factors shaped how that happened. An old aphorism links success with having “the right tool for the right job,” and several factors provided Memphis bootleggers the tools they needed to create and sustain a large, sophisticated liquor network. The first was history and experience. When federal prohibition took effect, Memphis hit the ground running in a way that outpaced other locales because legislation—the Statewide Law of 1909, the Force Bills and Nuisance Act of 1914, and

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4 The etymology of “bootlegger” traces back to the late-nineteenth century, describing the practice of tucking flasks into a boot to avoid detection. The term became synonymous with smuggling illicit liquor during prohibition, and today describes a host of illegal activities ranging from stealing music and media online, to imitation clothing and electronics. Although often used interchangeably, there was a distinction between moonshiners and bootleggers—the former making and selling the whiskey, and the latter purchasing in bulk, transporting, and then reselling for a profit. James Champlin Fernald, *The Economics of Prohibition* (New York, NY: Funk & Wagnalls, 1890), 194.
the Bone Dry Laws of 1917—provided three dress rehearsals.\(^5\) Each time, Memphis found ways to sidestep, circumvent, or openly defy those efforts with increasing efficiency. Organized crime already existed in American cities, of course, and criminals of all calibers flocked to the opportunity prohibition provided. Courtesy of lawmakers in Nashville and the Crump machine, however, Memphis bootleggers had resumes their peers simply did not.

\[\text{Figure 7-2. “Huh! Who’s Afraid!?!” Commercial Appeal, August 31, 1919.}\]

\(^5\) The Statewide Law of 1909 started this ongoing saga by extending the pre-existing Four Mile Law, banning the manufacture and sale of alcohol, throughout the entirety of Tennessee. Liquor interests circumvented this law with loopholes like converting saloons into locker clubs, or simply greasing the right palms and tithing to the political machine to stay in operation. After the Nuisance Act of 1914 tightened the noose on sales inside Tennessee to close those loopholes, liquor interests used federal interstate commerce laws as a safety blanket. Companies switched (or at least appeared to switch) to exclusive interstate trade, thus making it possible to safely continue trade with out-of-state customers and businesses.
Geography proved equally, if not more important than prior work experience. Indeed, if beauty queens hit the genetic lottery, Memphis criminals hit the geographic equivalent. Like all businessmen bootleggers worked with what they had—in areas with large amounts of snow, for example, modes of alcohol transport included sleds, skis, iceboats, and even ice skates—but in Memphis, the surrounding environment was a diverse mix of forests, marshland, swamps, river bottoms, river islands, and constantly changing water levels. This created a boon for illicit activity and a headache for law enforcement, who sometimes had to hike several miles, one way, through exhaustingly thick vegetation just to follow up on a tip about moonshining. Bootleggers capitalized on that terrain, and even relics of the past like crumbling plantations for moonshining operations and subterfuge.

Closely related to geography, and equally important, was infrastructure. The city’s central, strategic position on natural shipping routes—most importantly, the Mississippi River—provided economic and commercial advantage, which produced significant travel and trade. This in turn spawned manmade infrastructure—roads, and

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7 Sheriff Will S. Knight and his deputies raided a “giant moonshine plant” on the old Ensley Plantation in October 1924, consisting of a 1,500-gallon steam-powered still, more than a dozen 200-gallon fermenting vats, and a steam-powered pump that provided water—a liquor plant capable of producing 1,500 gallons of liquor per day. At its height, the Ensley Plantation (ten miles upstream from Memphis) was a 40,000-acre antebellum cotton plantation. It “Sheriff Raids Giant Moonshine Plant,” Commercial Appeal, October 4, 1924; “Old Ensley (Enoch) Place on the Mississippi Reclaimed by Weeds and Water Was Famous Plantation During River’s Heyday,” Evening Appeal, April 15, 1933.

8 For other Southern cities like Birmingham, geography became an obstacle in growth. In Memphis, it was an asset. Beverly G. Bond and Janann Sherman, Memphis in Black and White (Charleston, S.C.: Arcadia, 2003), 61, 74.
particularly rail lines—that grew rapidly in the late-nineteenth century thanks to Memphis boosters trying to attract new business and capital.\footnote{As The Nation explained in 1919, “Memphis has a distinct advantage in its geographical situation.” Boosters used cheap freight pricing and simplified transportation to attract a variety of businesses. William MacDonald argued that this diversity itself became an asset, ensuring the city’s “fortunes are not bound up with the development of any single industry.” “As Memphis Sees the Future,” The Nation 108, no. 2801 (March 8, 1919), 348.} Vestiges of the city’s reputation as a hard-drinking, violent river town persisted; yet by the twentieth century, Memphis was the cultural and business center in the region, described as the “most important place between New Orleans and St. Louis.”\footnote{As Charles S. Aiken explains, “even persons who had never been to Memphis knew the city was there from the glow of its lights on the northern horizon.” Charles S. Aiken, William Faulkner and the Southern Landscape (Athens, GA: University of Georgia Press, 2009), 48.} The city transformed itself from a hinterland outpost into a hub for manufacturing, distribution, and the transportation of goods and people.\footnote{Of course, this growth cannot be divorced from cotton and its accompanying trades. The city’s position at the head of the Mississippi River Delta, with three-fourths of America’s cotton grown within two hundred miles, made it one of the biggest cotton centers in the world. Cotton shipments doubled between the 1870s and 1890s, and kept growing. Over a million cotton bales went through Memphis in 1913, and by in 1926, that figure jumped to two million. As A. Shields McIlwaine stated, “cotton made Memphis a city.” Still, pro-business forces pushed a “Great Memphis” movement that increased the city’s size (in population and geography) by annexing new territory, and a sanitation revolution that included street paving, improved water supplies, adequate sewage and waste disposal, and strictly enforced health ordinances (including mandatory quarantines) on the logic that there was a direct correlation between public health and economic prosperity. A downtown building boom saw the introduction of the city’s first skyscraper in 1895, offset by the creation of a comprehensive parks system that included recommendations from renowned urban planner and New York City Central Park designer William Olmstead. Boosters published reports on the city’s growing economy, and posited Memphis as an up-and-coming city worthy of investment. Before the Civil War, there were virtually no large-scale manufacturers in the city. In the 1880s, the city had a couple hundred manufacturing facilities, yet people still protested bell-wearing cows roaming the streets and the city was still in the throes of recovery from the yellow fever epidemics of the 1870s that rocked the city socially, demographically, and economically. By the first decade of the twentieth century, that transformation was largely complete, as Memphis boasted the trappings of a modern city with a fully formed business community including at least 700 manufacturing interests—complete with complaints of noise and smoke from railroad yards and wharfs “so thick that South Memphis looks like London in a fog.” “Why Memphis is Metropolis of Great Middle South,” Commercial Appeal, April 11, 1915; William D. Miller, “J.J. Williams and the Greater Memphis Movement,” West Tennessee Historical Society Papers 5 (1951): 14 – 31, 17 – 25; J.P. Young, Standard History of Memphis (Knoxville, TN: H.W. Crew and Co., 1912), 198; Judith Johnson and Cathy Marcinko, Rich Man, Preacher Man, Soul Man: A History of South Memphis (Memphis Landmarks Commission, Office of Comprehensive Planning, Memphis and Shelby County Division of Planning and Development: Memphis, Tennessee, 2005), 35; Lois D. Bejach, “The Seven Cities Absorbed by Memphis,” West Tennessee Historical Society Papers 8 (1954): 95 – 104, 95; Commercial Appeal, April 16, 1901; Bond, Memphis in Black and White, 30, 70, 74; Shields McIlwaine, Memphis Down in Dixie (New York, NY: E.P.}
lines and river commerce; they had access to the most comprehensive rail system in the region, and one of the busiest waterways in America.\textsuperscript{12}

In fact, this convergence of water, road, and rail made Memphis an important city for the liquor business when federal prohibition was just a teetotaler pipedream. As early as the 1880s, national businesses began capitalizing on the city’s geography and growing infrastructure by establishing branches for storage and distribution, including alcohol and cigar dealers. This allowed companies to solicit orders from remote locations in the Deep South, and fill them faster using inventory stored in Memphis than possible from northern or eastern headquarters.\textsuperscript{13} It systemized trade, and as a result, large alcohol wholesalers from Dayton, Cincinnati, and St. Louis all established a presence in the Bluff City in the late nineteenth century.\textsuperscript{14}

\textsuperscript{12} By the early twentieth century, the city boasted fifteen railroads with steamer connections to all Gulf and Mississippi River ports to utilize the city’s position on deep river channels that made year round trips possible. The city added seven new lines into the city in the 1880s and 1890s, and built the first railroad bridge across the Mississippi River south of St. Louis (the Frisco Bridge, opened in 1892) and the first automobile crossing bridge across the Mississippi River (the Harahan Bridge, opened in 1917), to facilitate smoother transportation with the rest of the country. These transportation networks gave Memphis a competitive edge over many rival cities J. Horace McFarland, "Eyesores That Spoil Memphis," Ladies Home Journal, XXIII, 7 (June 1906): 23 – 29, 29; Robert Lanier, "Memphis Greets War With Spain," West Tennessee Historical Society Papers 18 (1964): 39 – 59, 39; "Nuisances in the City," Commercial Appeal, June 22, 1902.


\textsuperscript{14} Capers, The Biography of a River Town, 207; Daily Appeal, November 14, 1879; Yao Foli Modey, "The Struggle over Prohibition in Memphis, 1880-1930" (Ph.D. dissertation, Memphis State University, 1983), 8.
These factors benefited bootleggers and legal-turned-illegal businessmen because they did not need to recreate the wheel. They simply tapped into existing, ready-made networks, making trade more efficient and facilitating large-scale production and sales. This mattered, because for even the most enterprising moonshiner, proximity to infrastructure set real limitations on production. Federal agents noted in 1924, for example, that stills were smaller and fewer in number in Carroll County, Tennessee, a hilly area 125 miles northeast of Memphis—realities attributed to the lack of rail access. Moonshiners here often lived fifteen to twenty miles from railroad lines, making it difficult to procure mash ingredients, prefabricated distilleries, replacement parts, and other materials typically found in professional operations. Stills often had to be homemade, and mash created by soaking plain corn until it sprouted, drying it out, and then finally mixing it with small quantities of bran and sugar. Although, despite being more time intensive and producing smaller yields, the result of this particular brand of “sour mash” and proximity to pure water sources—a secret weapon of these hill moonshiners—was highly desired, small batch, quality moonshine whiskey.

This process was rather different from successful outfits in and near Memphis. If Carroll County moonshiners were artisans, Memphis and Shelby County moonshiners were mass producers. The name of their game was quantity before quality, speed before craftsmanship. By east Tennessee standards, for example, a sixty-gallon distillery was large, but in west Tennessee, that was small potatoes. Law enforcement routinely seized 250 to 750-gallon stills; numerous busts hit the 1,000-gallon mark, and even some over a staggering 2,000-gallon capacity.15 Indeed, newspapers repeatedly

declared a recent bust the “biggest ever,” only to see a subsequent raid break that record. The largest referenced in primary sources used for this project—meaning the largest busted, perhaps not the largest ever—was part of a two-still operation seized and destroyed by federal agents in August 1924: one sizeable 750-gallon distillery and its whopping 2,600-gallon counterpart, supplemented by twenty-two 2,000-gallon fermenting vats, and more than 16,000 gallons of mash. Record-breaking finds in other distillation categories proved equally impressive; like when Sheriff W.S. Knight seized a staggering 75,000 gallons of mash and 2,600 pounds of sugar in a single raid on Island 40 in 1925. Booze barons only continued to up the ante over the course of prohibition.

Besides larger stills to produce more liquor at a time, Memphis producers used tactics to speed up the process. The best whiskey is aged slowly in the barrel, but time was money (and increased risk) during prohibition. As a result, certain timesaving measures became standard operating procedure, like adding large amounts of sugar or

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16 Deputies seized a 1,000 gallon still in the Wolf River bottoms in 1924, declaring it “one of the most complete yet found in the county, yet two months later noted the seizure of a 1,500-gallon still operating on an old plantation as “the most complete moonshine plant yet found in Shelby County.” “Seize Big Still After ‘Shiners Attack Boys,” Commercial Appeal, August 4, 1924; “Sheriff Raids Giant Moonshine Plant,” Commercial Appeal, October 4, 1924; “1,000 Gallon Still Captured by Knight,” Commercial Appeal, April 16, 1924; “U.S. Rum Fleet Here to Attack River Outlaws,” Evening Appeal, December 27, 1926; “Fashionable Home Scene of Still Raid,” Commercial Appeal, March 30, 1933.

17 The Commercial Appeal unsurprisingly benchmarked this bust as “two of the largest stills yet found in the vicinity of Memphis.” “Federal Prohi Agents Seize Two Big Stills,” Commercial Appeal, August 26, 1924.

18 Authorities reported other large-quantity seizures, like a bust on Macon Road in 1924 that produced 2,000 pounds of sugar and twenty-five 1,000-gallon fermenting vats. “Knight Raids Giant Still on Macon Road,” Commercial Appeal, January 23, 1924; “Posse Raids 4 Stills; Five Held as ‘Shiners,” Commercial Appeal, October 8, 1925.

19 United States v. George Hulsey alias Will Johnson, Fannie Norman Hulsey, Annie Neal, #1726 (1923).
molasses and heat to hasten fermentation, quickly soaking the mash, and then sending it through the distillery in a single “run.” Reflecting on his time as a Memphis bootlegger, musician McKinley Morganfield, better known by his stage name Muddy Waters, offered a succinct explanation of this distillation philosophy: “No aging, no nothing, sell,” he explained to interviewers in 1973. Of course, while this produced a lot of liquor in short order, it came at the expense of the quality—as anyone who has sampled well whiskey versus carefully distilled, and aged-in-barrel whiskey can attest.

\[20\] In historiography and popular culture, “moonshine” is typically the catchall term for high alcohol-by-volume beverages made illegally. As this chapter will demonstrate, this process varied wildly during prohibition in Memphis, yet making booze comes down to fermentation and distillation. The first step is creating “mash.” This occurs when ground grain is soaked in hot water, then combined with yeast, sugar, malt, or some combination, therein, and left to ferment—the length of time dependent upon temperature and skill; heat hastens the process, but too much can kill the yeast. Next comes distillation, accomplished by placing that mash into the distillery and heating it to the point of vaporization. Pressure builds, forcing the alcohol steam out of the still, where it travels by tube into the thumper (this filters out solid material and water, strengthening the potency of the finished product considerably), and then continues along a coiled pipe or “worm,” which is submerged in cold water. By virtue of this temperature change, the alcohol steam converts back into a liquid and drips out the end of the worm into a waiting container. The result is clear, high-proof moonshine ready for bottling and sale. To be completely clear, every step of this process was subject to at best failure and at worst purposeful adulteration to save money and time. Not all mash, for example, proved equal in Memphis. “White mule” was a particularly gnarly concoction of sugar, cornmeal, and unfiltered swamp water. “In most places where bootleggers manufacture this whisky, they are making it from molasses and sugar. It never sees a grain of corn. It is all poison and produces complications in the human system that finally end in death. How much stuff can be used surprises me,” U.S. Chief Prohibition Agent E.C. Yellowely declared in 1924. "Making a run" could mean one of two things in the world of bootlegging: the act of distilling mash into alcohol, or the act of transporting alcohol from the producer to the buyer. It was more profitable to produce and sell liquor in large quantities to bootleggers, who would then piecemeal it out to buyers, offering quantities ranging from the very common half pint up through gallon jugs. “U.S. Plans to Crush Local Bootlegging,” Commercial Appeal, August 22, 1924; “Raiders Call This Evidence ‘100 Proof,’” Commercial Appeal, April 11, 1951; “Prohi Agents Raid Stills in Carroll,” Commercial Appeal, March 30, 1924.

\[21\] The line between past and present blurred during this interview when McKinley “Muddy Waters” Morganfield admitted to his interviewer, Margaret McKee, that he purchased whiskey from her father, John McKee, during prohibition. “You had a lot of people on your daddy’s place making good whiskey, John McKee. I used to buy whiskey off of John McKee,” Morganfield said. “Your father knows about makin’ whiskey.” McKinley Morganfield, interview by Margaret McKee, September 13, 1973, pg. 19, 22, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

22 To be sure, the correlation between liquor price and actual quality is anything but absolute—particularly where vodka is concerned. Still, a contemporary example would be the difference between the $12-a-bottle-nightmare that is Old Crow Whiskey (a less aged product of the Jim Beam Distillery), and Pappy Van Winkle’s Family Reserve, aged for twenty years, and consistently rated one of, if not the best bourbon in the world.
These factors explain in part the commonly held belief that better booze came from the eastern part of the state than the west. Where Memphis bootlegging was the elite of its class was size and sophistication. History, geography, and infrastructure provided the tools necessary for it to succeed—and in this context, success meant profit.

Figure 7-3. 2,000 Gallon Still. This 2,000-gallon still, captured in Maryland in 1925, illustrates the tremendous size of such illicit distilleries across the country.

The products that local bootleggers sold changed dramatically over time. Under state-level prohibition, Memphis’ position on the Mississippi River, trade routes, and proximity to states where alcohol remained legal made importing and transporting booze a profitable endeavor. To be sure, moonshine stills operated in, and around Memphis consistently before 1919. Yet legitimately manufactured, desirable brands were available just across state lines. Purchasing large quantities of liquor in another state and successfully smuggling it into Memphis was not an easy task, but supply and demand economics offered a tempting reward for that risk. A quart of liquor purchased in St. Louis in the fall of 1918, for example, sold legally for $1.65 to $2.00. Once that

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In East Tennessee, geography was a similarly huge advantage in production, but for different reasons. The Appalachian Mountains provided a rugged terrain that was difficult to access (at least for those unfamiliar with the area), natural camouflage for stills, and abundant water from the many streams and springs.
same quart arrived in Memphis, it sold on the illicit market for $6.00 to $8.00—quite an upgrade from the city’s early days, when a pint cost twenty-five cents.  

After federal prohibition took effect—and after the exhaustion of alcohol stockpiled in advance—it was time to seek alternative sources. In Memphis, that meant kicking illicit manufacturing, or moonshining, into overdrive. For these local bootleggers, corn liquor was their bread and butter product. Some took extra steps where flavor was concerned, and over the years, Memphis authorities seized booze infused with prunes, raisins, peaches, apples, and apricots, amongst others. Theoretically, flavoring made the beverage palatable, but even then, “white lightning” could be a stout, eye-watering experience. When asked to describe moonshine’s taste and smell, humorist Irvin Cobb—a Paducah, Kentucky native and well-known New York World columnist—declared that “it smells like gangrene starting in a mildewed silo, it tastes like wrath to come, and when you absorb a deep swig of it, you have all the sensations of having swallowed a lighted kerosene lamp. A sudden, violent jolt of it has been known to stop the victim’s watch, snap his suspenders, and crack his glass eye.”

During a vacation to Memphis in 1923, former Prohibition Division Chief of New York and New Jersey John B. Appleby declared moonshine volume and prominence unique to the South. “The corn liquor business is negligible, insofar as the populous

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centers are concerned. Its home is here in the south,” Appleby told reporters. “I doubt if
the people in New York, Boston, and Philadelphia would drink corn whisky,” he
continued. “It tastes too much of the swill barrel and it certainly isn’t any more
sanitary.”

If northern urban consumers had more discerning palates and believed
moonshine below their dignity, it was partly cultural and partly geographic. Northern
bootleggers capitalized on their proximity to illicitly imported booze from Canada,
Europe, and the Caribbean—although the quality of what people actually drank was a
function of financial and social status. Rich people had the money and connections to
secure unadulterated liquor, whereas poor people had to roll the dice with street
bootleggers and speakeasies offering watered-down, adulterated “rotgut,” or even
blatantly poisonous options.

As we will see, those same risks applied to Memphis, but
the city’s geographic position proved more advantageous for local production and
distribution than importation.

Booze manufacturing during prohibition fell into two camps: for profit, and for
personal use. The former was illegal (save for medicinal, industrial, and religious use),
and the latter was partially legal. The Volstead Act allowed Americans to possess and
consume alcohol at home—a caveat that sidestepped the logistical and legal nightmare
of trying to seize booze already in private hands, which lawmakers assumed would
eventually dry up—and allowed certain types of home production. Citizens could
manufacture their own hard cider and wine (up to 200 gallons a year), but not beer, as
Mrs. W.J. Johnson of Memphis discovered in December 1920 when authorities seized


“Rotgut” was cheap whiskey of poor quality, so named because it would “rot” your “gut.”
her homebrew, which she claimed existed only for family and friends during the holidays.²⁹

Figure 7-4. A) “Beer Tablets.” Commercial Appeal, June 22, 1913. B) “Vine-Glo.” Chicago Tribune, December 8, 1930. The sale of concentrated grape bricks exploded during prohibition, usually with instructions on how to turn it into wine, or in the case of Vine-Glo, instructions warning customers what not to do: “Warning: Do not place this brick in a one gallon crock, add sugar and water, cover, and let stand for seven days or else an illegal alcoholic beverage will result.”

Like Mrs. Johnson, however, plenty of Americans found the law unpersuasive. Homebrewing and winemaking exploded during federal prohibition, driving up prices on fruit commonly used to make alcoholic beverages like apples, grapes, and raisins, and encouraging a whole industry geared toward providing customers with the necessary

ingredients and equipment to “make your own.” Yet these were amateur night compared to commercial moonshining.

Popular culture often crafts an image of illicit liquor manufacturers as barefooted mountain folk—a reductive stereotype even when discussing Appalachian-based production—but in reality, for-profit moonshiners were as diverse as the bootleggers who sold their products and the customers that bought them. What united this fraternity was the opportunity to make money; what set them apart was size and quality—factors that stood in direct proportion to the ambition, resources, and intention of distillery owners. Indeed, Memphis hosted a whole spectrum of moonshiners, ranging from small participants using portable “turnip stills” for quick micro runs, to “big fish” who invested serious money into large stills for long-term production.

Some of those big booze plants proved rather unique. Federal agents found a massive operation, for example, hidden in a nine-room house in 1920. Each room played host a different step of the process; ingredients in one, vats in another, stills in another. Gasoline-powered engines were not out of the ordinary, but this still hooked to an automobile outside the house via a pulley system. Yet this paled in comparison to a

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31 As Federal Prohibition Director of Tennessee W.A. Smith declared in a conference with the head agents of Mississippi and Arkansas in 1924, "Home brewers do not enter into the problem. They probably compose less than one per cent of the people of Tennessee." “Booze Running Boat Coming to Memphis,” Commercial Appeal, February 7, 1924.

particularly sophisticated outfit owned by “King of the Bootleggers” E.A. Laughter, discovered in 1926.

Tipped off about a big still, lawmen descended on an eight-acre property fifteen miles south of Memphis, consisting of an old house, outbuildings, and newly-opened filling station—the latter offering fuel, soft drinks, sandwiches, and, no doubt, a cover for otherwise suspicious levels of traffic. Searching the seven-bedroom home quickly uncovered a gambling and liquor operation (sales happened through a hole in the wall), 100 gallons of booze, and a curious lever system, but not the distillery they expected to find. Agents went over the place with a fine-toothed comb, but besides noting a curious amount of loose dirt in the chicken yard, came up empty-handed. That is, until Agent Wright went back into the chicken yard garage to examine the interior. There he found a cabinet, and upon closer inspection, realized it had a false bottom; once removed, a trapdoor appeared.

Agents used that trapdoor and discovered why the chickens were pecking through loose dirt: a massive wooden structure seventy-five feet long, thirty-five feet wide and twelve-feet deep in size, completely buried underground. Inside they found 271 gallons of whiskey, and a top-of-the-line steel, steam-powered, 1,000 gallon-capacity still valued at over $6,000. The bells and whistles did not stop there. Designers installed a chute to easily slide provisions like sugar and meal—or even people—down to the still, and with the push of a button, light flooded the house and subterranean operation thanks to an electrical system the Commercial Appeal

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described as “second to none of its kind in the country.” Agents discovered the purpose of the curious levers inside the house, as well: an ingenious rope and pulley system controlling all underground and aboveground doors, making it possible to lock and unlock everything from a single location in case of emergency, raid, or burglary.

As thorough as these precautions were, E.A. Laughter and his partner never got the chance to even test, let alone profit from this blue-ribbon operation. Agents raided and they were in handcuffs before the inaugural run. “It was hard to believe at first that a still was anywhere around, with it buried beneath a chicken yard and underneath a chicken house and a garage,” remarked Memphis-based agent M.R. Wimmer. “And to think all of this just 15 miles south of Memphis.”34

Illicit alcohol production adhered to no geographic boundaries; it really happened everywhere, even inside the city. Indeed, authorities across the country routinely found distilleries operating in urban environments.35 Unlike rural or remote areas, however, a whiff of cooking mash under the wrong nose could result in arrest. Some perhaps thought that they, like Daniel would be safest in the lion’s den, but records reveal urban distilling choices that look, at least in retrospect, idiotic. No one had to call law enforcement to bust the still J.W. Madden ran out of his home in March 1924, for example. His next-door neighbor was none other than Shelby County Sheriff W.S. Knight, who arrested Madden personally.36 The installation of a 200-gallon still in the

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34 Authorities arrested Laughter in Oxford, Mississippi and, like everyone else associated with this display of criminal ingenuity, charged with the manufacture, possession, and sale of illicit liquor. The sales charge emerged from a transaction Laughter unwittingly made with a lawman. “Buried Distillery is Found at Lake View,” Commercial Appeal, February 28, 1926.


fashionable Riverside Park (ran by a kerosene stove placed within a hand-dug cave) seems equally questionable.\textsuperscript{37} Other metro schemes were clever, though, as a still found within a crowded New York City tenement proved in 1915, previously unnoticed thanks to operators redirecting smoke through city sewer pipes.\textsuperscript{38}

Urban stills were not always the purview of tenements or working-class neighborhoods. On multiple occasions, authorities found stills running in white, upper-middle-class areas. Police declared they had located a chief source of top-shelf whiskey in Memphis when they conducted a raid on a “beautiful two-story brick residence” on North Parkway in 1927. To the passerby the house looked unremarkable. The downstairs had all the furnishings, “presenting the appearance of a respectable home.” Upstairs, however, cops found what they described as one of the “most complete” liquor plants ever discovered in Memphis, 306 gallons of whiskey, and two dozen fifty-gallon barrels of mash.\textsuperscript{39}

A raid on a “fashionable” Jefferson Avenue home smashed that record in 1933. Similarly assembled upstairs, this operation consisted of two 1,500-gallon copper stills, thirteen 500-gallon vats of mash, a 100-gallon steam boiler, steam pumps, 500 gallons of liquor, and illegal connections into the city water mains. Behind the house were two automobiles; one loaded with a dozen five-gallon cans of whiskey, and the other filled with sugar and empty kegs. Valued at $10,000, police declared it the “most perfect” liquor plant—which was news to the neighborhood and the crowd of one hundred that


assembled out of curiosity when police arrived.\textsuperscript{40} Adjoining homeowners Dr. John C. Clark and banker Harry Kingston proved equally stunned to find out a behemoth still operated so close to their homes.\textsuperscript{41}

Figure 7-5. “Fashionable Home Scene of Still Raid.” \textit{Memphis Evening Appeal}, March 30, 1933.

While local producers utilized urban, suburban, and rural areas—cops once found a six-barrel still and 2,000 gallons of mash simply hidden in a “clump of bushes” off Horn Lake Road—what proved most unique to Memphis was river moonshining.\textsuperscript{42} Illicit liquor capitalized on the city’s proximity to the Mississippi River and smaller waterways, and for more than just transportation. Stills popped up on river bottoms, banks, islands, swamps, and everything in between.\textsuperscript{43} There were certainly pros and cons to these waterfront settings, but the natural resources (like abundant, quality water

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\textsuperscript{41} “Raid Reveals Home as Big ‘Distillery,’” \textit{Commercial Appeal}, April 17, 1931.

\textsuperscript{42} “Find 2,000-Gallon Still,” \textit{Commercial Appeal}, October 23, 1927.

\textsuperscript{43} Examples of river bottoms that appear frequently in liquor raid and arrest information are the Nonconnah Bottoms and the Ensley Bottoms, thirteen miles South of Memphis. “Federal Agents Raid,” \textit{Commercial Appeal}, December 5, 1923.
supplies) paired with the lower risk of discovery made them advantageous.44 As a result, these areas often hosted larger, more elaborate operations.

Camouflage came naturally here, as the dense vegetation of canebrakes, thickets, trees, and swamps native to western Tennessee offered cover, and made maneuvering difficult for anyone unfamiliar with the territory. Although some bootleggers still went to additional lengths to cover their activity. In May 1923, Sheriff’s deputies A.E. Beaty and C.E. Willis found a still—within a built-to-purpose structure thirty by seventy-five feet—in the Nonconnah bottoms thanks to the only section not hidden by the thick underbrush. The rest, the officers declared, was “so completely camouflaged that you could almost walk on top of it without detecting it.”45 John Lorren and Dan Brigham set up in a dry riverbed, placing part of the still in a hand-dug cave lined with lumber. Cops later attributed their difficulty finding it to dense blackberry bushes and their rather ingenious ventilation system, piping the still’s smoke sixty feet away before releasing it into the air.46

In 1924, authorities considered introducing hydroplanes into their enforcement arsenal to keep up with these water-based operations. “It is hard to locate a still on the

44 Water is arguably the most important variable in distilling; you cannot produce liquor without it. If you were trying to set up an off-the-grid liquor plant, proximity to an abundant, quality water supply (bad water meant bad booze) was critical. Hauling water to a still would be an arduous and potentially risky endeavor. East Tennessee was, with its countless mountain streams and springs, particularly well positioned, but those in West Tennessee also benefited from the area’s lakes, rivers, and streams. Authorities knew the importance of good water, too, and often used it as a starting point, following streams when searching for stills during raids. Some moonshiners near Memphis created their own water supplies. In 1924, authorities found a liquor plant that supplied by two driven wells. Driven wells are those made by hammering a solid point into the ground. After hitting water, diggers clear the well and install a pump. Drilled wells are those that use a rotating bit turned by an outside power source; these are usually much deeper than driven wells, used when increased depth is required to access water in more arid locales. “Moonshiners at Work in Bone Dry States,” Commercial Appeal, December 24, 1917.


46 “Find Illicit Still’ Two Men Arrested,” Commercial Appeal, October 10, 1918.
river banks now,” explained federal agent M.R. Wimmer. “They have been stationed in deep willows, along the marshes and in ravines until no one can discover them by hunting them with a boat. They are harder to find traveling on shower. A hydroplane is the only machine that will work successfully…We are going to continue our work along the Mississippi River until its shores in Tennessee are clean of liquor making,” Wimmer vowed.47

While nature could be a boon, it could also spell disaster. The specter of flooding is never far from the minds of people inhabiting low-lying areas, and that was certainly the case for anyone along the Mississippi River prior to artificial controls introduced by the U.S. Army of Corps of Engineers in the mid-twentieth-century. If the river was up, anyone with a stake in a river-based liquor plant was sweating bullets. Most tried to prepare for it in advance—like the owners of a four-room house built on stilts to produce alcohol in Tipton County in 1921—but at a certain point, evacuation of people and equipment was the only option.48 Like in 1923, when it became vogue to set up stills in riverbank ravines, until the water rose that February and sent everyone scurrying out.49

Whether due to their size or speed of flooding, it sometimes proved impossible to save liquor plants. Prohibition agents waded through waist-deep water to execute raids in February 1921, only to find stills and mash completely submerged, one site with not-yet-assembled distillery parts, and another that was still warm, suggesting its operators

47 “May Use Hydroplane to Spot Bootleggers,” Commercial Appeal, August 17, 1924.

48 High, yet not excessively high water could prove quite helpful. “They can put their still on stilts in a patch of trees, drop a hose into plenty of water for mash and cooling the whisky vapors, and feel fairly safe from any approach by raiders,” the Commercial Appeal explained. “Prohibition Officer Makes Two Big Raids,” Commercial Appeal, January 8, 1921; “High Water and Coast Guard Make It Tough for River Moonshiners,” Commercial Appeal, July 2, 1935.

had only recently decided to cut their losses.\textsuperscript{50} Perhaps the smartest moonshiners were those who made the best of both worlds by working on houseboats and barges (rumor had it that one of these floating distilleries managed to survive flooding and escape capture throughout prohibition) but vessels were expensive, and flooding is an unavoidable part of life for people in the Delta.\textsuperscript{51}

Equally important to the area’s illicit liquor industry were river islands, which the mighty Mississippi’s currents build and destroy. Difficult to access and constantly changing, these islands were ready-made for criminal activity (they served as hideouts for river pirates in the nineteenth-century) making it unsurprising that they became havens for moonshiners.\textsuperscript{52} President’s Island played a particularly prominent role during

\begin{itemize}
\item Authorities narrowly missing their targets and finding just illicit distilleries still warm from recent use happened several times. Sheriff’s deputies were so close in October 1924 they actually found the fire still burning under a liquor plant, abandoned mid-run by moonshiners to escape arrest. “Prohi Men Take Inundated Still,” \textit{Commercial Appeal}, February 11, 1921; “Federal Men Wade to Capture Stills,” \textit{Commercial Appeal}, February 13, 1921; “Sheriff Gets Warm Still, Men Get Away,” \textit{Commercial Appeal}, October 2, 1924; “Rum Outfits Taken,” \textit{Commercial Appeal}, October 8, 1924.
\item The Delta, specifically the Yazoo-Mississippi Delta, is a stretch of land 200 miles long and up to 85 miles wide, with rich alluvial soil deposits produced by the commingling of water from the Mississippi and Yazoo Rivers and tributaries. Nature and seasonal flooding produced fertile soil, making this region ideal for large-scale farming. As Historian David L. Cohn declared, “the Mississippi Delta begins in the lobby of the Peabody Hotel and ends on Catfish Row in Vicksburg…If you stand near its fountain in the middle of the lobby, where ducks waddle and turtles drowse, ultimately you will see everybody who is anybody in the Delta.” Those who really lived on houseboats usually stayed docked to land, and grew gardens and raised animals. When the water came up, they put the small animals on top of the houseboats. “Mississippi River Routs Bootleggers,” \textit{Commercial Appeal}, February 7, 1923; “Bootlegging Thrived in ‘Dry’ Time,” \textit{Commercial Appeal}, January 3, 2002; John K. Bettersworth, \textit{Mississippi: A History} (Austin, TX: Steck Co, 1959), 11; David L. Cohn, \textit{Life & Times of King Cotton} (New York, NY: Oxford University, 1956), 232 – 233.
\item Not all island uses were nefarious, of course. The “Memphis keys,” for example, were popular for hunting and fishing. Still, some of the biggest busts of prohibition happened on or around river islands. Agents found and destroyed a massive 1,300-gallon still and another 2,000-gallon still on Island 35 within days of each other in early September 1927. Described as the “biggest outfit caught in many weeks” it was running “full steam” when officers arrived. The haul included fifty gallons of finished whiskey, 3,000 gallons of mash, 3125 containers, and 100 sacks of charcoal. While the volume of the haul fluctuated, these types of raids became standard during prohibition. \textit{Commercial Appeal}, September 14, 1927; “Arrest One in Raid,” \textit{Commercial Appeal}, April 20, 1923; Weeks, \textit{Memphis, a Folk History}, 98.
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prohibition. This isolated twelve-mile 7,500-acre tract, one of the largest in the Mississippi River, served a variety of purposes over the years, but booze makes an appearance in even early sources. According to reports, when the Mississippi River changed course and cut a new channel through the middle of the island, it washed out a graveyard and a saloon at the base of Wisconsin Avenue in Memphis leaving coffins and barrels of booze to float down the river together.

During prohibition, moonshiners made full use of President’s Island. As one revenue agent declared, “They make more moonshine liquor on President’s Island and

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53 Over the decades President’s Island served a variety of purposes, including a county penal farm, a summer camp for orphans and a place of refuge during yellow fever outbreaks. Less remembered, however, is the role the island played in Memphis African American history. Even before Emancipation people of color were living on the island; in 1863 freed slaves established the “President’s Island Contraband Camp,” after the Civil War it was used by the Freedmen’s Bureau, and also as a refuge for black Tennesseans displaced by flooding. By the early-twentieth century, the majority of inhabitants were people of color, although it was not exactly a racial utopia. Like the main land, whites owned the land and blacks sharecropped it. The remote, rural nature of the island—indeed, it was only accessible by boat and amenities like running water and electricity were hard to come by—did offer a degree of separation. The black community established its own church, store, graveyard, and by the early 1920s, a sharecropper’s school to educate youngsters—although it washed away in the 1937 flood. Boss Crump even courted the President’s Islanders in his 1912 reelection campaign, seeing to it that black voters ferried over to the city so they could cast their ballots. Tennessee Writers’ Project, The WPA Guide to Tennessee (Knoxville: University of Tennessee Press, 1986), 228; My Fox Memphis, “President’s Island Contraband Camp,” http://www.myfoxmemphis.com/story/21419709/presidents-island-contraband-camp (accessed March 15, 2014); Weeks, Memphis, a Folk History, 99 – 100.

54 Also known as Island Number #45, many attribute the moniker President’s Island to President Andrew Jackson; some sources claim the island’s first name was Jackson’s Island. Yet historian Linton Weeks argues that the attribution of this island to Jackson as a man, or as a nod to his Presidency is incorrect because Jackson did not become president until 1828, and maps from as early as 1820 identify a President’s island—as well as other islands humorously named Chicken and Paddy’s Hen. Weeks, Memphis, A Folk History, 99 – 100; Marion Bragg, Historic Names and Places on the Lower Mississippi River (Vicksburg, MS: Department of Defense, Department of the Army, Corps of Engineers, Mississippi River Commission, 1977), 82.

55 Tennessee Writers’ Project, The WPA Guide to Tennessee, 228.

56 During one raid on President’s Island in September 1921, federal prohibition agents destroyed five whiskey distilleries, 125 fermenters, 10,000 gallons of mash and 400 gallons of triple distilled corn liquor. At the time, authorities described it as “one of the most important ever made in the immediate territory of Memphis” and “the largest made in recent years anywhere in the South,” but those records did not take long to fall in the Memphis illicit liquor game. Commercial Appeal, September 7, 1921; “Drying Up the Booze Fountains,” Commercial Appeal, February 16, 1924; “50 Years Ago,” Commercial Appeal, September 3, 1972.
in remote sections of Shelby County in a day than the wildcatters of Hardin, Davidson, and Morgan counties do in a week." Accounts of law enforcement busts back up that assertion. Raiders captured six stills in six days on President’s Island in September 1924, for example, and a whopping twelve stills in a single day in 1921 (only to return three weeks later and net multiple more stills and thirty-two arrests), to name just a few of what became countless raids over the course of state and federal prohibition. “See they used to make whiskey all over everywhere, especially in this island there across the river,” explained bootlegger Frank Liberto, “President’s Island. That was one of the biggest.” The biggest boss on the island was also one of the biggest landowners: Joe Sailors, whose plantation, at its height, covered almost 1,000 acres and employed one hundred people and hosted just over thirty black families.

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59 “Big” Frank Liberto was one of Memphis’ biggest bootleggers. He is not to be confused with another Frank Liberto, a produce dealer with ties to the Mafia, who was implicated in the Martin Luther King, Jr. assassination in Memphis in 1968 (after an extensive investigation, the House Select Committee on Assassinations determined that there was no link between Liberto and the murder, but some continue to argue he was involved). “Big” Frank opened The Green Beetle Tavern in Memphis in 1939 and ran it until the mid-1970s. After changing hands several times, Liberto’s grandson Josh Huckaby purchased the bar in 2011, and still operates it today. As a result, it considered one of, if not the oldest tavern currently open in the city. Legend has it that paneling covers bullet holes made by Memphis native Machine Gun Kelly in the 1930s. “Meet the Owner: Josh Huckaby of The Green Beetle,” FoodieMemphis.blogspot.com, http://foodiememphis.blogspot.com/2011/09/i-want-to-introduce-you-to-my-friend.html (accessed November 11, 2012). William Patton, A Guide to Historic Downtown Memphis (Charleston, SC: History Press, 2010), chapter 13; William F. Pepper, An Act of State: The Execution of Martin Luther King (London: Verso, 2003), 13; Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 27, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

Like many others, Sailors was a member of the illicit liquor fraternity whose commitment to illegal activity seems to have increased alongside legislation. Prior to statewide prohibition, he was a member of the Tennessee Model License League—an alcohol interest group hoping to stave off prohibition through internal reform—along with some of the most reputable names in Memphis booze, like Baumgarten, Schorr, Semmes, and Sambucetti. During federal prohibition, however, his name appeared as one of the biggest names in illicit alcohol; indeed, James Graham described Sailors as “one of the most prominent [bootleggers] in Memphis.” His rap sheet made headlines and even front-page news, but Sailors always managed to escape real punishment. Trials brought by the state in 1916 and federal government in 1919 ended in acquittal, federal charges were dismissed in 1923 and 1925—the latter after two mistrials—and he beat what could have been an airtight case in 1936 after federal agents wiretapped his phone and heard him ordering distillery supplies.

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63 His brother, Pete Sailors also faced federal liquor law charges, in 1919 for violating wartime prohibition (James Canale served as one of his bondsmen), and was also named as a defendant in the 1923 case that was dismissed. *United States v. Pete Sailors*, #743 (1919); *United States v. Pete Sailors*, #748 (1919); *United States v. Joe Sailors*, #1820 (1923); “Joe Sailors Indicted By U.S. Grand Jurors,” *Commercial Appeal*, June 13, 1923.

64 Jurors acquitted Sailors for selling alcohol in violation of the state’s Four Mile Law in 1916, and then by federal jurors for importing booze into a dry state in 1919. Federal charges for violating liquor laws were dismissed against him in 1923, and then after two mistrials, again in 1925. In 1936, the government charged Sailors and four co-defendants with illegal possession and transportation of alcohol, running an unlicensed distillery, making mash illegally, and failing to stamp liquor, after tapping his telephone for three weeks in September 1935. Attorney Charles M. Bryan protested the use of this wiretapping evidence to such an extent that the presiding judge stopped the trial to read the Supreme Court decision that upheld the practice and validity of such evidence in court. Agents explained that they listened while Sailors ordered distillery supplies by phone, and then later seized and destroyed a 250-gallon still from the island, but they could not prove definitively that Sailors owned the land where they found that still.
Memphis, sources suggest he had ties to the right people, and that secured him a degree of immunity. What does seem clear, however, is that his black employees produced more than agricultural crops on President's Island.

Mud Island, later renamed City Island, also played host to bootleggers. Unlike President's Island, Mud Island was less stable and hospitable, as the ever-changing

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No “smoking gun” linking Sailors and law enforcement emerges from primary source material, but some circumstantial evidence raises eyebrows. Like the fact that his brother, John C. Sailors, was a deputy sheriff, or that his restaurant was one of a handful of places with a private telephone “placed at the service of the [Memphis Police] Department” in the 1900s. In an era before widespread radio communication, patrolmen had to “call in” to headquarters every hour, and then remain at the phone for ten minutes in case headquarters called back with instructions—meaning cops were in Sailors’ establishment roughly fifteen minutes every hour, everyday. It seems difficult to believe the officers did not see far more violations than those Sailors actually faced charges on. Although it is worth noting that this telephone system created problems in and of itself when it came to effective law enforcement. “If a citizen in the neighborhood reported a crime only a minute after the cop had hung up the receiver, it was just too bad,” the Commercial Appeal explained in a 1940 assessment of early police methods. “The cop might be only three blocks away, but there was no way of getting in touch with him until another hour elapsed and he telephoned in again. Nothing to do then but dispatch an emergency car from headquarters, which might be several miles away; by the time it reached the scene, the criminal had very likely fled.” This inefficient system existed for the majority of prohibition; it was not until 1930 that Commissioner Davis pushed to build a police radio station and install receivers into police cars—and he had to cut the budget dramatically to come up with the money for it. George T. Haver, “Report of the Chief of Police,” in Annual Report of Police Department for Year 1907 (Memphis, TN: S.C. Toof & Co., 1907), 57; W.C. Davis, “Report of the Chief of Police,” in Report of the Chief of the Police Department of Memphis, Tennessee to the Fire and Police Commissioners for the Year Ending December 31, 1908 (Memphis, TN: Paul & Douglass Company, 1908), 22; Jack Carley, “Behind the Scenes at Headquarters,” in Memphis Police Department Year Book (Memphis, TN: Memphis Police Relief Association, 1924), 56; “From Lone ‘Night Watch’ With Lantern,” Commercial Appeal, January 1, 1940.

When Joe Sailors died in March 1942, his death certificate listed his occupation as “retired planter.” Joe Sailors, Certificate of Death, no. 974, 1 March 1942, State of Tennessee, Department of Public Health, Division of Vital Statistics, Shelby County Archives, Memphis, TN (hereinafter SCA).

Despite its name, Mud Island was not actually an island; rather, a small peninsula created by an eddy that deposited soil and rocks around the stern of the Aphrodite—a Spanish-American War gunboat that was forced to anchor near Memphis in 1910 for over six months due to impassably low water levels. When the ship pulled anchor, a sandbar left behind continued to grow with each successive period of high water or flood. By the mid-1920s, it was a permanent fixture, extending down the Memphis harbor to the foot of Beale Street. Despite attempts to destroy Mud Island in the 1920s and 1950s (over fears it would eventually jeopardize water commerce by blocking the port), this 1.25-mile long and quarter-mile wide peninsula still exists today. In the 1930s the city of Memphis zoned the island to prevent industrialization (and tried unsuccessfully to rename it City Island), in 1960 the Wolf River was diverted to bypass Mud
environment and annual flooding made cultivation and business or residential development unrealistic. Its only inhabitants were squatters and transient river people—“gypsies of the water” who eked out a living selling fish—who made plain their dislike of “land people” and thus discouraging frequent visitors. In other words, circumstances that created a moonshiner’s paradise. The island’s unclear ownership further assisted illegal activity because until 1919, when the Supreme Court officially declared it the property of Memphis, jurisdiction was not firmly established. Waterways were technically federal property, which meant stills perfectly camouflaged by the dense canebrake and willow trees were not exactly illegal when the state of Tennessee went dry in 1909.

Indeed, Memphis’ geographic position made boundaries a sticky issue, particularly on the Mississippi River. Law dictated that Tennessee and Arkansas each had jurisdiction from their respective banks out to the middle of the channel, but that midpoint was difficult to pinpoint under the best of circumstances. Shifting currents and sands—the existence of the Mud Island, as a case in point—were a constant, and the close proximity made escaping across the river an easy exit strategy for criminals. The two states made efforts to clarify jurisdiction in 1909 and 1915, and the latter provided for concurrent criminal jurisdiction for crimes committed upon the Mississippi River.

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between the two states. This meant to stamp out the problem of “criminals who have been eluding the law by reason of conflicting claims as to which state had the jurisdiction.”

Yet it failed to prevent drama that same year, when an August 1915 raid on Island 37 in the Mississippi River—a “few hundred yards” from Mississippi County, Arkansas, yet jurisdictionally claimed by Tipton County, Tennessee—ended with bootleggers murdering Tipton County Sheriff S.B. Mauldin. Both states claimed jurisdiction, as they wanted to punish the two men arrested for the crime—a sentiment the public shared, forcing authorities to move the prisoners covertly, twice, to avoid threats of lynching. Although neither state got the chance. While guards were

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71 The Arkansas state legislature passed an act in 1909, which received consent from the United States Congress—as required by federal law—on February 4, 1909. It allowed Tennessee and Arkansas to “fix the boundary line between said States...and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.” “State Line Dispute Before High Court,” Commercial Appeal, October 13, 1914; “Island Citizens May Apply to U.S. Courts,” Commercial Appeal, August 4, 1915; James Couch v. State; 140 Tenn. 156, 203 S.W. 831 (S.C. TN 1918).


73 Earlier attempts to raid the vicious liquor syndicate operating on this island not only failed, yet resulted in the mysterious disappearance of law enforcement officers—presumed murdered by the moonshiners. Sheriff Mauldin caught an important break when his undercover man successfully infiltrated the outfit and relayed the necessary information to best the outlaws. In August 1915, the raiding party set out, led by Sheriff Mauldin, and assisted by Arkansas National Guardsmen. The first step was disposing of the two lookouts. Like any other customer, the lawmen shouted from the riverbank, asking to buy moonshine. As they had countless times before, the lookouts ferried the order across the river in their rowboat, but soon found themselves in custody. The raiders then moved forward toward the heart of the operation, a small cabin. As Sheriff Mauldin advanced towards the house, a bootlegger inside squeezed off a round, shooting him through the heart. Enraged, the rest of the raiders then emptied their clips through cracks in the walls. When the smoke cleared, they seized and destroyed 200 gallons of whiskey and arrested eighteen, but Mauldin did not survive. “Mid-South Memoirs—Shootout at the Rosebud Café,” Commercial Appeal, April 9, 1972; “Moonshiners Killed Sheriff,” Commercial Appeal, November 11, 1966; “Sheriff Killed,” Hayti Herald (Hayti, MO), August 5, 1915; “Sheriff Is Killed in Bootleggers’ Fight,” Washington Evening Star (Washington, DC), August 1, 1915.

74 Enraged citizens burned every bootlegger hide out they could find on Island 37 after Sheriff Sam Mauldin’s murder, and then turned to getting the accused men out of jail for a lynching—which law enforcement attempted to prevent by moving the moonshiners to different jails. “Lynching is Averted,” Commercial Appeal, August 2, 1915; “Arkansas Islanders Protest Innocence,” Commercial Appeal, August 3, 1915; “Sheriff Killed,” Hayti Herald (Hayti, MO), August 5, 1915; “Arkansas Jail Being Guarded,”
distracted with a baseball game, a mob of fifteen entered the Osceola, Arkansas jailhouse and killed Andy Crum, the man accused of instigating Mauldin’s murder while the other accused man hid under a mattress. As we will see, this issue of water-based jurisdiction came up repeatedly during prohibition.

At every step of the illicit liquor supply chain, participants implemented safeguards to minimize risk. When it came to manufacturing—whether it be urban, suburban, rural, river or island-based locales—the goal was keeping a low profile to avoid intentional or accidental discovery. This produced tactics like distilling under the cover of darkness, in places less likely to attract attention easily, and separating the still from the mash, thereby lessening the chance that authorities might seize both in one swoop. One set of moonshiners kept their distillery inside a remote cabin and their mash concealed in canebrake a quarter of a mile away, uniting the two to make a “run”—a seemingly prudent, although ultimately ineffective security system, since Sheriff W.S. Knight captured both in February 1924. Others used decoys, like placing a smaller still out front, sacrificing it like a pawn to protect the much larger units nearby. This tactic did work, although not for a raid executed by Deputies Armour and Beattie in 1922. They took both the diversion still and the two “tremendous ones” farther back.

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Bryan Daily Eagle and Pilot (Bryan, TX), August 14, 1915; “Arkansas Mob Busy,” Columbus Commercial (Columbus, MS), August 15, 1916; “Lynched in Jail,” Daily Gate City (Keokuk, IA), August 13, 1915.


76 Sheriff Perry and his men received a tip that moonshiners were running a big still on a farm outside Memphis in 1921, working all through the night and sleeping during the day. This was born out when sheriff’s deputies kicked down the door and found J.J. McClusky and R.E. Phillips soundly asleep. “Sheriff Gets Giant Still, Two Arrested,” Commercial Appeal, January 1, 1921.

77 “Seven Stills in Week, New Sheriff’s Record,” Commercial Appeal, February 3, 1924.

Water-based moonshiners used a clever “lookout system” to evade law enforcement on the Mississippi River in 1921; when agents approached, steam whistles tooted out a warning to give operators enough time to escape arrest.79

These are just a few examples of the sensible, practical tactics that moonshiners used across the country. Yet illicit liquor subterfuge was not created equal. To sidestep the law enforcement tactic of using well-worn grass and shoeprints as trails to rural liquor plants, one Florida moonshiner devised a rather notable scheme: cow shoes. Believed to be an idea gleaned from a *Sherlock Holmes* novel, this unknown producer carved wooden blocks to resemble cow hooves and then affixed them to regular shoes to make his tracks appear more bovine, and less human.80 The line between genius and moron has never been so thin.

![Image of cow shoes](image)

Figure 7-6. “Prohibition Unit (Cow Shoes), 6/28/24.” Library of Congress Prints and Photographs Division, Washington, DC.

When it came to for-profit alcohol, manufacturing and consumption rarely happened in the same place, making transportation a critical *trait d’union* for illegal alcohol. Like any commercial endeavor, participants needed effective, reliable, and cost

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80 “Shiners Wear ‘Cow Shoes,’” *Evening Independent* (St. Petersburg, FL), May 27, 1922.
efficient ways to move inventory. Those transportation systems needed to work, but also be capable of navigating figurative bumps in the road (like unexpected police involvement, seizures, thefts) with as little disruption to the overall supply chain as possible.

The most obvious choice was importing alcohol from places where it remained legal. After the Eighteenth Amendment turned the nation “dry,” that meant foreign shores, which the federal government tried to prevent by imposing a three-mile “limit,” or boundary around America’s coasts and borders, but that failed miserably. Liquor flowed from international points including Europe, Cuba, Mexico, the Bahamas—it was even recommended that the government employ submarines to thwart southern Atlantic Ocean trafficking, and the British agreed to prohibition agents stationed at Nassau—and of course, Canada. Revenue officers discovered in 1919 bales of hay used move whiskey across the Canadian border into the United States, and investigations revealed international sailors and captains as active participants in liquor smuggling schemes.

81 “People had to go way somewhere down in Magee, Arkansas...where they still kept whiskey the longest,” recalled blues musician Roosevelt Skyes. “So they would go way down in there and buy their liquor until they dried them up down there.” Yet, these schemes did not always work. “You could go over there in Arkansas and buy whiskey,” recalled musician Alex Sims, “and the law would stand there at that bridge and arrest you.” Roosevelt Sykes, interview by Margaret McKee, November 2, 1973, pg. 11, MPL; Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 19, MPL.


To be sure, international alcohol made it into Memphis. An established route, for example, was through the Port of New Orleans and then into the city by railroad. Yet references to internationally smuggled booze are not extensive, and the higher cost relegated it to the wealthy and well connected. Sources instead suggest that local or regionally produced booze dominated the mainstream liquor market. When that booze went to Memphis, it moved via water, rail, automobile, or some combination, therein. The illegality of the product warranted extra safety measures, which in turn made bootlegging transportation rather intricate, often with many moving parts.

The lion’s share of liquor moved via railroads, although prior to federal prohibition, that transport could be either legal or illegal. State law banned alcohol shipments between points within Tennessee, but interstate commerce laws ensured safe passage for the many out-of-state companies using Memphis and its extensive rail
system as a conduit. This meant alcohol could move legally through Memphis provided the origin and destination were both “wet” locales, and no one unloaded the cargo within Tennessee. Bootleggers used this like a safety blanket.

In 1917, for example, authorities wanted to bust well-known violator Louie Weiman with the fifteen suitcases of whiskey he was moving on a train from Cairo, Illinois. Yet when Weiman realized their scheme, he simply changed his plan to unload at the scheduled Nonconnah stop—a popular spot for smugglers just outside Memphis—and kept riding the train past Memphis. Lawmen Will Davis followed suit, but he interrogated Weidman, the rumrunner cheekily reminded Davis that he could not touch the whiskey or make an arrest; so long as the alcohol stayed on the train the law was on Weiman’s side. Davis rode as far as Sardis, Mississippi before throwing in the towel and heading home. Law enforcement officers watched all northbound trains closely, hoping to catch Weiman circling back to Memphis, but no luck. Both Weiman and the booze escaped.

For those with loose morals and sticky fingers, this type of interstate transportation provided an enticing chance to boost legally manufactured booze (guaranteed to command higher prices) from sitting or slow moving trains. Some of these thefts stood out, like a heist orchestrated by Allen McNamara—notorious in his own right, and the real-life inspiration for a character in William Faulkner’s Sanctuary—and three accomplices in 1920. Worthy of a Wild West dime novel, the thieves

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85 Allen McNamara was a very violent man, but it was his role in the assault and rape of a young girl in 1919 that became the basis for a rape scene in Faulkner’s Sanctuary. Twenty-one years old at the time, McNamara and two other young men invited three women they knew to go for a car ride, and then attacked them. Two girls managed to fight off their attackers for hours, but the men brutally raped the third, a seventeen-year-old orphan named Mary Thompson. A neighbor heard the screams and called the
targeted a southbound train carrying liquor from Louisville, Kentucky to Monroe, Louisiana, and brought it to a stop by cutting the airbrakes. Guns drawn, they boarded the locomotive, held the crew hostage, and boosted ninety cases of high quality whiskey from a boxcar.\footnote{86}

The continued legality of sacramental, industrial, and medicinal alcohol dangled a similar carrot before criminals, as trains routinely arrived to resupply local drug stores and doctors.\footnote{87} Not all attempts to steal this type of alcohol succeeded, however; Henry A. Michel came close in 1920, breaking the seal of a railcar transporting barrels from the Industrial Alcohol Company of New Orleans to Memphis’ Van Vleet Mansfield Drug Company, but the scheme flatlined when special railroad agents and prohibition officers caught him in the act.\footnote{88} Three African American men made it farther in their attempt the following year, managing to access an Illinois Central Railroad boxcar and toss four sheriff, who arrived just in time to stop the trio from throwing one of the girls over the high railing of the Wolf River Bridge. When the matter went to trial, the specific details that emerged in court were so horrific that the \textit{Commercial Appeal} deemed them “unprintable,” noting only that when asked to explain what happened, Mary Thompson “hung her head. When she finally answered, men, too, hung their heads.” Newspapers across the country covered the case, echoing the \textit{Richmond Times-Dispatch} in describing it as “one of the most sensational trials in the annals of the State.” The outcome of this incident is unclear. Newspaper articles indicate courts convicted McNamara and a jury sentenced him to death by electric chair on October 18, 1919, but his railroad heist a year later indicates that sentence did not happen. “Three Girls Rescued From Assailants,” \textit{The Atlanta Constitution}, August 31, 1919; James Gray Watson, \textit{William Faulkner: Self-Presentation and Performance} (Austin, TX: University of Texas Press, 2002), 86 – 7; “One Assailant of Girls Yet Sought,” \textit{Commercial Appeal}, August 31, 1919; “Late News Bulletins,” \textit{Richmond Times-Dispatch}, October 10, 1919; “Memphis Youth Sentenced to Die,” \textit{McCurtain Gazette} (Idabel, OK), October 18, 1919.

\footnote{86} Only one of the men did time for this crime, however. Percy Martin went into the army, William Jennings turned state’s evidence, and the judge and the judge directed the jury to return a verdict of not guilty for McNamara, leaving Willie Ray to flap in the breeze, guilty as charged, with a $1,000 fine and five years in prison—a verdict upheld on appeal. “Booze Hold Up Costly,” \textit{Commercial Appeal}, April 11, 1920.

\footnote{87} Some tried to use the continued legality of medicinal alcohol as justification for their possession of booze, although that failed to work for James Harding who claimed the liquor was medicine for his wife. United States v. James Harding, O.A. Kelly, #1028 (1921).

\footnote{88} Michel attempted to steal four barrels of tax-paid alcohol sent along the Yazoo and Mississippi Valley Railroad. United States vs. Henry Mitchel, #879 (1920).
barrels off the moving train. Unfortunately, they did not select a secure drop zone.

Special railroad agent B.F. Walton found the cache, valued at $1,200, two days later in a thicket near the robbery site.⁸⁹

Theft was nothing new in rail commerce, of course, but state and federal prohibition did prompt an increase of liquor-specific and even systematic larceny.

Former railroad special agent I.M. Williamson, for example, testified that Italian bootlegger P.J. Covey approached him to form a partnership, promising to buy all the whiskey he could steal. Considering Williamson was on trial for breaking into a railcar containing liquor, it seems he accepted that offer.⁹⁰ Mr. Covey was not alone.

Establishing ties with railroad workers to steal booze was a lucrative arrangement that many bootleggers pursued, and in February 1918, authorities made arrests in conjunction with a “wholesale conspiracy” that was funneling liquor into Memphis on railcars.⁹¹ Ten days later, authorities caught five employees, including two Pullman conductors, transporting twenty-four suitcases full of liquor into Memphis on an Illinois Central Railroad train, lending credence to claims that the I.C. Railroad was a significant channel for moving alcohol illegally.⁹²

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⁹⁰ Williamson was a former special agent for the Nashville, Chattanooga & St. Louis Railroad. “Men Accuse Each Other,” Commercial Appeal, April 24, 1918.


⁹² The Illinois Central was not the only railroad to have employees implicated in bootlegging schemes, however. That same year authorities caught a railroad special agent for the Nashville, Chattanooga, and St. Louis Railroad removing cases of Old Taylor Bourbon from freight car with Bob Johnson. Both received indictments for attempted theft and breaking car seals. “There must be a syndicate with well organized departments,” the Commercial Appeal mused in 1918, “else two car loads of whisky could not be shipped without bills of lading for more than 200 miles and unloaded and delivered in Memphis.” “Let the Grand Jury Hold a General Inquest That We May Have General Cleanup,” Commercial Appeal, February 22, 1918; “Continue Booze Probe,” Commercial Appeal, March 6, 1918; “Eleven True Bills,”
Thanks to an anonymous tip, Sheriff Perry found what he believed was a major drop zone for these types of railroad liquor schemes in late 1918. He believed railroad men in cahoots with bootleggers switched cars carrying alcohol to isolated places—like this spot, on the Hindman Ferry Road near the Wolf River—where they unloaded it for later pickup. Sure enough, he and his men found twenty cases of neatly stacked Sunny Brook whiskey about one hundred yards from the road. Everyone knew these types of schemes were in play, but few employees were willing to talk. During his rounds checking railroad stations in February 1921, Detective Sergeant John Fippiano uncovered twenty bottles of decade-old bourbon and rye, carefully packed into two suitcases—cargo he believed tied criminals to railroad agents—but made little headway when baggage porters refused to identify those parties.

Of course, the threat of theft did not end with a successful shipment. Delivery meant local pharmacies and drugstores had booze on their premises, making those businesses targets for after-hours heists. The Broen Drug Company on Iowa Avenue lost grain alcohol this way in late July 1920, although the damage was limited because the thief (reportedly a small boy) was unable to access the main stock locked in a vault. Whether it was the same criminal outfit is unclear, but robbers hit the Gay-Ola Syrup Company on Jefferson Avenue less than twenty-four hours later. Their mission proved more successful; they entered through a rear door, broke the vault lock, and made off

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93 “Three Men Try to Get Whisky From Sheriff,” Commercial Appeal, October 1, 1918.

with forty-five gallons of alcohol—a haul potentially flipped into 200 gallons of bootleg whiskey.\textsuperscript{95}

By the time federal prohibition hit its stride, larceny had expanded to include ingredients necessary for illicit liquor production.\textsuperscript{96} This was partially because legal market prices were increasing. President of the New York Sugar Exchange Edward F. Diercks blamed prohibition for the rising cost of sugar in America, for example, but he stopped short of attributing it to illicit distilling, instead declaring that “people eat more candy, consume more sweets, drink more soda waters, and use more actual sugar than they did before prohibition.”\textsuperscript{97} It seems highly unlikely that moonshining was a complete nonfactor, but regardless, its importance in distilling made sugar a common target for would-be thieves in Memphis.

Here again, bootleggers approached transportation employees to make arrangements. “I had a proposition made to me by a man named Harry Kiersky,” barge shipping clerk C.E. Burnsworth told police in 1923, “he told me that it would be worth money if he could get into a car of sugar.” Kiersky—a well-known bootlegger, soft drink stand proprietor, and “police character”—promised $200 if he left one side of a railcar carrying a large quantity of sugar unlocked, Burnsworth explained, and he fulfilled his end of the bargain by seeing to it that a railcar did remain unlocked after its transfer


\textsuperscript{96} Just as it had in Memphis during state-level prohibition, national liquor theft increased after the Volstead Act took effect. In New York, someone lifted fourteen barrels of rum valued at more than $14,000 from a bonded warehouse on the lower West side over the Christmas holiday in 1919. The thieves knew what to look for; those were just fourteen barrels in a stock of 6,000. Thirty barrels of whiskey disappeared from a Louisville warehouse through more creative means. The thieves bore holes through the floor and the bottom of whiskey barrels with long augurs then drained the contents. “Much Rum Stolen,” \textit{Commercial Appeal}, December 28, 1919; “Had Chance to Get Rid of Liquor, False Hopes Caused Distillers to Keep It in U.S.,” \textit{Commercial Appeal}, December 29, 1919.

from river barge to rail line. Yet Kiersky only held up half of his obligation. He left that railcar 16,000 pounds lighter in sugar, but never paid. It seems safe to assume that this debt informed Burnsworth’s willingness to make out a sworn statement that helped secure Kiersky’s arrest for larceny.

Larceny never abated, but bootleggers increasingly used rail service to transport their own shipments. With law enforcement, railroad employees (at least those not involved, scared to talk, or susceptible to bribes), and do-gooder passengers on the lookout, however, this was not an easy task. It required a level of subterfuge, informed mostly by the quantity of liquor in question. The most common vessel was ordinary luggage, for both professional criminals and law-abiding (or perhaps more appropriately, “all-laws-except-for-prohibition”) citizens. Indeed, their end goals might have been

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98 Newspaper accounts described Kiersky as a “police character,” and other sources support that description. It seems he perhaps came by that moniker honestly. Born in Memphis around 1884, one database lists the occupation of his father, Adolph Gustavi Kiersky as “gambler.” His brother also appears in the records as a liquor law violator. Like many others, Kiersky’s pre-prohibition career included saloons; the 1908 directory, for example, lists him as the proprietor of a Front Street saloon. During prohibition, city directories list his occupation as restaurant, grocer, and soft drink stand operator—all three being popular covers for liquor sales. In June 1922, authorities raided his Riverside Inn—located in a part of Memphis dubbed “Bullet Row” because of its dicey nature—where they found 40 half-pints of booze. The Commercial Appeal noted that a shooting had recently occurred at the Riverside Inn, and that a previous raid revealed a car with burglary tools. Kiersky also appears in federal prohibition court cases for liquor law violations. In 1922, he pled guilty to two charges of possessing liquor in violation of the National Prohibition Act, receiving a $250 and $350 fine plus costs, respectively. In 1923, he operated a soft drink stand at Pennsylvania Avenue & George Street, where an employee unwittingly sold liquor to federal prohibition agents. The appeals court upheld his conviction for culpability, despite an employee making the actual sale. He died in Memphis in 1953. “Flying Squadron in Raids on Bullet Row,” Commercial Appeal, June 4, 1922; “Kiersky to State,” Commercial Appeal, June 17, 1919; “2,000 Sugar Theft Charged to Two Men,” Commercial Appeal, August 1, 1923; Harry Kiersky v. United States, No. 3337, 263 F. 684 (6th Cir. 1920); United States v. Harry Kiersky #1471 (1922); United States v. Harry Kiersky #1475 (1922); United States v. Harry Kiersky, #2248 (1924); R.L. Polk & Company, Memphis City Directory, 1903 (grocer), 1906 (grocer), 1908 (saloonist), 1919 (restaurant), 1929 (restaurant); Harry Kiersky, Certificate of Death, no. 229, 19 January 1953, State of Tennessee, Department of Public Health, Division of Vital Statistics, Shelby County Archives, Memphis, TN (hereinafter SCA).

99 “2,000 Sugar Theft Charged to Two Men,” Commercial Appeal, August 1, 1923.
different, but finding a safe way to conceal and transport booze was a problemootleggers shared with the drinking public.\textsuperscript{100}

In the spirit of true American capitalism, some companies recognized this opportunity and introduced products to meet the demand. In the 1920s, upscale outfitters Abercrombie & Fitch (it would be seventy years before the brand became synonymous with teenage clothing) marketed a leather valise that looked to the unsuspecting eye, and even if opened to search for contraband, inconspicuous. Swiveling a brass stud revealed a small keyhole that unlocked a false bottom and storage compartment. Removing any doubt about the bag’s intended purpose, or Abercrombie’s willingness to facilitate law breaking, that storage compartment included three leather harnesses, holding silver flasks, each stamped with the company name.\textsuperscript{101}

Figure 7-8. Abercrombie & Fitch Liquor Valise. The Mob Museum, Las Vegas, Nevada.

\textsuperscript{100} Officers arrested teenage chauffeur Mike Baldridge in 1920 after the removal of six large, heavy leather bags from a southbound I.C. train raised the suspicion of city police. The bags contained six cases worth of liquor, with a street value of $1,200. “Whiskey is Seized,” Commercial Appeal, December 15, 1920.

Law enforcement made countless arrests of average, otherwise law-abiding citizens who tried to conceal a few bottles in their coat or bag, but this was bush league compared to the organized, systematic shipment of liquor under the guise of passenger luggage by bootleggers—an enticing, albeit risky move. On the one hand, people commonly traveled with several heavy bags or trunks, so it did not immediately raise suspicion. On the other, retrieving those checked bags happened in person. If something went wrong, it was possible to lose the liquor and end up in handcuffs. Henry Batts’ attempt to move whiskey on an Illinois Central train in 1913, for example, might have worked if one of the bottles had not broken and leaked everywhere. A baggage master caught a whiff, investigated, discovered the liquor, and placed special instructions on the trunk that banned anyone from picking it up. If lawmen received a tip that alcohol might be on a train, or in Batts’ case, received confirmation from a railroad employee, they simply waited at the baggage claim to get both the booze and its owner—although sometimes they netted just the alcohol when skittish criminals recognized the trap and prioritized freedom over profit. Agents waited patiently to catch the owner of twelve cases of whiskey at the Grand Central Station in Memphis in

102 George N. Garner was convicted of illegally transporting six cases of I.W. Whiskey from Louisville to Memphis aboard the Louisville & Nashville Railroad in November 1919—a charge he admitted to, and was sentenced to six months in the Shelby County Jail and a $250 fine plus costs. United States v. Clint Burns, #685 (1918); United States v. Robert Westbrook, #686 (1918); United States v. Willie Brown #1025, (1921).


the winter of 1917, but one came to claim it, so they had to settle for the alcohol alone.¹⁰⁵

Figure 7-9. “The Bootlegger’s Boy.” Commercial Appeal, October 18, 1927.

There was no doubt that suitcases were bringing a high volume of liquor into Memphis, both before and after the Volstead Act. When agents raided a saloon directly across from the Grand Central Station on South Main Street in 1917, they found thirty-

¹⁰⁵ City police conducted an inventory of confiscated alcohol in 1917, noting that most of the 40 trunks and 200 cases of half-pints were either captured in raids “or abandoned by suspicious owners who were afraid to claim their ‘baggage’ at the depots.” “Disturbing Shorty Again,” Commercial Appeal, December 12, 1917; “Trezevant Raids Main Street Bar,” Commercial Appeal, December 21, 1917.
two cases of whiskey behind a false wall (accessed by a fake towel rack), and the conduit for that booze: 100 empty suitcases.\textsuperscript{106} The following year U.S. Marshals intercepted 300 quarts of whiskey in the baggage room of the Nashville Chattanooga & St. Louis railroad depot at Paducah, Kentucky, hidden in twelve suitcases and four steamer trunks; 259 of those 300 quarts were bound for Memphis.\textsuperscript{107}

Still, some found the odds too steep to move liquor as a rail passenger and instead elected to ship it as freight. State and federal law required documentation listing information about the sender, recipient and shipment contents, which prompted smugglers to add a layer of subterfuge by mislabeling alcohol caches before transport.\textsuperscript{108} Although not strictly limited to liquor—authorities discovered shipments of opium in 1915, labeled as “hair tonic”—disguising booze as a different, more innocuous product to slide under the radar often worked.\textsuperscript{109} Memphis cops discovered this in December 1916, when numerous liquor bottles stamped “property of the Red Cross”

\textsuperscript{106} Commissioner of Police George C. Love, Chief of Chief of Police S.T. Carnes, and Mayor H.H. Litty started an official investigation into why police had not successfully raided this known saloon on South Main Street directly across from the Grand Central Station, with glass windows facing the street. The officers called onto the carpet to explain themselves vowed that they had, in fact, checked the place and come up empty-handed. Officers defended themselves by saying they had checked the place and found nothing. Federal agents were the ones who discovered the booze behind the false wall accessible by a fake towel rack. U.S. Marshall Stanley Trezevant found thirty-two cases of whiskey and an old school saloon with a mahogany twenty-foot-long bar with mirrors behind it, stocked with eggs, lemons, sugar, glasses, and alcohol. “Trezevant Raids Main Street Bar,” \textit{Commercial Appeal}, December 21, 1917; “Barroom is Cause of Official Inquiry,” \textit{Commercial Appeal}, December 22, 1917.

\textsuperscript{107} “Wet Goods Confiscated,” \textit{Hartford Republican} (Hartford, KY), January 25, 1918.


appeared around town, not an entirely unlikely prospect during the First World War, but unlikely since all those bottles appeared in illegal dive bars.\textsuperscript{110}

That was hardly the only creative shipment. One prominent Memphian reportedly received fifty gallons of quality Canadian whiskey inside a giant, hollow tombstone specially designed for the task.\textsuperscript{111} Chattanooga officials discovered an even more shocking method: ongoing whiskey shipments inside coffins by the Tennessee Coffin and Casket Company—with the assistance of Thomas C. Betterton, the city’s Commissioner of Fire and Police, no less.\textsuperscript{112} Authorities were not ignorant of this tactic, and not all attempts were successful, like the “fire extinguishers,” “condensed milk,” “baking powder,” “mineral water,” or “paint” barrels (“paint” being code for 400 quarts of whiskey) seized in Memphis that were actually liquor.\textsuperscript{113} Although in one instance, law enforcement catching on to a mislabeling scheme actually saved lawbreakers money.

In 1917, word spread among local bootleggers that men from St. Louis were in town soliciting orders for 200 barrels of real, carefully packed red whiskey labeled as “glassware,” for just $16.50 a barrel. At the appointed date and time, Sheriff Tate and his deputies fell in with other prospective buyers and hiked out to a shack in the Nonconnah Bottoms where merchandise was “selling like hot cakes.”


\textsuperscript{113} Judge Jesse Edgington announced his knowledge of relabeling schemes in comments to the grand jury in March 1914. “I have information that some local wholesalers are delivering beer, whisky and other intoxicants in Shelby County,” Edgington declared. “I understand that they have changed the appearance of their packages so that the contents will not fall under suspicion.” “Criminal Judge Sounds Grand Jury,” \textit{Commercial Appeal}, March 14, 1914; “Make Big Booze Haul,” \textit{Commercial Appeal}, February 7, 1924; “Attempt to Steal Confiscated Liquor,” \textit{Commercial Appeal}, February 13, 1920; “400 Quarts of ‘Paint’,” \textit{Commercial Appeal}, January 9, 1919.
inspected a sample barrel by the door, paid, and heeded warnings to quickly load and leave, lest the “deps” arrive. Unfortunately for earlier buyers, Knight and his “deps” found the only real whiskey in that sample product by the door. For the other 199 barrels, “glassware” was code for sawdust and bricks.\textsuperscript{114} The men were not from St. Louis, either; the brains of the operation turned out to be Memphis bootlegger Frank Cuneo.\textsuperscript{115}

It is difficult to categorize one single method of transportation as the biggest or most important in Memphis, but water proved equally important to railroads. Indeed, just as it did for moonshining and alcohol manufacturing, Memphis’ proximity to numerous waterways offered a critical (and unique) resource to Bluff City bootleggers. Like rail transport, interstate commerce laws protected liquor aboard vessels bound for points outside of Tennessee, but criminals still tried to smuggle booze illicitly on steamships and boats.\textsuperscript{116} Before the Volstead Act, the proximity of legal liquor across state lines made it even more lucrative. Any city along the Mississippi River would have been a viable option, but bootleggers needed better odds than that. The starting point needed to be within a state where alcohol was still legal; this provided quality products and decent prices, and made it less likely that purchasing and moving that booze—at least

\textsuperscript{114}“Hunts Blind Tiger; Tate Traps a Fraud,” \textit{Commercial Appeal}, February 27, 1917.

\textsuperscript{115}City directories list Frank Cuneo as a barkeeper in 1905, and during prohibition a grocer. In this 1917 mislabeling scheme, seven local bootleggers received threatened breach of the peace charges, while the brains of the operation, Cuneo, faced an additional charge of obtaining money under false pretenses. Involved were: Frank Cuneo, P.J. Covey, R. Vannucci, Joe Raffanti, Louis Galleni, John Bassi, and Fred Bragachi. He did not abandon the illicit alcohol trade, however; violating the National Prohibition Act earned Frank Cuneo four months in the Dyer County Jail in 1923. Yet his brother, John Cuneo appears most often as a liquor law violator. “Saw Only Sawdust,” \textit{Commercial Appeal}, March 2, 1917; \textit{United States v. Frank Cuneo}, #1935 (1923); “Many Are Cited for Contempt of Court,” \textit{Commercial Appeal}, February 9, 1919; “City Doses Most of Whisky Cases,” \textit{Commercial Appeal}, February 13, 1919;

until they crossed back into Tennessee—would raise suspicion. As the distance to Memphis increased, however, so did the risk. As a result, points just across state lines became particularly popular launching pads.

Rumrunners traveled between other port cities like St. Louis, Caruthersville, Missouri (a particularly important starting point and destination for the city’s illicit liquor game), Cairo, Illinois, Paducah, Kentucky, and smaller locales in between to move legal alcohol back to the city on the Mississippi River. To be sure, this was not the only waterway in play; both before and during federal prohibition, bootleggers utilized smaller channels near the city, like the Wolf River (the city’s drinking water until the discovery of an aquifer) that traveled along the Northern part of Memphis and the Hatchie River; so popular it earned the moniker "bootlegger creek." Yet it was the bigger, deeper Mississippi River that became a critical thoroughfare for the transportation of illegal liquor, making it unsurprising that the U.S. Army Corps of Engineers at Memphis noted a significant increase in river traffic along the Tennessee border following the statewide law of 1909. Here cargoes of whiskey arrived often on a nightly basis aboard swift,

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117 Clinton B. Woodson convicted of violating the Reed Amendment when he transported two quarts of whiskey, one quart of gin, and six bottles of beer via boat on the Mississippi River from St. Louis to Memphis. Federal jurors found Jessie “Sport” Hilburn and A.J. McNamara guilty of transporting 100 cases of whiskey from Caruthersville to Memphis. United States v. Clinton B. Woodson, #746, #750 (1919); United States v. Jessie Hilburn and A.J. McNamara, #684 (1918); United States v. Loftis Wilkes, Jake Tuckerman, R.A. Strueli, #1067 (1919); Commercial Appeal, June 7, 8, 1919.


light gasoline boats purchased, outfitted, and altered specifically for running liquor—alterations to outrun authorities when the time came.¹²⁰

Figure 7-10. A) Memphis Waterways. Dye, Shelby County, 6. B) The Wolf River. Dye, Shelby County, 62. The Wolf River served as Memphis’ first northern boundary, early water supply, and during prohibition, a popular conduit for liquor production and transportation.

¹²⁰ Some trips were straight shots between two points on a river, while others were multi-step processes. In any event, trips usually took a few days to complete due to travel time. Memphis rumrunners had to first get their vessels upstream to port cities that still allowed liquor sales, make the necessary purchases, load up, and then start the real challenge of such transportation: getting back into Memphis undetected. Roy McCutcheon and his boat Roy (creativity in naming the vessel being a low priority, it seems), for example, traveled up to Caruthersville, Missouri to retrieve forty cases of liquor in 1919. Several days later, Roy and Roy headed back to Memphis, but authorities intercepted above the city before the delivery completed. Many of these trips were the work of Memphis-based criminals, yet sources indicated in 1922 the emergence of “new rum rings” staffed by agents responsible for regular liquor shipments into seven states and cities including Chicago, St. Louis, Kansas City, Cincinnati, Memphis, Nashville, and Birmingham. “New Booze Pipe Line Extends to Memphis,” Commercial Appeal, December 23, 1922;

This was big business; trips happened frequently, with frequent success, and everyone knew it—including lawmen.\textsuperscript{121} They often met success in their efforts to catch these river transports.\textsuperscript{122} U.S. Marshals, for example, seized more than a dozen gasoline launches reportedly valued at a collective $200,000 in late February 1919.\textsuperscript{123} Still, they were also working with limited resources and slower vessels, and tactics like strict enforcement of registration laws as a means of tracking and regulating river traffic (seizing boats failing to pay registration fees or whose owners known to have violated other laws) proved insufficient for dealing with the sheer volume of water-based violations.\textsuperscript{124} Even when these tactics did produce results, authorities often seized the same vessel more than once, because bootleggers found ways to secure the return of their property. Well-known bootlegger Joe Robilio’s \textit{Duro 4} found its way into federal custody at least three times between 1918 and 1920, and each time the \textit{Commercial Appeal} noted, “the matter was always straightened out so that Robilio got the craft back.”\textsuperscript{125}

\textsuperscript{121} River bootleggers employed various tactics to evade these authorities. Some installed fast and powerful engines in the hopes of outrunning revenuers, while others—albeit reluctantly—abandoned ship. After realizing the lawmen pursuing their vessel had a better engine and would eventually overtake their own craft, the crew of the \textit{Buffalo} ran the boat into the riverbank in the summer of 1919, escaping into the woods and sacrificing 150 cases of valuable Yellowstone whiskey behind. This project owes a debt of gratitude to the bootleggers who failed, however. Their unsuccessful missions produced reports and documentation that makes it possible to retrace the contours of water-based bootlegging. “Capture Big Whisky Boat on Mississippi,” \textit{Commercial Appeal} June 30, 1919; Clay, \textit{A Century on the Mississippi}, 70.

\textsuperscript{122} “Bootleggers’ Boats Libeled,” \textit{Commercial Appeal}, August 11, 1921.


\textsuperscript{124} Authorities were not above using seemingly unrelated charges and technicalities to stop rumrunners—although the most famous is undoubtedly the prosecution of Al Capone for tax evasion. In Memphis authorities began stopping liquor boats for not being registered or meeting federal regulations like having life preservers, a whistle, bell, fire extinguisher, starboard or port lights, and certificate of ownership. This netted Joe Robilio’s “Dura 4” as well as two other boats, the “Sunshine” and “Mascona” in 1920. “Motor Boat Laws Will Be Enforced,” \textit{Commercial Appeal}, August 28, 1914.

The lack of permanent progress prompted federal agents to declare periodic wars on river bootleggers. “Memphis is the biggest prohibition problem in the state and Nashville is the next,” declared W.A. Smith, Tennessee’s chief federal prohibition director in a press conference with Arkansas and Mississippi prohi chiefs in 1924, announcing the start of a campaign against river-based illicit liquor. With rented vessels until faster boats arrived from Washington, D.C., the three prohibition chiefs vowed to get violations under control with relentless raids between Cairo, Illinois and Natchez, Mississippi.126

Yet, government agents announced a similarly optimistic enforcement campaign two years later, indicating the problem had hardly abated. In this 1926 operation, a fleet of coast guard cutters joined local forces to target island and isolated river moonshining and transport to fulfill the deputy administrators intention to “clean up the river islands and every corner of this district.”127 Agents from four other states supplemented local personnel and the program did net numerous stills. Including some massive liquor plants, like one eighteen miles south of Memphis on Josie-Harry Island that broke all previous records, and another operation on President’s Island consisting of a forty-by-forty foot building, two 1,000-gallon stills, and 20,000 gallons of mash.128

Authorities made bold predictions of success—in that 1924 effort, they promised to “crush bootlegging in and around Memphis within the next six months and make this city not less than 80 per cent dry”—but that clearly did not happen.129 When E.C.

127 “U.S. Rum Fleet Here to Attack River Outlaws,” Evening Appeal, December 27, 1926.
128 “U.S. Rum Fleet Here to Attack River Outlaws,” Evening Appeal, December 27, 1926.
Yellowely, the chief prohibition agent of the United States spent a day in Memphis “probing conditions,” he admitted conditions were “very bad” and that river islands were “affording safe refuges for bootleggers,” and stills “in places it is hard for agents to enter,” but stated optimistically “good work is being done. It will continue.” Still, his final comments on the importance of public support were probably most telling for Memphis. “We must have the hearty support of the public to stamp this outlaw business out. But even where we fail to get support, we will eventually succeed.”\textsuperscript{130} That success—and public opinion, let alone support—always proved elusive.

Figure 7-11. “The Drowsy Watchman.” Memphians grew increasingly frustrated with the escalating violence and antics of local bootleggers, but that never prompted a sea change in public opinion or converted the masses into teetotalers; it simply convinced citizens that prohibition was a fool’s errand, a conclusion many reached years earlier under state-level legislation. \textit{Commercial Appeal}, February 1, 1923.

\textsuperscript{130} “U.S. Plans to Crush Local Bootlegging,” \textit{Commercial Appeal}, August 22, 1924.
Like any good entrepreneur, bootleggers looked for ways to minimize risk and increase efficiency. When it came to transporting liquor by road, this meant finding ways to make faster trips and avoid detection. One of the most common tactics in this effort was modifying automobiles for stealth or speed. C.B. Renegar was quite confident in the alterations he had made to his vehicle; so much that he freely admitted he was in charge of the building and even provided the keys when officers turned up to search his garage in October 1923.\footnote{City directories list Charles B. Renegar as a saloonist (with employees), turned restauranteur before his bootlegging career. Indeed, this particular scrape in 1923 was not his first brush with the law. He found himself in hot water over liquor law violations in 1919 and 1920, spending six months in the Shelby County workhouse and paying a $300 fine. In 1919, federal prosecutors tried him for contempt of court for pressuring a witness to lie on the witness stand. He found himself in even more hot water as the 1920s wore on. In 1924, after a week of surveillance authorities raided his home and garage, seizing huge amounts of booze (100 bottles of beer, 300 bottles a dozen quarts and five gallons of liquor) and charging him with city and federal liquor law violations, simultaneously. In 1925, he received fifteen months in jail and a $500 fine for four Volstead violations—including three separate liquor sales to federal agents—with presiding Judge Ross declaring, it “clearly evident that Renegar is as flagrant and violent a violator of the liquor laws as the mind can imagine.” He found himself on trial again in 1926, but it seemed he had changed (or at least appeared to change) his ways, receiving probation and then clemency from Tennessee Governor Peay, on account of his keeping the law “zealously” and his dependents. “Renegar Convicted; Hanover is on Trial,” Commercial Appeal, December 5, 1919; “Chas. B. Renegar Feels Hand of Law,” Commercial Appeal, January 9, 1921; “Police Trap Renegar in Dual Whisky Raids,” Commercial Appeal, October 4, 1924; “Renegar Sentenced to Long Jail Term,” Commercial Appeal, January 14, 1925; “Renegar Gets Probation,” Commercial Appeal, February 16, 1925; “Renegar is Given Respite by Peay,” Commercial Appeal, May 11, 1926; R.L. Polk & Company, Memphis City Directory, 1909, 1915, 1917.} The search proved fruitless and it looked as though Renegar was in the clear—until one officer noticed an unusual lock beneath the front seat of his Packard car. After threats of using a crowbar to bust it open, Renegar relented and procured a key. What officers found inside was a large, hidden storage locker beneath the seat loaded with 22 half-pints of corn whiskey and a quart of red whiskey.\footnote{United States v. C.B. Renegar, #2303 (1923).}

Certain modifications became synonymous with booze running. Some increased storage capacity by installing false floorboards, secret compartments within gas tanks, trunks, and interiors to hide booze. Yet this did not always work. E. Dittberner’s dusty
car with out-of-state license plates caught the eye of an off-duty cop in 1926, thanks to its reinforced springs, a type of modification the lawman had seen on other cars used to transport liquor. The officer’s suspicion grew when he began following Dittberner and noticed the car, despite those springs, appeared to be heavily loaded in the rear. When the officer arrested Dittberner outside a Memphis drug store, he admitted his guilt and a search produced fifteen cases—each containing twelve quarts—of whiskey in the automobile.133

Others chose speed over stealth. Officers tried to chase down a man and a woman running high speed through the streets of Memphis with cases of whiskey in December 1923, for example, but their city issued automobile simply could not stay apace with the rumrunner’s vehicle—a common narrative in the early years of prohibition.134 Unencumbered by bureaucracy and budgets, bootleggers moved faster than their law enforcement opponents did when it came to automotive technology. Replacing factory components on popular models of cars (so the vehicle itself did not attract attention), stiffer rear suspensions, improved handling, larger engines, improved intake manifolds, and additional carburetors were just a few tactics that allowed bootleggers to create customized machines capable of outpacing lawmen, hijackers, and covering difficult terrain.135 The latter being an important consideration for those who moonshined in the woods, canebrakes, and swamps that surrounded Memphis.

135 Stiff rear suspensions meant to conceal the weight of their cargos. These would cause the vehicles to ride up high when they were not loaded down with weight, and look normal when they had a load of whiskey inside. E. Dittberner would have saved himself a lot of trouble had he embraced this tactic before his run-in with the law in 1926. “Doors are Smashed in Police Raids,” Commercial Appeal, December 23, 1920.
For some, those modifications included the strength and power to take opponents head on. The Commercial Appeal reported that area bootleggers were using their “high-powered automobiles” like battering rams in the summer of 1919, “smashing whatever interferes.” 136 Whatever the tactic, the overall goal was combining stealth and functionality.

The more powerful a bootlegger, the less likely they did the actual transport themselves, instead electing to use regular employees or short-term, one-trip drivers. This could be a very lucrative gig, but failure to deliver was not an option. Bert Baker received $400 to buy alcohol in Caruthersville, Missouri and ferry it back to Memphis in his own automobile for a payout of $75 upon completion. Yet he had car trouble on the return trip and had to leave the vehicle to retrieve tools in Memphis to fix it. That delay did not go over well with his employer, well-known bootlegger W.R. McVey, who shot him multiple times in front of his wife. Yet, even on his deathbed Baker remained tight-lipped, saying nothing more than the altercation was “over a business matter.” 137

Not all road transport happened by automobile. Memphis was the only city within a 150-mile radius, surrounded by the rural Delta countryside. Many of those residents could not dream of affording a car, and continued to transport themselves and their wares by wagon. That is how authorities seized one cache of whiskey in 1918. They stopped a farm wagon that appeared to be transporting cotton to a Memphis gin, but demanded to know its true contents when an officer touched the cotton and discovered it was not fluffy. The driver then admitted it was a load of whiskey beneath the layer of


cotton, and that he was taking it to Memphis—reportedly on the orders of E.A. Laughter.\textsuperscript{138}

Alcohol moved by train, water, and road, but many of the systematic liquor rings used combination methods. In 1919, raids uncovered a multi-step system moving alcohol from Caruthersville, Missouri to Memphis. The whiskey departed Caruthersville via boat, traveled down the Mississippi River and stopped at an appointed spot near the Tennessee state line. The water rumrunners offloaded the cargo onto the riverbank, where a second group picked it up, and then hauled it the last leg into Memphis by automobile. Sometimes that handoff happened in person, and other times the transition staggered. During the trial of B.F. Crockett and Charles Jackson, for example, details emerged that the boat bootleggers took the whiskey on shore, and hid it under a tarp by a specific, previously agreed upon tree.\textsuperscript{139}

Once vessels made it to the shore, the next task was offloading and transporting it to the buyer. “Well I tell you, see the boats were running then and Jim Kannan (sic) sometimes have 50 case\

\textsuperscript{138} “Laughter Must Have Seven-League Boots,” \textit{Commercial Appeal}, October 29, 1918.

\textsuperscript{139} \textit{United States v. B.F. Crockett and Charles Jackson,} #694 (1919).

The prosecution of J.B. Moran in 1919 revealed a similar procedure of alcohol moving by water, then unloaded onto the riverbank in sacks, and finally driven into Memphis by automobile—although law enforcement ensured that third step did not happen.\textsuperscript{142}

After liquor production and successful transport, the next logical step in illicit supply chains was sale. Just as bootleggers tapped into a readymade infrastructure to move that booze, they also tapped into a readymade market to sell it. Memphis was the largest city in Tennessee—in both size and population—and swelled constantly with nonresidents in town on business or pleasure. This paired with the area’s engrained drinking culture created a demand, and the illicit liquor industry supplied the product. There were different ways that product found its way to customers, but like any mainstream business, distribution typically occurred through a tiered system of producers, wholesalers, and retailers—retailers who then fell into different weight classes based on quantities and clientele. To be sure, those demarcations were not hard and fast. Some manufacturers sold directly to the public. Yet the bigger the moonshiner, brewer, or distiller, the more likely it was that they produced or imported on a scale that attracted middlemen.

In these instances, wholesalers or “connects” acted as conduits, purchasing in bulk and reselling in smaller (but higher-priced) quantities to retailers, who in turn repeated the process (raising prices again to ensure their own profit margin) with


\textsuperscript{141} Walter “Furry” Lewis, interview by Margaret McKee, September 27, 1972, pg. 30, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

\textsuperscript{142} \textit{United States v. J.B. Moran}, #683, #708 (1919).
individual customers. Some local dealers looked beyond state lines to secure this type of wholesale inventory during prohibition. The Land & Phelan Grocery Store, for example, bought its booze forty miles to the southeast in Byhalia, Mississippi, in turn distributing it to smaller dealers in Memphis.\textsuperscript{143} Other middlemen stuck closer to home and worked with Shelby County producers. “We bought whiskey from these moonshiners,” explained bootlegger Frank Liberto years later, “they used to make whiskey all over everywhere…and the wholesalers would make it, and they’d bottle it up in five gallon bottles, and they’d go get orders and then that night they’d deliver to them.”\textsuperscript{144} The simple-minded character Tommy in William Faulkner’s \textit{Sanctuary} summed up the advantage to this type of buying and selling in bulk: “That’s where the money is,” Tommy said. “Ain’t no money in these here piddlin little quarts and half-a-gallons. Lee just does that for a-ccommodation, to pick up an extra dollar or two. It’s in makin’ a run and getting shut of it quick, where the money is.”\textsuperscript{145}

After manufacturers, transporters, and wholesalers got “shut of it quick,” that is, produced, moved, and sold illicit alcohol quickly (thus turning a profit while reducing chances of arrest or theft), the last step was retailing it to the customer. How those sales happened varied, but generally fell into several broad categories: on the street, on water, by delivery, and in brick and mortar stores. When it came to unscheduled street purchases, bootleggers (like cops) often worked a particular “beat,” or designated

\textsuperscript{143} These trade routes went both ways; Memphis bootleggers traveled to the dormitories of Ole Miss in Oxford, Mississippi to sell their wares during prohibition. Thomas Dionysius Clark, \textit{My Century in History: Memoirs} (Lexington, KY: University Press of Kentucky, 2006), 76; “Committee Thirteen,” Rowlett Paine Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

\textsuperscript{144} Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 27, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

territory, making it easy for regular or referred customers to find them. Memphian
George Barnes, better known as Machine Gun Kelly, for example, sold booze outside
the Peabody Hotel in the early years of his criminal career.\textsuperscript{146} Street salesmen were
particularly fond of football games, concerts, fairs, and other special events—reportedly
the circus being in town meant particularly “easy pickin’”—as they brought an influx of
people looking for a good time, and left the authorities distracted with crowd control.\textsuperscript{147}

The risk accompanying these street transactions is not entirely clear. J.C.
Starnes declared in an interview with historian William D. Miller in 1952 that bootleggers
had full bushel baskets of whiskey bottles on the sidewalks of Front Street, and
exchanged them for cash in open view.\textsuperscript{148} Other sources indicate such brazen sales
could backfire, and reveal dealers who tried to keep a low profile while still making
sales. Hiding liquor on one’s body was the most obvious choice, although Tony Romeo
took it to the next level in 1924, sewing hidden pockets into his clothes—pockets that
successfully hid a whopping eleven half-pints, at least until the cops frisked him.\textsuperscript{149}
William Young attempted a similar tactic, which succeeded until cops noted how “his
waistline was of tremendous dimensions in proportion to a slender body.” It turned out
he was using “stuffed vest camouflage,” concealing nine half-pints in the lining of his

\begin{itemize}
\item \textsuperscript{146} “Memphians Recognize Barnes Despite Kelly’s Blond Hair,” \textit{Commercial Appeal}, September 27, 1933.
\item \textsuperscript{147} “Crowds and Bootleggers, Prohibition and a Circus,” \textit{Arizona Republican} (Phoenix, AZ), April 8, 1911.
\item \textsuperscript{148} William D. Miller, \textit{Memphis During the Progressive Era, 1900-1917} (Memphis, TN: Memphis State University Press, 1957), 88.
\item \textsuperscript{149} Another Memphis seller carried such a bottle load that the arresting officer testified it “sounded like
sleigh bells there were so many of them.” “Hold Basket of Whisky,” \textit{Commercial Appeal}, May 12, 1921:
\end{itemize}
vest. Others elected for a larger degree of separation, keeping booze nearby until a customer appeared, like a salesman on the corner of Madison and Crosstown, who hid pints of whiskey in a lunch pail and satchel. When a customer made a purchase, they retrieved the liquor themselves and put it in their own coat pocket.

After federal prohibition began, reports claimed the majority of small-quantity illicit liquor purchases happened by this “hip pocket process,” but prior to 1917—when it was still legal to consume, just not sell alcohol—street vendors also sold by the drink.

Stationed in an alley with flasks and a glass, black entrepreneur Prince Harvey offered whiskey five cents a swig in 1915, at least until the cops showed up. Then he denied charging customers, declaring he gave the alcohol away freely (which was legal), but authorities watched a man hand Prince a nickel and made the arrest. Bluch Williams tried a similar defense strategy, admitting the jug was his, but that he used it only for “personal inspiration” and inspiring others with free drinks. This time the jury actually bought it, and acquitted him.

Besides terrestrial sales, business-minded river and excursion trip companies recognized the opportunity interstate commerce laws provided for selling alcohol on water during state-level prohibition. Essentially a booze cruise—or “floating palaces

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152 Mona C. Van Winkle of the Washington, D.C. police department women’s bureau declared that “hip pocket parties” were causing the downfall of young people. “‘Hip-Pocket Parties Rapped by W.C.T.U.,” *Atlanta Constitution*, November 17, 1922; “Most of Liquor Here Smuggled Or Made At Home,” *Evening World* (New York, NY), February 18, 1922.


155 *News Scimitar*, April 15, 1915 and April 24, 1915.
for thirsty persons,” as one newspaper quipped—these were trips specifically marketed and sold for the purposes of consuming alcohol as a means of circumventing liquor laws.\textsuperscript{156} To be sure, these were not new schemes. “Whisky fleets” ran on the Mississippi River for years before prohibition, but the frequency increased after 1909.\textsuperscript{157} Operators secured the necessary federal licenses, visited other cities to charter boats, and emphasized their commitment to obey the law by ensuring drinking did not start until the boat crossed midstream—and thus the state line Shelby County, Tennessee shared with Crittenden County, Arkansas on the Mississippi River.\textsuperscript{158}

This took the vessel and its passengers out of “dry” Tennessee and into “wet” Arkansas, where the good times could roll. Indeed, musician Alex Sims recalled sneaking out of church to go play with his band on the excursion boats. “When it’d get to the middle of that Mississippi River,” Sims recalled, “it opened up. All the lights would turn on and everything.”\textsuperscript{159} Yet pinpointing that invisible boundary—the ill-defined “middle” between the two banks—was exceptionally difficult, even if participants were sincerely trying to obey the law. By this point in the dissertation, it should come as no surprise that many were not so sincere. While on trial for liquor law violations aboard the \textit{J.H. Menge}, vessel manager (and notorious underworld figure) Mike Haggerty testified

\begin{footnotesize}
\begin{enumerate}
\item[\textsuperscript{157}] In 1902, a Mississippi River “whisky” fleet made its headquarters at Memphis, reportedly selling whiskey by the barrel in huge amounts. Each boat came outfitted with a bar, huge amounts of alcohol, and numerous poker and gambling rooms. Mississippi authorities ultimately seized its flagship vessel, the Shamrock III, for failure to wait until midstream to sell alcohol. The boat’s operators received fines and prison sentences, as a result. “Flagship of Whisky Fleet Taken a Prize,” \textit{Washington Times}, April 21, 1902.
\item[\textsuperscript{158}] The city played host to four large steamers for pleasure cruises in 1915. “New Excursion Boats to Carry Memphians,” \textit{Commercial Appeal}, March 27, 1915.
\item[\textsuperscript{159}] Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 14, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
\end{enumerate}
\end{footnotesize}
that it was impossible to know exactly when the boat reached midstream.\footnote{Registered at the Port of New Orleans with a home base at Vicksburg, Mississippi, The J.H. Menge was a steamer valued at $20,000 owned by Mississippian Thomas H. Morrisey, which did business for the Monarch Excursion Company—that only catered to African Americans. In 1915, it anchored at the Memphis Wharf and making runs for lessees (and underworld figures) Michael Haggerty and John Margerum, who split the profits evenly with Morrisey. Investigations revealed liquor sales on the boat. Steamboat captain Ed Nowland declared his intention to continue sales as usual. "We are going to keep our bar on the boat, too," he declared, "but will not violate the laws of the State of Tennessee. In other words, we have no intention of opening the bar while in the jurisdiction of the state." "Menge is Here to Stay," \textit{Commercial Appeal}, April 25, 1915; "Injunction Sought Against Mayor Crump," \textit{Commercial Appeal}, April 15, 1915.}

Employees simply guesstimated when they were in the middle, Haggerty explained, and then started selling booze—although evidence suggests they barely waited until the boat pushed off of Tennessee soil.\footnote{This particular incident dovetailed with larger political warfare between the Crump machine and its opponents, as one of the vessel’s lessees—underworld figure John Margerum—testified that he ran the on-board bar, and knowingly sold alcohol. "Were you not selling liquor in violation of the law?" the prosecution asked. "I was," Margerum replied, "but with the sanction of the mayor and the city authorities." "160 Negroes Taken From Excursion Boat," \textit{Commercial Appeal}, March 16, 1915; "Injunction Sought Against Mayor Crump," \textit{Commercial Appeal}, April 15, 1915; "Crump is Guilty; No Fine Imposed," \textit{Commercial Appeal}, April 24, 1915.}


Owners of the \textit{Minnie Couch} similarly emphasized a commitment to legal sales, and part-owner L. Logsdon explained that his employees received instruction to “never to be guilty of selling anything on the Tennessee side” but even if that commitment proved sincere, the ambiguity of the river made it hard to follow and equally hard to
prosecute. Authorities ordered a survey of state lines in 1918, but the onset of federal prohibition alleviated the confusion concerning jurisdiction on the Mississippi River; it was now all illegal. Yet water continued to play a central, unique role in the Memphis bootlegging game. Legal ambiguities were a boon for criminals and a perpetual thorn in the side of law enforcement.

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163 For the Minnie Couch the alleged sale happened not even at the bank, but at a point west of the center of the main channel, between Shelby County, Tennessee and Crittenden County, Arkansas. “Only sell while we are in the river,” part-owner H.B. Pryor testified. “Yes, sir. Never sell nothing at the banks.” When questioned as to where in the river they sold it, Pryor testified that they sold as “near the channel as we know how,” not by charters but by their existing knowledge and judgment of the river. Despite having the necessary revenue license to sell alcohol, the courts still found the owners guilty. James Couch received a $50 fine and six months in the workhouse, a decision the Tennessee Supreme Court upheld on appeal. *James Couch v. State*, 140 Tenn. 156; 203 S.W. 831 (S.C. TN 1918); “Nab Whiskey Boat and Nine Men in Tennessee,” *Cincinnati Enquirer* (Cincinnati, OH), 1917; “Refused to Restore Confiscated Liquor,” *Commercial Appeal*, January 18, 1920.


165 The capture and subsequent prosecution of Caruthersville, Missouri resident Tom Bishop for moving whiskey down the Mississippi River in his gasoline-powered tramp in 1918 provides another example of this geographic, water-based ambiguity. Authorities caught him twenty miles north of Memphis on the Mississippi River, forced his vessel to shore, saw the cargo was whiskey, and demanded to see his bill of landing (documents detailing the vessel, trip, and load). Bishop stayed tight-lipped, but his assistant dimed to the authorities, explaining they intended to unload the booze to waiting cars at one of two Tennessee landings—and Bishop’s failure to deny these statements at the time helped secure his conviction and ensure it upheld on appeal. Still, Circuit Court Judge Denison highlighted the problematic geography of this case, declaring the evidence “very vague and unsatisfactory” as to whether the boat was actually in Tennessee when the lawmen stopped Bishop. Further, he criticized the paucity of attention “to the question as to the precise location of the state line in the river.” Still, general knowledge of river travel and trade—knowledge Memphians came by naturally—poked holes in Bishop’s defense that the boat was “hugging the shore,” and thus not crossed the invisible boundary between the two states. “The natural effort of this lift draft small boat would have been to make as straight a course as possible, and this would have taken it east of the center every time the channel made a bend to the west,” noted the appeals court. “We think that the jury would be clearly entitled to infer, merely from the fact of this journey and the common knowledge regarding the nature of the river and its winding channel that a considerable part of the journey had been made within the limits of Tennessee. When to this we add the fact that they intended to land at Richardson’s, if they were signaled, and would naturally have drawn in close to that landing, and the further fact that no denial that this had occurred, nor any claim that Bishop had constantly kept his boat in Arkansas, seems to have been made at the trial, we think there is no doubt that the evidence in the case, coupled with the matters of judicial and common knowledge, fairly supports the conclusion that Bishop actually transported the liquor across the state line into Tennessee and with the intent that it should finally remain in that state.” The court ultimately ruled that Bishop’s intent to transport liquor into Tennessee and leave it there made it immaterial that he had incidentally gone out again with his cargo or that the arrest was made outside the state line.” Bernard Kelly, *Kelly’s Federal Prohibition Digest* (Chicago, IL: Burdette J. Smith & Co., 1922), 111; *United States v. Bishop #718* (1918); *Bishop v. United States*, No. 3279, 259 F. 195 (6th Circ. 1919).
Figure 7-12. Jurisdiction on the Mississippi River. Although from 1937, this aerial map illustrates the water-based state line and legal boundary between Tennessee and Arkansas on the Mississippi River. The ambiguity became a sticking point during prohibition. Shelby County Archives.

Excursion boat sales tapered off after federal prohibition closed the interstate loophole, but getting alcohol by delivery only increased. Under state-level prohibition, customers could order beer from one of the city’s many legal interstate shipping outfits still willing to make local deliveries (in violation of Tennessee law), and have six-packs quickly arrive at their door.166 After the Volstead Act took effect, however, transactions happened with illicit sellers, not legitimate manufacturers, or wholesalers—although it was still big business. Proprietor of the Tri-State Café, Edilo “Bill” Bellanti, reportedly had a fleet of fifteen automobiles just for executing booze deliveries around Memphis.167

166 “Leaks are Sprung as Booze Goes Up,” Commercial Appeal, May 2, 1917.

167 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 3, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).
The real risk in these transactions often fell to the low-level “runners” employed to execute the delivery and keep the “supply of alcohol moving.” The arrest of Luke Marcum illustrates how the procedure worked. On August 28, 1922, prohibition agents J.T. Dannel and Will Taylor purchased white corn whiskey at a combination barbershop, soft drink stand, and poolroom on Vance Avenue. They returned to execute a second purchase the next day (securing evidence of multiple infractions became an increasingly popular tactic to ensure conviction) and listened as the proprietor made calls looking for “Luke,” and then asked for a quart of “Haig & Haig.” Within fifteen minutes, Dannel testified, Luke Marcum appeared with a bottle of whiskey, which he exchanged for $10. At trial, Marcum denied working “as an accommodation party for whiskey dealers,” yet jurors were unconvinced and the matter ended in his conviction.

A variety of businesses offered liquor delivery, but especially those that had deliveries built into their legitimate business model. Dairy farmers and milkmen, for example, appear several times in Memphis records, and juries convicted both J.W. Brownlee and Daniel Rooks in the 1920s for offering whiskey alongside milk during their

169 United States v. J.L. Marcum, A. Marcum, #1848 (1923).
170 United States v. J.L. Marcum, #1382 (1922).
171 Marcum had quite a rap sheet, so it is unsurprising the jury did not believe his account. Marcum testified that Elkins called him, said he had a friend in town, and wanted to get some red whiskey. Marcum testified that he told Elkins he did not know where to get it, but would see if he could. He said he went to a young man at the Chisca Hotel poolroom, got the whiskey for $10, and delivered it to Mr. Elkins. He reiterated that he did not profit from the transaction. “I was only doing it as a favor to Mr. Elkins,” Marcum testified. “I was not figuring on making a sale or making a profit. I was not doing it for that.” The prosecution asked if he acted “as an accommodation party for whiskey dealers,” and Marcum denied it. “No sir, not as a general rule I do not.” When asked how Elkins knew he would know how to get whiskey, he replied he did not know. When asked if he used to own a “bootlegging establishment at Third and Union,” he replied that he owned a place of business there but it was not a bootlegging establishment. “Was whiskey sold there?” asked the prosecution. “I never did sell any there,” Marcum replied. “If whiskey was sold there it is beyond my knowledge. I never did sell any.” United States v. J.L. Marcum, #1382 (1922).
morning rounds. Brownlee even packaged whiskey in the same bottles as the milk. Far more common, however, were taxicab companies. These boozy deliveries happened both in Memphis and nationally, because the modus operandi was perfectly suited to the task. It was not suspicious to see taxis on the streets at all hours, picking up and dropping off random people, and the vehicles had the storage to move small or large quantities. This allowed drivers and their cargos to hide essentially in plain sight. Moreover, like bootleg alcohol, hiring a cab was a cash-only business, making it the perfect front for laundering dirty money. Although people certainly knew, taxicabs were moving liquor. C.P.J. Mooney of the Commercial Appeal highlighted the practice in an August 1919 editorial, declaring it “time to get bootleggers” and the “rascally taxicab drivers who use the occupation merely as a cloak for criminality.” Yet the practice continued.

In some instances, these cabbies were couriers. Drivers like George Barnes—better known by his adopted name “Machine Gun Kelly”—picked up alcohol in the notorious “Whiskey Chute,” an alley lined with dive bars and gambling dens between Front and Main Street that was frequented by equally dicey patrons, and then delivered it around town to respectable hotels, restaurants, social clubs, drug stores, and private homes. It provided an easy way for the wealthy and well connected to secure “A-1

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175 “Reaping the Whirlwind of Loose Morals and Lawlessness,” Commercial Appeal, August 31, 1919.
“hooch” for parties and dinners without getting their hands dirty. When regular folks received alcohol by automobile delivery, it was more common for customers to telephone company headquarters to place an order, in the same way they would legitimately request a taxi. The 7400 Taxi Company had its two new seven-passenger Studebakers seized through this process in 1923 when it turned out the telephoning customers who received the booze were actually undercover prohibition agents. The 784 TaxiCab Company on Union Avenue had been under police surveillance for weeks when the “day sponge squad” raided it a year later, uncovering how the business solicited telephone orders and filled them with liquor inventory—in total, six quarts of red liquor and 87 half-pints of whiskey—stored over the garage.

If they did not provide the liquor themselves, taxicab drivers were often sources of information. They knew where to go, who to see, and could take you there. The high volume of taxi traffic to E. Devoto’s house, who sold booze out the side door of his private home, became evidence at his trial in 1919. “I have seen people go in at all times of the day, and have seen Negroes drunk there out in the road,” testified neighbor J.D. Dixon. This was not limited to illicit booze; cabbies facilitated other types of vice, as well. “I had a relative, during the Depression he started driving a Yellow Cab,” recalled James O. Graham. “He made more money taking people from the railroad

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station to a house of ill repute than he made driving the taxi from his fares.”

Some of Memphis’ biggest bootleggers were involved in taxi or chauffer businesses, like W.R. McVey, a former Memphis Police Department officer declared in 1919 the second “most thoroughly indicted man in Shelby County.”

When it came to delivery orders placed in person, those sales were often the purview of service industry workers. Hotel porters, bellboys, bagboys, door attendants, elevator operators, concierges, drivers, and waiters might have been seemingly low on the totem pole, but they were the ones who knew everybody, and had high volume interactions with the public every day. Whether they operated individually or worked for a bootlegger or syndicate varied—and so did the leniency their employers offered.

When a manager at the fancy Peabody Hotel discovered Lucius Murray, Walter Porter, and John Montgomery procuring booze for guests, he called the cops. The boss of porters at the Turley Building on South Court Avenue proved similarly rigid after discovering their “curb market signal scheme” to sell and deliver corn whiskey to office buildings in 1924. Still, these workers developed reputations as reliable conduits, and that did not simply apply to liquor. Bellhops, for example, could meet requests for liquor, narcotics, prostitutes, or gambling, or a combination, therein.

Vice was money in

180 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 17 – 18, MSU.
182 “Charge Liquor Violation,” Commercial Appeal, August 12, 1924.
183 Hotel rooms often served as the locus for liquor, gambling, and prostitution—even the city’s posh establishments. Two raids in twenty-four hours at the Peabody Hotel, for example, netted 1,000 chips, 16 decks of cards, and other sundry gambling items in February 1920. Survey of Commercialized Prostitution, State of Tennessee Department of Health; “Alleged Poker Game in Hotel is Raided,” Commercial Appeal, February 16, 1920.
Memphis, it was readily available, and that fact alone motivated some visits to the Bluff City.

Of course, this was a risky way to make money. Each transaction banked on customers being who they said they were and actually looking for booze, not undercover law enforcement officers looking for busts. The simplest way to avoid arrest for selling alcohol was, of course, not to sell alcohol. A close second was refusing to do business with anyone you did not know. “Doc” Lott, a friend of novelist William Faulkner, learned this the hard way when he supplemented his barbershop job by moonlighting as a bootlegger’s courier. For running a package to a customer who turned out to be the law, Lott earned ninety days in jail, prompting his father (a servant to university chancellors at Ole Miss) to exclaim, “How many times have I told Doc not to sell whiskey to strangers!” Lott did not serve the full three months, however. William Faulkner’s close friend Phil Stone got in touch with a friend in the Crump administration, and Lott mysteriously received parole.184

When Memphians bought liquor at a brick and mortar establishment, it happened at either a saloon (or in conjunction with other vice like prostitution and gambling) or at a business using another trade as a front for illicit activity.185 For the latter, anything that could plausibly have a high volume of daily traffic sufficed, but businesses like restaurants, lunch stands, soda shops, grocery stores, barbershops, tailors, pressing

184 Snell, Phil Stone of Oxford, 121.

185 Custom and superstition prompted many gamblers to vocalize their hope for good fortune as they played. Some of those verbal prayers proved rather inventive, as Walter Stewart noted in a March 1935 expose of Memphis gambling culture. “Christmas cubes bring home your gifts!” cried a one-armed man throwing dice. “Hang on, white bulldogs and bring me home,” shouted another. These statements have no relevance to this chapter; it simply would be criminal to rob anyone who has read this far into the dissertation of such fantastic hyperbole. “30 Minutes Work, Two Hours Rest for Dice Dealer,” Memphis Press-Scimitar, March 6, 1935.
shops—anything in the food or service industry—proved wildly popular. In saloons, proprietors often took steps to hide its existence. The entrance to the “Turtle Back” saloon on Parkway and South Lauderdale Street, for example, was accessible only through a trapdoor in the floor. Police accessed this subterranean joint and arrested over twenty men and women in May 1913.

Even more common were early warning systems offering a last line of defense when authorities came calling. Establishments used tactics of varying sophistication, including bells, buzzers, whistles, buttons, warning lights, sirens, doormen, or simply someone’s voice to send the same basic message: cops are on the way, run. Musician Alex Sims described the Manhattan Café’s “contraption on the wall” allowing a lookout to “stick his head up there and give signals upstairs,” while the infamous Monarch saloon posted a man at the switchboard in case of a surprise raid, with instructions to kill the electricity if lawmen appeared. The idea was to make it harder

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186 Law enforcement knew to check the back of restaurants and business, as that was often where this sort of establishment stored whiskey. Sergeant Stevens and his aide found seven half-pints of liquor stashed in an alley behind the Sanitary Café on Monroe Avenue in 1922, for example. It was unguarded, so the officers lied in wait. Their patience was rewarded when George Carter returned and took out a half-pint. The officers swooped in, arrested Carter and charged him with violating the liquor law. “‘Stache’ Held 7 Pints,” Commercial Appeal, December 21, 1922; Herman Taylor, Report of Homicide, 2 January 1921, SCA.


188 A downtown poolroom with upstairs gambling installed a first-floor buzzer for this purpose, although it failed spectacularly during a June 1920 raid, allowing authorities to arrest every person in the place. At the Provident Association of America headquarters, an insurance business that also served as a front for a saloon, visitors pressed an electric bell, waited for a round peephole to open, revealing the eye of a gatekeeper who asked, “are you a member?” If those seeking admittance could answer affirmatively, the door swung open to reveal a bank-like room with cages and areas for sorting money, and another with a wet bar that spanned the length of the room. “Provision for Family and Booze for Father,” Commercial Appeal, July 18, 1914; “More Saloonists to be Enjoined Today,” Commercial Appeal, December 9, 1914; “Police Raid Pool Room on Derby Day,” Commercial Appeal, June 13, 1920.

189 Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 27, MPL.
for raiders and easier for escaping patrons, but that plan failed in August 1914, thanks to the antsy switchman who took one look at the raiding party and abandoned ship.\textsuperscript{190}

Failed subterfuge usually made the newspaper, but these tactics were often quite effective. When deputies raided a gambling outfit set up in the old city council chambers in 1914—recently abandoned for the controversial and expensive new city hall building—the lookout hit the warning button. This kicked the escape plan into action, everyone hurried down a second stairway, and authorities came up empty handed.\textsuperscript{191}

Since law enforcement often orchestrated raiding campaigns, hitting multiple places in succession on the same day, word of mouth often saved those further down the target list. The sheriff’s office intended to execute a series of raids in June 1920, for example, but after hitting two gambling houses that netted several dozen arrests, deputies found subsequent joints deserted.\textsuperscript{192}

Businesses using a legal trade to mask illicit activity did not need warning systems, but they did need ways to hide their liquor while still keeping it accessible for upcoming sales—a problem they shared with saloonists. Some hiding places were more inspired than others were, but this is where the creativity of Memphis’ liquor interests truly shined.\textsuperscript{193} False walls, removable floorboards, attic space, adjacent buildings, and even buried in the ground offer a mere sample. Repeat prohibition offender Harry Kiersky opted for an “in plain sight” approach at his combination soft drink stand and

\begin{footnotesize}
\begin{enumerate}[\textsuperscript{190}]
\item “Gambling Outfit in Old City Hall,” \textit{Commercial Appeal}, July 8, 1914.
\item “Sheriff Cleans up Gambling in County,” \textit{Commercial Appeal}, June 14, 1920.
\item Frank Wimmer, for example, elected to keep his whiskey simply on the back steps of the building where he operated a “cold drinks stand.” It did not take much for authorities to find it, and his attempt to blame it on the black man who rented the second floor of that building proved unconvincing in court. “Frank Wimmer Convicted,” \textit{Commercial Appeal}, January 10, 1923.
\end{enumerate}
\end{footnotesize}
restaurant on Pennsylvania Street in 1919. After an employee unwittingly sold alcohol to an undercover agent, law enforcement executed a complete search, unearthing nearly fifty cases of booze—street valued at $4,620—packed inside Coca-Cola, Chero Coca, Cook’s Dry and Bevo (non-alcoholic beverages) cases. Kiersky then placed the cases with booze in the middle and lined the stack with real soda pop, ensuring anyone who looked through the handle holes saw only soft drink bottles.194 Another storeowner tried to utilize America’s first president, but police looked behind his portrait of George Washington draped with an American flag to discover an icebox built into the wall full of alcohol—rather apt, considering Washington won his first election in 1758 in part by supplicating voters with a lot of booze.195

The Hole-In-The-Wall saloon on Beale—a notorious establishment so named for its convenient, frequently used exit through a hole in the back wall—had its own clever, yet also questionable, method of safeguarding inventory.196 Each morning, workers rolled garbage cans, packed with half pints of liquor out front, with a lookout posted nearby. When thirsty patrons came in search of libations, they paid a white-jacketed attendant behind the counter, who then signaled the lookout. The lookout fished a bottle out of the trash, and handed it to the customer as he walked out the door. It was a slick

194 Reports described Kiersky as an “old offender against the booze laws,” and this particular bust resulted from a joint effort by federal agents and local police. Department of Justice agent W.E. McElvain received word that liquor sold at Kiersky’s combination soft drink stand and restaurant on Pennsylvania Street, which McElvain proved when Kiersky’s employee, J.H. Foster, sold whiskey to one of the lawmen. “Whiskey Worth $4,620 is Captured in Raid,” Commercial Appeal, January 5, 1919; Harry Kiersky v. United States, No. 3337, 263 F. 684 (6th Circ. 1920);
operation, save for a couple potential snafus. The first was making sure no innocent passersby threw their lit cigarettes into the cans holding flammable liquor. They learned this lesson the hard way after a discarded cigar stub caused an explosion, sending lookouts scurrying for water as the Italian saloon owner cursed in two languages. The second problem was regularly scheduled garbage pickup. When lookouts saw the trash truck approaching, it was all hands on deck to roll the cans back inside before workers hauled their contents to the city dump.\footnote{George W. Lee, “Poetic Memories of Beale Street,” in \textit{West Tennessee Historical Society Papers} 26 (1972): 64 – 73, 69; George W. Lee, interview by Margaret McKee and Fred Chisenhall, August 3, 1973, pg. 5, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL); George W. Lee, \textit{Beale Street: Where the Blues Began} (College Park, MD: McGrath Publishing Company, 1969), 78; McKee, \textit{Beale Black & Blue}, 26.}

For those who felt cagey about having the alcohol on their own property, adjacent or vacant buildings and homes were popular options.\footnote{“July Will Bring Relief from Booze,” \textit{Commercial Appeal}, June 7, 1919.} Johnny Margerum stored the Monarch’s inventory on the roof of a neighboring building in 1917, but cops became suspicious of the multiple trips to the roof, investigated, and found ninety-five half-pints of unlabeled alcohol.\footnote{“Margerum Held for Grand Jury Action,” \textit{Commercial Appeal}, July 24, 1917.} John Gammon similarly utilized the vacant home twenty or twenty-five feet from his business in 1922, until federal agents raided the place and discovered fourteen half-pints hidden under the house and several gallons in the attic.\footnote{United States \textit{v. John Gammon}, #1383 (1922).} “Just because there are only a few houses on a street,” Chief Will D. Lee instructed ward patrolmen, “doesn’t necessarily mean that there is no ‘life’ on that particular street. Keep your eyes on vacant houses, and if they are vacant for a long


\footnote{“July Will Bring Relief from Booze,” \textit{Commercial Appeal}, June 7, 1919.}

\footnote{“Margerum Held for Grand Jury Action,” \textit{Commercial Appeal}, July 24, 1917.}

\footnote{United States \textit{v. John Gammon}, #1383 (1922).}
time, search them or make an investigation which will prove to you that whisky is not being stored in them or stills are not hidden in them.”

James Green, a bootlegger known as the “‘Fessor,” melded location, efficiency, and security in his sales, operating out of an upper-story window above the Palm Gardens saloon. Interested parties shouted up from the sidewalk, and if they passed muster, Green lowered a bucket on a rope. Payment was deposited in the vessel, pulled skyward, and then lowered a second time with the merchandise. Many imitated Green’s habit of adding a double “e” to the end of his words when they placed an order, and authorities tried to use this idiosyncrasy to bust him. Yet holding the higher ground allowed Green to screen his clientele. When he saw who was ringing his metaphorical doorbell he replied, “Hell-ee, no-ee, not for you-ee!”

Legality and risk aside, illicit liquor selling could be a very financially sound decision. Keeping costs low and selling high ensured everyone alone the supply chain made money. During his time as a Memphis bootlegger, legendary musician Muddy Waters purchased whiskey by the gallon for $2 to $2.50, parcelled it into half-pint bottles, and sold those for twenty-five cents each. With sixteen half-pints in a gallon, this meant he doubled or nearly doubled his money on each gallon. Flipping inventory like this—bulk purchasing, dividing, selling at profit—was (and is) standard operating procedure for any capitalist. Economies of scale make money. Yet the market fluctuated


202 McKee, Beale Black & Blue, 26.

203 McKinley Morganfield, interview by Margaret McKee, September 13, 1973, pg. 19, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
in Memphis, and periodic scarcities (thanks to successful law enforcement raids, hijackings, or other unexpected problems) could drive prices much higher.\textsuperscript{204}

In fact, demand ensured liquor routinely cost more in the Bluff City than other parts of the state. A gallon of whiskey in east Tennessee, for example, cost $8 to $10 in the aftermath of the Bone Dry Laws of 1917. At the same time in Memphis, a gallon sold for $20 to $30.\textsuperscript{205} The public has become so accustomed to being ‘raised’ out of their boots by the telephone people, the electric light folks, the water company and almost everybody,” the \textit{Commercial Appeal} explained of high booze prices in 1919, “that the most of them don’t object and go on paying the price and smiling as of yore.”\textsuperscript{206}

Prices varied by person, however, because like successful street vendors and shell game operators, “good” bootleggers saw a mark coming and adjusted prices accordingly. In 1920, one man paid a Memphis bootlegger $5 for a single soda pop bottle of whiskey—nearly $60 when adjusted for inflation to current dollars.\textsuperscript{207} Overspending on a single bottle proved that man’s last bonehead decision, however;

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\item \textsuperscript{204} “Without a doubt the price of bootleg whiskey will rise today,” agents told the \textit{Commercial Appeal} in 1921 after successful raids and liquor confiscation, and the paper echoed the same sentiment the following year, noting, “the price of corn whiskey may go up as a result of the activities of Prohibition Agents Harmon and Comer and Deputy Sheriff Strong.” Suffice it to say, liquor prices had increased a fair bit from the Memphis’ early days, when patrons bought whiskey by the gallon for a quarter, and declared they “never intended to drink water while whiskey sold at that price.” During prohibition, those prices fluctuated for a variety of reasons: inflation, scarcity, the vigor of police work, conflict between bootlegging factions, bulk orders that cleaned out existing inventories, and even weather. Before a seven-week campaign to round up bootleggers in 1933, for example, a gallon of red whiskey was $3. After that clamp down, prices doubled to $6. White whiskey, which had been $1.25 a gallon, shot up to $2.25 a gallon. Prices simply never remained static, because that was at odds with the reality of illicit liquor commerce. 
\item \textsuperscript{205} “Moonshiners at Work in Bone Dry States,” \textit{Commercial Appeal}, December 24, 1917.
\item \textsuperscript{206} “Cold Drinks Ten Cents,” \textit{Hayti Herald} (Hayti, MO), May 19, 1919
\end{itemize}
\end{footnotesize}
the bottle contained wood alcohol, and he was dead within two hours.208 The following chapter examines poisonous booze and the epidemic of wood alcohol sales and deaths in detail, but this misfortune highlights a harsh, yet important fact: profit superseded almost all other concerns, and illicit liquor dealers were always looking for ways to cut corners.

Sometimes those cut corners were more or less innocuous, like taking whiskey, diluting it with water, and selling it as the real thing. In 1919, a gallon of “wildcat whiskey” sold for $10 in Memphis, although the costs associated with production were a fraction of that price. Corn meal cost $2.38 per bushel, and one bushel could produce three gallons of 110 proof whiskey. Still, that profit margin was not good enough, and as the Commercial Appeal noted, “the illicit distiller can add a gallon of water without getting caught by his consumers,” thus bumping the yield to four gallons, and a $112 total profit—with predictions that might even double thanks to demand in the coming months.209 Regardless of the strategy, reports held that bootleggers could sell 50 cases in a single week in 1919.210 With 100 cases holding a street value of $7,500—$100,000 when adjusted for inflation to current dollars—profit was not hard to meet.211

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211 “July Will Bring Relief from Booze,” Commercial Appeal, June 7, 1919.
Figure 7-13. “Knock De ‘Gin’ Outen Dey Ginerosity.” Created by cartoonist James P. Alley, “Hambone’s Meditations” appeared on the front page of the Commercial Appeal (and in syndication in hundreds of other newspapers nationwide) from 1915 until 1968, when criticisms of the overtly racist dialect and stereotypes prompted its removal. Throughout the 1920s, “Hambone” often commented on the ironies of prohibition and alcohol consumption in Memphis, as with this illustration, concerning fluctuating booze prices. Draper Hill, The Lively Art of J.P. Alley, 1885 – 1934.

Like anything else, there were “best practices” when it came to bootlegging.

Reconstructing illicit liquor tradecraft is a task that relies almost invariably on the least successful members of the group. Newspaper accounts and court documents shine a clear light into that world, but they usually got that information thanks to successful raids or bootlegger mistakes, not criminal acumen. Still, flashes of creativity and adaptation shine through, like using the very tools law enforcement created to catch violators to execute more seamless violations. Telephone tip lines, for example, offered civilians a safe way to report illicit activity. For bootleggers, this was a ready-made diversion. After learning about an upcoming whiskey shipment from an anonymous “do-gooder,” officers
would execute a raid, and find a quantity of illegal alcohol—albeit a small one. Only later did they realize the booze they seized was bait, sacrificed to draw their attention and resources to the opposite side of Shelby County while a massive liquor cache moved on the other.212

Authorities were constantly adapting to tactics like this, but so did bootleggers. When cops started waiting on riverbanks to catch water-to-land liquor transfers, transporters and their customers started off-loading between vessels midstream.213 For a month in 1917, Sheriff Tate and his deputies executed nightly stakeouts to catch a Caruthersville, Missouri boat making routine hauls to Memphis. That particular blockade-runner simply sidestepped the problem by making a houseboat in the middle of the Mississippi River its docking point.214

Bootleggers also created their own alibis. For example, reporting cars used for liquor runs stolen in advance.215 If authorities seized the vehicle, the owner had a prefabricated defense to help absolve their guilt (or at least create plausible deniability) and make it easier to get the car back.216 When Sheriff Perry unexpectedly appeared at a liquor drop in September 1918, the men scattered like chickens, leaving in their wake twenty cases of Sunny Brook whiskey and a vehicle, registered to well-known bootlegger Joe Robilio, reported stolen just days before.217 Sheriff Perry referenced

212 “Passing Buck Again as Bootleggers Grin,” Commercial Appeal, October 27, 1918.
217 “Three Men Try to Get Whisky From Sheriff,” Commercial Appeal, October 1, 1918.
situations like these to argue for stricter laws concerning the seizure and forfeiture of stolen vehicles used to transport alcohol. As things currently stood, Perry declared, it was too easy to skirt responsibility, for bootleggers like Robilio, but also taxicab and chauffeur companies who were not on the hook if drivers used their vehicles in the commission of a crime.218

It was no secret that bootleggers were using this type of scheme. It left one prominent Memphis attorney anxious after his license plate went stolen in 1918. “Look here, you don’t suppose one of those chaps stole my numbers and put it on his car,” he worriedly asked while reporting the theft at the police station. “I’d be in a nice fix, wouldn’t I, if I waked up some morning to see a story in the paper that a whisky car had been captured and that the license numbers showed it to be my property.”219 Cops assured him they would find the plate before that could happen, and the lack of follow-up coverage suggests they succeeded. Still, the incident illustrates how some bootlegging tactics became common knowledge.

When diversions and avoidance tactics failed, violators reacted largely on instinct when confronted with law enforcement. The capture of two moonshiners in 1924 summed up those responses rather succinctly: one made a break for it, and the other

218 Sheriff Perry received word that a whiskey drop was happening on Hindman Ferry Road near the Wolf River in late September 1918, and when he and his chief deputy and chief detective investigated, they found almost twenty cases of Sunny Brook whiskey waiting for pickup. The officers obliged, stacking the booze into their own vehicles, and headed back to town. Squire M.C. Gibson’s automobile was more powerful, so he had outpaced the sheriff by several hundred yards when the bootleggers who were meant to pick up the booze descended on his car, pulled their weapons, and ordered him to stop. Just as Gibson complied, the bootleggers were shocked to see the Shelby County Sheriff pull up, and they scattered like chickens for the nearby woods. According to the registration, the vehicle left in their wake belonged to well-known bootlegger Joe Robilio—a vehicle that was supposedly stolen, according to Robilio’s report to the sheriff’s office. “Three Men Try to Get Whisky From Sheriff,” Commercial Appeal, October 1, 1918.

pulled a gun—the “fight or flight” response in microcosm.\(^\text{220}\) The decision to run away needs no explanation, and it happened a lot.\(^\text{221}\) Sometimes that instinct overrode the actual circumstances. A group transporting well-hidden whiskey in late 1920, for example, probably would have gotten away with it had their confidence not flagged; instead they bolted as soon as officers approached, leaving the slowest two in handcuffs.\(^\text{222}\) The sheer number of people running away sometimes took officers by surprise. County Deputy R.B. Wilroy spent several days on bedrest after a crowd of black speakeasy customers literally ran over him trying to escape a raid in July 1914, while federal agents saw only the backs of twenty fleeing men when they descended on a Bailey Station distillery in 1926. “We expected to see the operators leave as quickly as they did,” remarked agent M.R. Wimmer, “but the number leaving was a shock to me.”\(^\text{223}\)

Not all escapes happened on land. Water was a central part of Memphis’ illicit liquor game and the site of many raids, so some tried to out-swim authorities, although sources indicate success rates varied.\(^\text{224}\) Three black bootleggers running a 1,000-gallon still in the Wolf River bottoms tried a watery exit in 1924, kicking off their boots and heading for the river as agents approached. Two successfully swam away from

\(^{220}\) “Large Still Captured,” Commercial Appeal, January 21, 1924.

\(^{221}\) As the Commercial Appeal explained of comments from local agent Alvin Howe on fleeing suspects in 1926, “Mr. Howe pointed out that the men who own such stills on the islands generally flee at the first sight of a strange boat approaching and, of course, have an excellent opportunity to get away. It makes it practically impossible, he said, to make any arrests.” “U.S. Rum Fleet Here to Attack River Outlaws,” Evening Appeal, December 27, 1926.


\(^{224}\) “Fines Are Suspended,” Commercial Appeal, October 9, 1925.
arrest but the third, Will Lyre, was not so lucky. Authorities took custody later that afternoon, but only of his body. Lyre made it halfway across the river, sank, and drowned. He was not the only Memphis bootlegger to drown under these exact circumstances.

Running away made a lot of sense, particularly when considered in tandem with certain authorities’ reputation for trigger-happy enforcement—particularly for people of color. W.B. Ward and his black assistant Ben “Rock” Dawkins tried to escape in a small skiff when federal agents swarmed their President’s Island stills in 1923, but as they paddled away, the prohis leveled high-powered rifles and started shooting. “Bullets were going through the boat and splattering in the water,” Ward explained at St. Joseph’s Hospital, where he received treatment for a gunshot to his right arm and another that broke his left leg above the knee. “Rock was lying in the bottom of the boat, crying and praying,” Ward continued. “The boat began to fill with water and I was afraid that I was going to drown.” Chief Agent Wright issued a boilerplate apology, but Ward was unmoved. “The officers told me that they were shooting at the boat and didn’t

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225 A combined force of federal agents and city detectives “rushed” a liquor operation on President’s Island in January 1925, after which “the workers scattered in every direction.” Officers caught one woman easily, watched as one man escaped by boat, and pursued three others who tried to escape through the brush—firing shots at the backs of the fleeing men as the agents ran. The foot chase turned into a one-on-one match between an agent and moonshiner, and as the officer started to overtake him, he lit out for the water, apparently trying to wade across to the woods for an escape. Seemingly unfamiliar with the terrain, the depth soon exceeded his footing and he began crying for help. “The agent then took to the water, calling to the man to turn around and come back to shore,” the Commercial Appeal reported. “Before the officer reached him, however, the man went down. He rose to the top and sank a second time, but did not rise any more” (sic). One can only imagine how cold the water must have been when this “unidentified white man” drowned. “Moonshiner Drowned While Fleeing Raider,” Commercial Appeal, January 10, 1925; “Alleged Moonshiner Drowns in Wolf River,” Commercial Appeal, January 18, 1924.

226 As Margaret McKee and Fred Chisenhall explain in Beale in Black and Blue, some cops were kind people but others were truly sadists who beat people of color on Beale Street indiscriminately—although they argue, “nowhere were sadism and indifference to suffering more clearly demonstrated than in the treatment of dope addicts. The standard method of dealing with an addict was to arrest him, throw him into a cell, and leave him until the agonizing pangs of withdrawal were over.” McKee, Beale Black & Blue, 30.
intend to hit me. They must have been pretty poor shots,” Ward concluded. “I had no
gun and made no attempt at resistance.”

Decidedly more dangerous was the decision to fight back. Violence with law
enforcement did not change so much as it intensified. Memphis bootleggers were
increasingly willing to escalate, provoke, and act in retribution as the 1920s wore on. In
several instances, dynamite was the tool of choice. When two government boats blew
up in 1927—culprits tossed dynamite from their vessel and then escaped under the
cover of dense fog—authorities interpreted it as a sign of “renewed warfare” and began
preparing to redouble their efforts. “Now that they have started a war they will get plenty
of it,” vowed Memphis prohibition administrator Finis E. Wilson. Federal agents
received warning that their boats would again be bombed in the winter of 1928, and
used heavy guards around the riverfront as a precaution, but that threat went
unfulfilled. The following year, however, bootleggers made good. Two vessels owned
by the government, plus four privately owned boats, dynamited and sank in the Wolf
River in November 1929, just a “stone’s throw” from the federal building. Less than
two weeks later federal agents found what they believed to be the same dynamite,
stored in an abandoned shack on the Wolf River. With a whopping sixty percent

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227 Ward and Dawkins had two stills on a barge at the southern tip of President’s Island when this raid
happened. “The shooting of the man was accidental and I regret deeply that it occurred,” Chief Agent

228 “Boats Used Against Bootleggers and Rum Runners,” Rock Hill Herald (Rock Hill, SC), November 11,
1929; “Sink Boats Owned by Federal Agents,” Telegraph-Herald and Times-Journal (Dubuque, IA),
November 11, 1929.

229 “Boats Used Against Bootleggers and Rum Runners,” Rock Hill Herald (Rock Hill, SC), November 11,
1929.

230 “Boats Used Against Bootleggers and Rum Runners,” Rock Hill Herald (Rock Hill, SC), November 11,
1929.
nitroglycerin composition, it was noted that this sixty pound stash was enough to blast the federal building off the Chickasaw bluff.\textsuperscript{231} Luckily, no one was on board at the time and the event ended without casualties, but this was evidence of increased willingness to go to the extreme.\textsuperscript{232}

Not every violator acted purely on instinct, however. A constant yet always changing factor was the adoption of tactics that made prosecution difficult. Indeed, if someone discovered a workaround, or technique that allowed violators to sidestep punishment, it quickly trickled down to the streets for widespread implementation. In the early days of prohibition, for example, prosecutors struggled to secure convictions without evidence beyond law enforcement testimony. Following the “dead men tell no tales” school of thought, people started smashing liquor bottles when authorities arrived, thus guaranteeing there was no physical evidence.\textsuperscript{233} If violators were in moving vehicles, this meant chucking it out the window. Ged Guest Roland, Less Smith, and Chalmers Spite threw ten gallons of good moonshine out of their car as sheriff’s deputies pursued them in 1924, and Mack Williams lost a gallon of whiskey this way, too, but when he faced punishment, it was two small fines for speeding, not a liquor law violation.\textsuperscript{234}

Of course, this did not work if the bottle did not break, as C.A. Wright learned in 1925 when authorities took the still-intact moonshine jug he pushed out the window into

\textsuperscript{231} “Dynamite Cache Found by Agents Near Memphis,” \textit{Atlanta Constitution}, November 26, 1929.

\textsuperscript{232} \textit{Rock Hill Herald} (Rock Hill, SC), November 11, 1929.


custody alongside him.\textsuperscript{235} For Mrs. Charles B. Renegar, who barricaded herself in a backroom when police executed a surprise raid on their home before Christmas 1920, the evidence was too large to destroy quickly. When she refused to unlock the door, cops started to break it in, and saw through the newly smashed in holes saw that she was transporting buckets filled with small liquor bottles to the window and then chucking them out into the bayou below. As the raiding party came closer and closer to gaining entry, she switched tactics and started breaking the glass bottles, only to inadvertently (or perhaps not so inadvertently) whack Police Captain Hoyle on the head with one as he climbed through the door.\textsuperscript{236} Joe Barretta’s wife operated on the same logic, but took one for the team by drinking the evidence. Detectives received word that Barretta had booze in his bedroom, but when they went to search, “Signora Barretti beat them to it, and essayed to destroy the evidence by the simple expedient of swallowing (sic) it.”\textsuperscript{237}

These examples demonstrate the persistent creativity of Memphis bootleggers and their customers, yet some simply sidestepped all that effort and went right for the riskiest, but effective if it worked, option: bribery. It is necessary to delineate types of bribery in Memphis, however. When it came to city and county authorities before 1919, it was more of a “pay to play” situation where titheings to the Crump machine became a de facto licensing system. If you wanted to operate a saloon or sell alcohol, that meant paying off the law.\textsuperscript{238}

\textsuperscript{235} “Two Held in Liquor Case,” \textit{Commercial Appeal}, September 29, 1925.


\textsuperscript{238} Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 28. Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
Inspector Bee “took a negro with him and sent the negro into the store to buy whisky” at E. Bertasi’s grocery store on South Fourth Street in January 1920, and after the black man returned a few minutes later with a half-pint of whiskey, Bee went inside, and promptly arrested the store clerk, Tonoli. Bee testified that Bertasi then handed him a $50 bill and told him to “forget about it.” Bertasi countered that he gave that money to pay for Tonoli’s court appearance. Chief deputy of the criminal court Mike M. Cohen testified that it had been, prior to 1916, a common practice for a person arrested for a misdemeanor to immediately hand over the money and skip going to jail. Yet, as Cohen testified, that had ended after the 1916 ouster trials and anyone charged with violating a state law was now required to post bond.239

Like any high-stakes criminal endeavor, there were occupational hazards to illicit liquor production and sales—hazards that extended well beyond arrest. Primary sources reveal accidents, injury, financial loss, violent attack, and even death. Those hazards were always situational, of course, but their frequency and severity underscores an important truth about prohibition: the illicit liquor game was not for the faint of heart.

When it came to manufacturing illicit alcohol, it was a teachable skill, but easy to botch, and small mistakes could translate into dire consequences. Moonshining was not an activity that operators could (or rather, should) operate remotely or leave unattended. “It’s a baby, you got to nurse it,” explained musician McKinley Morganfield, better known as Muddy Waters. You got to set there with it.”240 Still, many learned this the hard way,


240 McKinley Morganfield, interview by Margaret McKee, September 13, 1973, pg. 19, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
like Mrs. John W. Stevenson in 1924. She had a still “bubbling away merrily” in the backroom of her Adams Avenue home early one morning in February 1924, but something went wrong and the operation exploded, sending red-hot coals everywhere and starting her house on fire. An accident delayed the fire department’s arrival (the firetruck crashed into a brick wall, injuring five, as it tried to avoid reckless driver G.S. McCluskey), but after they squelched the blaze, the situation ended with a destroyed still, fire-damaged house, two people in handcuffs: Mrs. Stevenson for operating a still, and G.S. McCluskey for driving like a maniac.241

Others were not so lucky. An anonymous call for assistance sent a Memphis ambulance service to the foot of Beale Street at three o’clock in the morning on June 16, 1923, where William E. Gee—perhaps “Big Gee,” a bootlegger alias that appears in court files and newspaper accounts—was waiting.242 He whispered something to the ambulance driver and then disappeared by motorboat into the darkness, leaving responders with his prostrate companion: high-profile bootlegger R.C. “Dick” Rather, who laid naked on the ground, covered in severe burns, and thrashing in pain.243


242 Conflicting information makes it difficult to state definitively that W.E. Gee was also the bootlegger “Big Gee,” although circumstantial evidence from other primary source bases (census, city directories, newspapers) makes it seem probable. One federal case file identifies “Big Gee” as the alias of James L. Howard, another including a plea of abatement in which William Estes Gee declares he is not the man called James Howard who uses the alias “Big Gee.” United States v. James Howard Alias Big Gee #984 (1920); United States v. W.L. Gee #1022 (1921).

243 Dick Rather fell into the category of bootleggers who were, first and foremost, career criminals. Besides liquor law violations and his involvement in the Tyree Taylor bribery scandal, Rather’s career also involved burglary and larceny (for the theft of a confiscated Cadillac), receiving stolen property (specifically fur coats), and at least fourteen arrests. On July 17, 1921, reckless driving on Macon Road resulted in the death of his wife after a car crash broke her neck. She died within the hour; they had married just eleven days earlier. Rather is Sentenced,” Commercial Appeal, May 6, 1922; “Scalds Prove Fatal to R.C. (Dick) Rather,” Commercial Appeal, June 17, 1923.
The ambulance quickly shuttled Rather to a local hospital, but the trauma proved too extensive; he never regained consciousness, and succumbed to the injuries—
iuries attributed on his official death certificate to the explosion of a whiskey still.244

Little information emerged about this accident, beyond that it happened on an island in
the Mississippi River.245 It was, however, the third such fatality within a year. W.E.
Dunivan and Clifford E. McClanaham (ironically associates of Rather’s operation) died
of scalding in March 1922.246 The code of silence extended to their deaths, as well, as
both refused to speak to authorities or give final statements. The only clue was a
delirious comment from one of the men: “Is the mash ready, yet?” as he writhed in pain
prior to this death.247

Beyond accidentally hurting themselves, Memphis bootleggers showed little
compunction about hurting each other. Indeed, Henry IV declared that there was “no
honor among thieves,” and this certainly applied to some Memphis liquor men, like
Robert “Bob” Smith. In 1918, Smith asked fellow liquor men John Pante and Gus
Padgett if he could accompany them on a liquor run from Caruthersville, Missouri to

244 “Scalds Prove Fatal to R.C. (Dick) Rather,” Commercial Appeal, June 17, 1923; “Bury Rather
Tuesday,” Commercial Appeal, June 18, 1923; Richard Carl Rather, Certificate of Death, no. 187, 16
June 1923, State of Tennessee, Department of Public Health, Division of Vital Statistics, Shelby County
Archives, Memphis, TN (hereinafter SCA).

245 While little information emerged about this accident, information did emerge during an ongoing dispute
about the seven-karat diamond ring and four-karat diamond pin, which William E. “Big” Gee removed from
his body and gave to his common-law wife, Edna Mitchell Rather. Rather’s first wife, Mrs. Nellis C. Day,
filed a motion in chancery court in September 1923 to have the diamonds—valued at $5,600 or nearly
$80,000, adjusted for inflation—returned to her for the benefit of the children produced during their
marriage. “Liquor Dealings Run Through Court Bill,” Commercial Appeal, September 14, 1923; United

246 “Scalds Prove Fatal to R.C. (Dick) Rather,” Commercial Appeal, June 17, 1923; W.E. Dunivan,
Certificate of Death, no. 875, 30 March 1922, State of Tennessee, Department of Public Health, Division
of Vital Statistics, Shelby County Archives, Memphis, TN (hereinafter SCA).

Hoffman, Arkansas to “hunt squirrels.” Instead of killing his dinner, he killed his companions for their 252 cases of whiskey, shooting Padgett and throwing Pante overboard. Anglers discovered Pante’s decomposed body in Ashport, Tennessee almost a month later, buried on the bank with a crushed skull, identified only by his belt and clothing. If Smith’s treachery produced a financial windfall, it was short lived. A week later his own body appeared, “shot almost to pieces” with a smashed-in forehead, identified only by the ring he wore—an act of retribution attributed to Padgett’s friends. Smith lived by the gun, died by the gun, and it went noted in the paperwork: the homicide report lists his occupation as “desperado, gunman, and bootlegger.”

Theft was not the only transgression. Other acts of retribution were for failing on the job. Quick sales were common, but the nature of this business meant booze dealers also needed storage solutions. With storage, however, came risk—be it from law enforcement or other bootleggers. Indeed, and then security measures to protect that investment. This usually meant having muscle on the payroll as a form of insurance to guard stills, storage facilities (like garages, buildings, private homes), and investments. Paid attendants provided security, be it from police, thieves, or just to buffer civilians who might stumble upon the operation. These could be dangerous

248 Robert Smith, Report of Homicide, 27 July 1918, SCA.
249 John Pante, Report of Homicide, 7 August 1918, SCA.
250 Robert Smith, Report of Homicide, 27 July 1918, SCA.
251 John Pante, Report of Homicide, 7 August 1918, SCA.
252 Sometimes liquor was not even the intended target. Sam Sutton accused Ed Craig of stealing only the thumper from his still, and then pled guilty to murdering Craig for that transgression in 1924. “Sam Sutton Glad to Get Long Pen Term,” Commercial Appeal, October 8, 1924; Ed Craig, Certificate of Death, no. 394, 6 June 1924, State of Tennessee, Department of Public Health, Division of Vital Statistics, Shelby County Archives, Memphis, TN (hereinafter SCA).
253 “Robbed of $10,000, Underworld Says,” Commercial Appeal, October 21, 1935.
jobs—as Dennis Day learned the hard way when he was shot to death by hijackers for the whiskey cache he was watching in 1927—and the consequences for failing at the position could be severe.254 Elijah Wilkins took a bullet to the forehead when thieves stole eighteen cases of liquor he was being paid $25 to guard in 1932. Bootlegger Jimmy Goad readily admitted to the murder but swore it was not his intention. “I didn’t intend to kill the Negro,” Goad explained, “I shot to scare him. I wanted to know where the liquor had gone.”255

Unsurprisingly, these high stakes made cache watchers equally likely to resort to violence. When Cater Wrightsell stole the whiskey Clarence Clenton was guarding for a bootlegger, Clenton retrieved his boss’ pistol, tracked Wrightsell down, and shot him to death.256 Regardless of the risk, some of these attendants should have kept their day jobs, like Albert Haskins and J.J. Woelfle who were rather surprised when federal agents unexpectedly appeared and caught them flatfooted with 100 gallon still.257 Joe Miorni, Tony Bartozzi, and N. Pirani sidestepped this problem of human error with their homebrew factory on Taylor Street in 1923. When a bedroom wardrobe moved, a door appeared, leading to a fifty-gallon still and 600 gallons of booze—all under the watchful eye of two intimidating bulldogs.258

Violence, or at least the threat of bodily harm, ranked closely with subterfuge when it came to protecting investments. This applied to law enforcement, other

254 Dennis Day, Report of Homicide, 13 September 1927, SCA.
256 Cater Wrightsell, Report of Homicide, 29 July 1939, SCA.
257 “Fines Are Suspended,” Commercial Appeal, October 9, 1925.
bootleggers, and even unwitting civilians. Norris Kellum, a famous swimmer known as the “Human Cork,” found this out the hard way in 1931. Kellum’s swim down the Mississippi River from Cairo, Illinois to the foot of Beale Street broke records for endurance and distance, and he reported that crowds came out all along the 227-mile route to cheer him on. Except for a notable gentleman who leveled a gun from the bank, telling Kellum that he would shoot any prohibition agent who came near—even if they were disguised as a swimmer.”

The Commercial Appeal argued that the “fellows who are in the booze game here now are little better than pirates. They steal whisky from each other with as much readiness as we confiscate the stuff in the name of the law. None of the big operators dares trust anybody far enough to hide as much as 100 cases of whisky in any one place. For, at bootleg prices, that means $7,500. And any subordinate bootlegger would just as soon steal the booze from his boss as not.” Buster Irwin, a twenty-two year-old black man who worked as a porter at L. Vaccaro’s saloon on Beale and Rayburn Boulevard proved to be an illustration this point when authorities arrested him for stealing twenty-eight quarts of liquor from his employer. Trying to steal from well-known booze dealer and alleged liquor ringleader John Cuneo proved an even worse decision for Robert Stewart. Another Cuneo-employed bootlegger caught Stewart trying

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to pilfer whiskey from the storage room and shot the would-be thief in the chest.\footnote{Bootlegger Howard Williams caught Stewart trying to steal from Cuneo’s storage area at his establishment on East Calhoun Street. Robert Stewart, Report of Homicide, 16 December 1934, SCA.}

Familial ties did not always carry weight, either, as Chris “Big Bear” Horton, demonstrated after realizing someone stole four half-pints from him 1924. He accused his brother Munford “Little Bear” Horton, who denied the accusation. Unsatisfied, Big Bear demanded Little Bear pay for the lost liquor, Little Bear refused, and so Big Bear shot him in the left eye.\footnote{Bootleggers were not the only ones to steal alcohol during prohibition, though. In 1920, J.L., Ettlinger accused his former cook of stealing a bag of whiskey from his home after she quit the position, and even had the sheriff search her home to find it. Munford Horton, Report of Homicide, 11 April 1924, SCA; “Whisky Still Missing,” \textit{Commercial Appeal}, January 8, 1920.}

One young man became particularly adept at holding up Memphis rumrunners, stealing their cargo, and then selling it himself. This hijacker was able to stay one-step ahead of police, but overconfidence proved to be his undoing. He went around badmouthing “dumb coppers,” and announced his intention to kill one patrolman named Heinz. This information got back to Heinz, and when the two met face to face, the officer pulled his pistol and shot the hijacker. According to reporter Boyce House, most thought the killing was actually a public service, but the matter went to trial anyway, Heinz procured the best criminal lawyer in town, and walked on acquittal.\footnote{This trial proved a noteworthy spectacle. The pinnacle was when Heinz’s attorney pulled brass knuckles and a pistol from his pants pocket to prove his point that the man could have had concealed weapons to carry out his threat against Heinz’s life, thus making the shooting justifiable. Getting deadly weapons past the guards and pulling them out in open court—to the shock of everyone in the room—proved an effective defense strategy. Yet legend has it the attorney actually stacked the deck: the pants he had on were tailor-made for the stunt, with padding and extra deep pockets to hold the pistol and knuckles. Boyce House, \textit{Cub Reporter: Being Mainly About Mr. Mooney and the Commercial Appeal} (Dallas, TX: Hightower Press, 1947), 45 – 46, 115 – 16.}

Some thieves seriously underestimated their targets, however, like seventy-eight-year-old farmer C.A. Lott, who went to the sheriff’s office on a summer morning in 1924
to report he had shot—and based on the blood trail, was certain he killed—one of several bandits who broke into his barn trying to steal whiskey the night before. Lott explained he heard a ruckus, grabbed his shotgun, and returned fire when the unknown party started shooting at him on the porch. After he emptied both barrels into one man, the others first fled by car, leaving their wounded comrade behind, but soon returned asking to take the body without Lott shooting them, too. Lott obliged, but informed deputies he had no idea what happened to the men after that.265

The next break in the incident came when Joe Carter, a local man “suspected of chumming with several men implicated in liquor deals,” went missing.266 Authorities arrested three men in connection with Carter’s disappearance, including bootlegger and hijacker N.K. “Popeye” Pumphrey—a criminal whose prolific career later earned him titles like “public enemy no. 1,” and Memphis’ “most notorious bad boy.”267 Lott identified Pumphrey as the man he saw in the headlights that night, and the other two suspects stuttered, matching his initial statement that others spoke with speech impediments.268 Yet even more damning evidence came when a local fisherman notified the sheriff’s office of a large object floating just beneath the surface of the Wolf River on June 23, 1924. Deputies investigated and found a headless body (thanks to C.A. Lott’s shotgun)


267 The life of Popeye Pumphrey is difficult to pigeonhole. Born into a respectable family, he lacked the factors of poverty and desperation that pushed others into crime. He beat dozens of felony charges ranging from gambling to bootlegging to safecracking. Described as a “temperate bootlegger and a handsome man pathologically shy with girls,” his inner demons ultimately proved overwhelming, and he committed suicide in Hot Springs, Arkansas, after fifteen years of crime and incarceration. “Popeye Pumphrey Commits Suicide,” Commercial Appeal, October 29, 1931; Joseph Leo Blotner, Faulkner: A Biography, 234; Boyce House, Cub Reporter: Being Mainly About Mr. Mooney and the Commercial Appeal (Dallas, TX: Hightower Press, 1947), 92; “Dan Cupid Swaps Bow for Gun in Arrest of Dapper Mr. Pumphrey,” Evening Appeal, December 20, 1926.

wrapped in a blanket, and purposefully submerged with more than one hundred pounds of iron, including an eight-foot railroad tie and a large automobile jack around the neck.\textsuperscript{269}

Carter’s heartbroken father identified the body by the belt buckle, and explained to reporters that his son radically changed after serving in the First World War.\textsuperscript{270} “After he came back from the war Joe never seemed to care for his former friends,” A.B. Carter explained. “I tried to get him to come back to me; even bought a farm down in Mississippi to keep him there. But he wasn’t satisfied. He fellowshipped with a new crowd that had been strange to him before his wartime experience.”\textsuperscript{271} Carter’s life ended far differently than it began, underscoring the harsh reality that bootleggers, like every historical actor, were products of their environment and experiences. Military training, taking orders, and the violence of war adapted well to the world of illicit liquor, and countless veterans staffed bootlegging syndicates across the country during prohibition. Some, like Carter, who may not have gravitated towards crime, if not for the trauma they endured overseas.

Pumphrey and his accomplices disposed of Carter’s body as an act of self-preservation, but dumping bodies was not unheard of in their line of work. Indeed, violence broke out periodically between bootlegging factions over issues like disputed territory, inventory, money, and respect. Reports surfaced of an ongoing feud between rival liquor rings in the spring of 1925, but initially the battle was non-violent and aimed

\textsuperscript{269} Joseph S. Carter, Certificate of Death, no. 386, 14 June 1924, State of Tennessee, Department of Public Health, Division of Vital Statistics, Shelby County Archives, Memphis, TN (hereinafter SCA).


at the pocketbook. Police became a tool for revenge, as bootleggers used “snitching” to inflict huge financial losses on the opposition. The first “victim” was R.L. “Pug” Rodgers, as an anonymous tip led authorities to his garage on Greenwood Street. It took a while, but raiders finally found the alcohol, cleverly hidden behind a false wall—suggesting whoever blew the whistle on Rodgers had first-hand knowledge of his operation. In total, Rodgers lost 470 gallons of whiskey and was booked on violating the liquor law.272

Another garage on South Orleans Street, this one reportedly under the control of brothers Frank and George Tamble, produced 1,500 gallons of liquor—a instance of “snitching” and financial loss that was described by police as “the grand insult.”273

These initial moves were non-violent but police predicted bloodshed would follow. “The only way this matter will be settled,” declared one of the bootleg gang leaders to newspapers, “will be with lead.” That prophecy seemed reasonable, particularly after an anonymous tip led authorities to an arsenal of shotguns, at least twenty pistols, and ten high-powered rifles.274 Police told reporters that they had not heard about any efforts towards reconciliation, but the feud had filled their storage rooms. Estimates held that the result of the snitching was 2,500 gallons of whiskey in only a few days.275

Four “sensational murders” in Shelby County attributed to “whiskey warfare” in 1931. On Wednesday, November 18, Elijah Wilkins (AA) taken for a ride by three white bootleggers: Jimmy Goad, Edward Mayeur (alias Mayo) and James Hendricks. Wilkins

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was beaten and shot in the forehead. Goad admitted to it.\textsuperscript{276} Italian-born bootlegger Frank Casone, his brother John, and Jim McRay killed Bill Priest in the Ensley Bottoms during a “rum war” in 1933. They testified that they had no choice but to shoot in self-defense, because Priest was trying to hijack them.\textsuperscript{277}

This project started from an initial goal of understanding Memphis bootleggers—to reconstruct their world, who they were, and how their illicit networks operated. Yet that proves easier said than done, because these were businesses that by definition meant to avoid detection. Thanks to unsuccessful participants and the newspaper accounts, law enforcement records, and court documents left in their wake, however, it is possible to piece together scraps of information to identify larger trends. When contextualized by Memphis’ long-standing, contentious relationship with alcohol (detailed chronologically in the first half of this dissertation), a clearer image of local bootlegging and moonshining emerges, as this chapter has attempted to illustrate by moving along the supply chain from production to transportation to sale. In doing so, this presents a more nuanced portrait of the trade, but still discusses real people in a more removed, abstract way. Still the question remains, just who exactly were the people committing and facilitating liquor law violators? Who were Memphis bootleggers?

\textsuperscript{276} “Murders Galore in Whiskey Warfare,” \textit{Memphis World}, October 24, 1931.

\textsuperscript{277} “Robbed of $10,000, Underworld Says,” \textit{Commercial Appeal}, October 21, 1935.
“Too many evils are accepted here as a matter of course. This town needs a general moral bath.”

— Commercial Appeal, 1911

“The chief task of the police in former days was to protect the respectable citizen from law violators, but today it is to get the respectable citizen to observe the law.”

— Mayor Rowlett Paine, 1925

Discussions of prohibition often zero in on bootleggers, and for good reason. They facilitated violations of the Eighteenth Amendment, and their dramatic antics made headlines. Yet without their customers, the people actually purchasing and consuming booze, there was no market. Had a significant number American drinkers believed in the rightness of prohibition (or simply possessed an overriding belief in the rule of law), it would have reduced demand for illicit liquor, tempered the astronomical profits prompting many to enter the trade, and perhaps mitigated social problems borne out of state- and federal-level liquor bans. As novel as it is to consider such historical contingency—the counterfactual “what ifs” of the past—it could not be farther from the truth.

While not always victimless (case in point being this chapter’s discussion of poison alcohol), violating prohibition was a consensual crime. “The chief task of the police in former days was to protect the respectable citizen from law violators,” Mayor Memphis Rowlett Paine lamented in 1925, “but today it is to get the respectable citizen to observe the law.” The key word in Paine’s rather apt assessment of local conditions

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1 Commercial Appeal May 12, 1911.
in the mid-1920s is “respect.” Drinkers were active, purposeful participants because they did not respect the law itself, and while popular perception often assumes a relationship between criminality and lower economic position, this rang true for all social classes. Memphians were certainly not unique in their disrespect and disregard for prohibition; that existed in every city. What made Memphis distinct was the centrality of alcohol in city identity, governance, and a decade’s worth of experience and apathy built under state-level prohibition. This chapter traces the contours of those conditions from the viewpoint of the most numerous participants: average, everyday drinkers. The result is a clearer image of who, what, and where alcohol consumption happened, the risks therein, and Memphis drinking culture generally during prohibition.

Answering “who” was buying alcohol in Memphis is rather easy: every type of person. Primary sources reveal a true cross-section of society; laborers, field hands, bankers, lawyers, roustabouts, vacationers, businessmen, hobos—the list was endless. Booze was everywhere in Memphis, although for some that proved itself an overwhelming prospect. “Listen to me,” Judge Harry Kelly told one farmer who got drunk and fell asleep on a sidewalk, “when you come to Memphis, there’s plenty of liquor here, and it’s useless for you to try to drink it all up on one visit.”

Identifying what, where, and how they drank, however, proves more complicated as it varied and changed over time.

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3 “Liquor, old white whiskey, they called it; bootleg whiskey and homebrew, too,” blues musician Hammie Nixon explained, “They had beer, wasn’t like the beer they had now. it was the “Old 51.” Jim O'Neal and Amy Van Singel, *The Voice of the Blues: Classic Interviews from Living Blues Magazine* (New York, NY: Routledge, 2002), 64.
For the most part, Memphis drinkers usually did not face a significant struggle to find alcohol. Thanks to interstate commerce, proximity to wet states, and unscrupulous local merchants, customers often had choices on types and brands during state-level prohibition. Federal law did change the marketplace after 1920, but it certainly did not dissuade bootleggers, so availability never completely dried up—except perhaps, immediately following busts that seized massive liquor shipments meant to resupply the city, and authorities managed to pull this off several times. The location of alcohol consumption, however, varied.

When it came to places that served alcohol to paying customers, clientele was largely a function of race, gender, and class—the latter being perhaps the biggest factor. Establishments that catered to the upper crust of society were in all cities; bars located in hotels like the Roosevelt in New Orleans, and the Waldorf in New York developed reputations for knowledgeable bartenders, respectable atmosphere, and wide array of liquors and cocktails. Yet these extravagant scenes were the exception, not the rule in pre-Prohibition America. Far more common were saloons, and particularly those catering to the whiskey and beer crowd: working people who could not afford top-shelf liquor, trendy mixed drinks, or the ambiance. Perhaps they were not even interested, though; George Ade declared in 1931 that working-class drinkers saw cocktails as pretentious and even effeminate.4

Temperance organizations spent a lot of time railing against the dangers of the saloon, but groups like the Anti-Saloon League and the Women’s Christian Temperance

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Union were decidedly middle class entities with agendas that many working and immigrant Americans could not understand. A study was even conducted in 1910 to identify why “the saloon maintains its hold upon the community,” examining cities including Memphis, San Francisco, Chicago, Atlanta, New Orleans, New York, Boston, and Philadelphia, amongst others. What researchers concluded, explained Bishop Samuel Fallows, was that saloons acted as de facto community centers. Far from mere amusement, these were places where laborers gathered for political speeches, jobs, assistance, voting, meals, and the latest news. Many had little choice but to buy lunch in saloons, reported a San Francisco temperance worker, because they could not afford to buy meals elsewhere. In Chicago, saloons were often the only place that poorer people could go to the bathroom, as office buildings and hotels would not allow anyone but employees or guests to use the facilities.

To wealthy Americans, who had the money to drink in refined establishments or in the comfort of their own home, these places were the locus for base behavior and criminality. Yet for the workers themselves the saloon was, as Fallow noted, “the poor man’s club,” offering “working people the only kind of social relaxation they have,” added reformer Jane Addams. This was increasingly important as industrialization fundamentally changed the economic and social fabric of nineteenth- and early-twentieth century America. Industry required massive amounts of unskilled labor,

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7 “Miss Addams on the Saloon,” *Chicago Tribune*, March 31, 1902; Fallows, “Power of the Saloon,” 150.
drawing immigrants from both the hinterlands and overseas, but many found
themselves rootless and at odds with the harsh realities of urban life.\(^8\)

To be sure, while saloons offered a degree of community, they were not
benevolent societies. Often placed strategically near factories and docks to attract
workers, many bars also cashed paychecks, making it all too convenient for laborers to
pour their hard-earned money right back into bar coffers. Those higher up the food
chain knew bars were their golden goose; alcohol manufacturers and wholesalers
owned saloon buildings, furnishings, controlled prices, dictated inventory, and reaped
profit.\(^9\)

Like other cities across the country, Memphis played host to this same spectrum
of watering holes. At the top of the heap were respectable, high-class establishments

\(^8\) William D. Miller argued that many rural-to-urban migrants clung to their country values and practices in
ways that stymied urban progress in Memphis, highlighting crime, and the city’s murder rate as cases in
point—results he attributed to the persistence of countryside habits like pistol-carrying and the need to
answer all perceived slights with violence. Gerald Capers identified similar dynamics, or a “rural lag,” that
hampered social and economic change. Gerald Morlimer Capers, “The Rural Lag on Southern Cities,”
*Mississippi Quarterly* 21 (Fall 1968): 253 – 261; William D. Miller, “Rural Values and Urban Progress:
Memphis, 1900 – 1917,” *Mississippi Quarterly* 21 (Fall 1968): 263 – 274; William D. Miller, “Rural Ideals in

\(^9\) An interesting caveat to this discussion of liquor interests is the use of one particularly incendiary quote,
supposedly from a delegate to the Retail Liquor Dealers’ Association of Ohio, about cultivating profit by
encouraging the next generation to drink. “We must create the appetite for liquor in growing boys…
because once “habits are formed they rarely change,” a portion of the statement reads, “Nickels
expended in treats to boys now will return in dollars to your tills after the appetite has been formed.” This
quote makes its way into several published monographs—including some of the most respected texts in
the field—but deeper research clearly demonstrates a lack of provenance that makes the source suspect,
or at best, unusable without context. Early references appear in the mid-to-late 1890s, and then around
1909, its usage exploded by prohibitionist newspapers, journals, and publications. Liquor forces cried
foul, writing a slew of challenges in their own publications, and letters admonishing others for printing
unsubstantiated material. At one point, the United States Brewers’ Association president reportedly
offered a $10,000 reward to anyone with evidence that someone said, insinuated, implied, or otherwise
conveyed its message, directly or indirectly. Its use is understandable—it is a powerfully compelling
statement, and perhaps it did reflect real liquor interest sentiment—but historiographically, it does not hold
up to scrutiny. The following names two of the countless early-twentieth century sources that reference
this quote, either for or against prohibition. United States Brewers’ Association, “An Old Libel Crops Up,”
like Uncle Tom O’Sullivans and Joe Mancini’s, which catered to Memphis’ politicians, businessmen, bankers, and judges; or Charlie Seat’s saloon, favorite of the rich and connected. Yet, over the course of state-level prohibition—that is, from the statewide law of 1909 until 1920—illicit operators increasingly supplanted previously legal entities.

By 1917, the city’s classy saloons were mostly gone, and federal prohibition completed the transition; booze was a black market commodity. The upper echelon transferred their drinking to home or toney social and locker clubs, where members’ collective influence became a layer of protection, and a key to better alcohol.

Figure 8-1. “Boehler’s Saloon and Eating Place.” Boehler’s operated in Memphis in the 1880s and 1890s, until proprietor Louis A. Boehler died in 1897. Official death records attribute his demise to typhoid fever, although other sources suggest it was from “carrying a keg of beer up the stairs from the basement, slipping, and the beer keg falling on him.” Historic-Memphis.com.

Indeed, real booze—that is, legally manufactured alcohol held to certain production standards—quickly became scarce after 1920. Those with the necessary resources could still get higher-quality merchandise, but as Frank Liberto explained, that took a lot more money and effort. Boats loaded down with legitimate liquor from Europe

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and docked off the coast of port cities like New Orleans, but it did not come cheap. “See a case of that kind of whiskey could cost you $250 them days,” Liberto explained. “Come right from England here, so couldn’t too many people drink it unless they was millionaires.” Most Memphians were not millionaires, however, so the market and bootlegger inventory dictated their drinking habits. Besides astronomical pricing, the taste of their products was always a question mark. Indeed, the prevalence of mixed drinks in America was born out of this dilemma. In the 1910s and 1920s, anything from juices to soda pops to sparkling water became a cheap, convenient way to take the edge off horrible-tasting bootleg liquor. Amongst the less fancy set in Memphis, someone would get a bottle of whiskey, buy a Coca Cola, and then pass it around, letting friends take a pull off the liquor bottle and chase it with Coke.

Where regular Memphians purchased and drank that booze changed, or rather, diversified during prohibition. Before advancements in bottling technology and pasteurization made bottled drinks commonplace, working-class drinking happened mostly in saloons. If it did happen outside the physical bar, it was still saloon beer, carried out by “growler”—a bucket, can, jug, pitcher, or similar vessel, typically holding around two quarts. Virtually all places that sold beer refilled growlers, and most households had a pail designated for this purpose. It was common for laborers to drink over the lunch hour—to the increasing chagrin of employers—and many took these

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11 Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 29, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

12 Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 29, MPL.


14 As Leo Schwab explained, patrons could purchase liquor in this same fashion on Beale Street in Memphis. Leo Schwab, interview by Margaret McKee, October 11, 1973, pg. 16, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
containers with them to work. In turn, adolescent boys made extra money by waiting outside factories and jobsites to shuttle growlers to nearby saloons so they could have beer with their meals—a job known as “rushing the growler.”

It was equally common for children to fill the family growler at neighborhood bars; many establishments even had small windows or service door dubbed the “family entrance.” Frank Liberto, who became a bootlegger in adulthood, recalled going to “Persky’s saloon” each day to get draft beer for his father in Memphis, exchanging fifteen cents for a full tin can. In fact, was also not out of the ordinary for children to work in family-owned saloons before prohibition. Mary Demarchi ran a bar at 134 Front Street where her son Victor, aged ten, often worked as a bartender before 1904—and

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15 In Memphis, it was common for industrial workers to stop at bars and saloons in “the Chute”—Whiskey Chute, an alley between Front and Main Street packed with saloons and bars—on lunch, breaks, or after work. Employers were both aware, and in some trades, increasingly concerned about drinking on the job. New rules and regulations usually indicate any already-existing problem, so when railroads made it illegal for their conductors and switchmen to drink on the job in 1895, it is safe to assume that was a decision made thanks to rather expensive damage created by sauced employees. The justification for this 1895 ban, as explained in the Commercial Appeal, was to ensure engineers, conductors, and switchmen “keep their brains clear and their nerves steady.” This logic also undergirded the American Railway Association’s adopting of a standard rule that “the habitual use of intoxicants when on duty is prohibited.” The Commercial Appeal summed up the arguments of both temperance advocates and industrial employers when it came to drinking on the job. As the paper declared in 1914, “Whisky and honest work do not go together. A man may be a temperate drinker and accomplish much, but he is far better off if he does not drink at all.” Commercial Appeal, May 31, 1914; McIlwaine, Memphis Down in Dixie, 235; Paul R. Coppock, “W.W. Busby’s Memories,” West Tennessee Historical Society Papers 22 (1968): 95 – 102, 95; Alonzo E. Wilson and Alfred R. Heath, Prohibition Year Book for 1909 (Chicago, IL: Lincoln Temperance Press, 1909), 15; Commercial Appeal, November 21, 1895.

16 Madelon Powers, Faces Along the Bar: Lore and Order in the Workingman’s Saloon, 1870-1920 (Chicago, IL: University of Chicago Press, 1998), 120 – 121.

17 Prohibitionist indignation over children fetching beer in this manner led to laws against it in many states even before the Eighteenth Amendment. Tennessee, for example, made efforts to ban the practice in 1913. Growlers have made a comeback in today’s craft beer market, although quite differently. Now the term “growler” refers to half-gallon, screw-cap glass jugs. “Grand Jury Wants Saloons Regulated,” Commercial Appeal, May 3, 1913 Commercial Appeal, January 4, 1975; Garrett Oliver, Oxford Companion to Beer (New York, NY: Oxford University Press, 2012), 410 – 411.

18 It is likely that Liberto is referring to John Persica, an Italian immigrant vice lord described by the Commercial Appeal upon his death as the “long-crowned ruler of the underworld of Memphis.” Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 21, MPL; “John Persica meets Death in Joy Ride,” Commercial Appeal, November 11, 1913.
would, as he explained years later, sneak drinks of hot “Tom and Jerry” (coffee and whiskey) to his friends when his mother was out. Both practices died out, thanks to temperance advocates securing legislation to limit the interaction children had with alcohol, but records indicate some kids continued to be gofers after the Eighteenth Amendment took effect. The seven-year-old son of W.J. Bouch, for example, fetched Coca Colas from the corner store for his father and friends to drink with half-pints of whiskey.


Known by a variety of names—“speakeasies,” “blind tigers,” “blind pigs”—the bars of prohibition had a Dr. Jekyll and Mr. Hyde quality when compared with their legal

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19 Children do appear, albeit infrequently, as participants in illicit liquor schemes and incidents during prohibition. Authorities arrested twelve-year-old Joe Sgalata, Jr., for example, after catching him making direct whiskey sales in 1926. Sgalata claimed he did not know he was doing something illegal and promised not to make that mistake, and so authorities dropped the charges because of his age, although authorities arrested his mother for liquor violations around the same time, so perhaps it was a family affair. Authorities did discover a liquor-based household economy after a car chase in the 1920s, pulling the vehicle over to find a woman driving, a husband riding shotgun, and a child perched on whiskey cases in the back. “Dry Agents Have Day; Make Series of Raids,” Commercial Appeal, January 10, 1926; “Prohibition: Temperance Hits Intemperate Town,” Memphis Press-Scimitar, October 28, 1980; Paul Coppock, “Neighbors at 103 Main Street, 1902 – 1904,” Stories of Pinch: 1899 to 1904, Paul Coppock Collection, Memphis Public Library, Memphis, Tennessee; “Prohibition: Temperance Hits Intemperate Town,” Memphis Press-Scimitar, October 28, 1980.

predecessors.\textsuperscript{21} At the most basic level, they were identical: put money down, get a drink in return. Yet the realities of prohibition made certain changes necessary. First, while beer had been a staple of pre-prohibition establishments, logistics made it less suitable for illicit trade. Difficult to produce, less profitable, and too voluminous to easily transport without detection, many blind tigers dealt primarily in liquor.\textsuperscript{22}

The quality of saloons frequented by the masses shared a common goal, both before and during prohibition: profit. For some this meant running in fifth gear constantly, using day and night shifts to operate twenty-four hours a day.\textsuperscript{23} Others used “pullers-in,” or workers standing on the sidewalk trying to convince passersby to enter, to keep business humming.\textsuperscript{24} Even more common was expanding services to offer gambling, and countless places had some type of gaming, be it a single slot machine, room for billiard tables, or entire floors (rarely housed at the ground level, instead upstairs or in the basement as a precaution) where boisterous crowds huddled around dice games and poker tables.\textsuperscript{25} Further underscoring the intersectionality of vice, in some establishments, you could order a drink and a prostitute in the same breath,

\begin{footnotesize}
\begin{enumerate}
\item The term of “speakeasy” derives from the practice of barkeeps instructing patrons to keep their voices down, or “speak easy” about the bar when out in public to avoid unwanted police attention. The etymology of “blind tiger” or “blind pig” has more ambiguity. Some sources declare it a reflection of placing blinds over windows to camouflage illegal activity inside. Another theory suggests that clever liquor men arranged sideshow-esque locations where customers, with a wink and a nod, could pay a dime to see a blind pig—free drink included with swine viewing. Kathleen Morgan Drowne, \textit{Spirits of Defiance: National Prohibition and Jazz Age Literature, 1920-1933} (Columbus, OH: Ohio State University Press, 2005), 95 – 96.
\item Smith, \textit{Drinking History}, 135.
\item Walter “Furry” Lewis, interview by Margaret McKee, September 27, 1972, pg. 5, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
\item Raymond S. Spears, “The Furtiveness of Liquor,” \textit{Outlook Magazine}, September 5, 1923, pg. 20. In Memphis those who tried to convince people to enter stores were described by the police as “pull-in Negroes.” Will Blackwell, Report of Homicide, 24 December 1928, SCA.
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although one had to be careful. “Panel workers” and “steerers”—thieves who targeted saloon or brothel visitors—were always on the lookout for their next “sweet pea,” or easy target to rob blind.  

The city had no legally or geographically defined red-light district, but vice and hell-raising clustered around Beale Street in the early-twentieth century—a two-mile thoroughfare that could be, like Memphis generally, rather volatile. On the one hand, this fifteen-block neighborhood was the epicenter of black Memphis. Described as the “Harlem of the South” and “Main Street of Negro America,” it was home to upstanding businesses, professional organizations, fraternities, banks, restaurants, hotels, and churches. Once the sun went down, however, it could be a markedly different story. Boozing, gambling, whoring, and fighting were business as usual, to the point that drug stores like Battier’s and Pantaze not only sold remedies, they also served as first aid

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26 The manuscript collection of respected Memphis detective Morris Solomon offers insight into this street lingo. As his hand-typed list of “underworld terms” explains, “lush workers” were those who robbed sleeping drunks, a “panel worker” was a man or woman who robbed someone after “enticing [them] in rooms,” and a “sweet pea” was “an easy victim.” It is only thanks to representatives of the Sears Roebuck Company that this rather singular document exists in the Memphis Public Library collection; after purchasing Solomon’s home and discovering his papers in the attic—where they had been for the previous forty years—they elected to donate, rather than discard the find. Morris Solomon, “Definitions of Underworld Terms,” Box 1, Morris Solomon Papers, Memphis Public Library, Memphis, Tennessee (hereinafter, MPL); William D. Miller, *Memphis During the Progressive Era, 1900-1917* (Memphis: Memphis State University Press, 1957), 88.

27 In the nineteenth century, historian Gerald Capers explains, Memphis was a “tough and uninviting place, overrun by the scum of the earth.” Gerald Capers, *The Biography of a River Town, Memphis: Its Heroic Age* (Chapel Hill, NC: University of North Carolina Press, 1939), 23, 44, 48.


29 As Shields McIlwaine declared: “Like the mosquitoes and fireflies in the slush and weeds along Mississippi banks, Beale doesn’t really come alive until after dark. It isn’t wild till about twelve o’clock on Saturday night. Then nobody, white or black, who thinks much of his life should be around.” McIlwaine, *Memphis Down in Dixie*, 327.
stations.\textsuperscript{30} “Beale Street looked on fifteen stitches and two fractures as a mere spat,” noted a \textit{New York Times} reporter in 1940. “Ambulance drivers could find their way to Beale Street in their sleep.”\textsuperscript{31} Musician W.C. Handy said it best in his iconic \textit{Beale Street Blues}: \textit{Take my advice, folks, and see Beale Street first…/ you will meet honest men and pickpockets skilled}/\textit{you will find that business never closes until/ somebody gets killed}.\textsuperscript{32}

Figure 8-3. Beale Street and Its Neighboring Streets, 1925. Margaret McKee and Fred Chisenhall, \textit{Beale Street Black & Blue}.

To be sure, illegal did not always mean inexpensive on Beale. There were lavish places outfitted with the finest trappings money could buy. Yet the other end of the

\textsuperscript{30} “In the morning, we would come to work,” recalled businessman Leo Schwab, “it was not an uncommon thing to see a little blood going into Baxter’s Drug Store. And as you looked around the other way, you’d see a little blood trickling coming out.” Leo Schwab, interview by Margaret McKee, October 11, 1973, pg. 11, MPL; Raichelson, \textit{Beale Street Talks}, 34.


spectrum offered dive bars or “tonks” where rough crowds drank swill and violence was currency.\textsuperscript{33} This was the type of establishment where being knifed on a Tuesday was a real possibility, especially because carrying a weapon was routine for large swaths of the Memphis population.\textsuperscript{34} As a result, many establishments required patrons to check their arsenal at the door—just like a hat or coat, they received a ticket to present upon their exit to get their items back—and doormen checked to make sure they were honest about it.\textsuperscript{35} “They search you, frisk you down,” recalled musician Thomas Pinkston, “you know, just like they do out of the Wild West.”\textsuperscript{36} Even with such precautions, weapons remained commonplace, so saloonkeepers usually had a club, if not firepower, within reach. After a patron vowed to destroy the bar and actually fired a shot at bartender Allen Chambers in 1928, for example, Chambers pulled his .25 caliber revolver from under the bar, and fired three shots of his own in reply—the result proving fatal.\textsuperscript{37}

\textsuperscript{33} The term “tonk” emerges from Memphis Police Department homicide reports explaining the circumstances of certain murders. These identify low-rent bars and tenement houses offering gambling and booze as “tonks.” Joe Davis, Report of Homicide, 18 August 1930, SCA; James Walker Lewis, Report of Homicide, 13 September 1930, SCA.

\textsuperscript{34} Most justified pistol toting and weapon carrying as self-defense. Like Arkansas farmer Son Smith, who was walking with his daughter on Beale Street in 1928 when Will Blackwell—a “pull-in negro,” used to attract and convince passersby to enter stores, restaurants, and bars—grabbed ahold of the girl and refused to let go. Upon hearing his daughter’s screams, Smith pulled a knife and split Blackwell’s abdomen open, causing his intestines to drop out.\textsuperscript{34} Will Blackwell, Report of Homicide, 24 December 1928, SCA.

\textsuperscript{35} Sometimes, however, the doorman proved to be the source of violence. Joe Harris, for example, worked at the notorious Panama café checking each person for weapons as they entered the gambling area in 1936. When William Hankerson went to retrieve the pocketknife he checked upon arrival, he did not move quickly enough, so Harris shot him—and then escaped before police arrived. William Hankerson, Report of Homicide, 5 January 1936, SCA.

\textsuperscript{36} Thomas Pinkston, interview by Margaret McKee, October 31, 1973, page 2, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

\textsuperscript{37} Charlie Thomas, Report of Homicide, 20 October 1928, SCA.
Figure 8-4. A) Beale Street, 1906. B) Beale Street, 1920. Historic-Memphis.com.
There were people who went to Beale strictly for a good time, of course, and some who went looking for trouble.\textsuperscript{38} In early-twentieth-century Memphis—and arguably every bar, everywhere, ever—finding a “tough guy,” quick to take offense or antagonize someone else, was not difficult; there were plenty of dangerous characters with short fuses, like notorious gambler Ben Griffin. Short on stature and temper, everyone knew he carried two guns at all times (one on the hip, the other hidden under his armpit), and rumor claimed he killed at least seven or eight people—even cops were afraid to arrest him for either carrying a pistol or violating liquor laws. “Ben Griffin was Beale Street’s bad man,” declared Beale’s resident historian George W. Lee. “Even Tree-top Tall and Coal Oil Johnny, two of its doughty policemen whom Beale Street referred to as ‘hot from hell,’ evaded Ben.”\textsuperscript{39} Griffin lived by the gun, and ultimately died the same way after breaking a cardinal rule—no fighting inside—at the infamous Monarch saloon in December 1918. “Don’t you know better than to hit a man in the Monarch?” demanded white underworld kingpin Johnny Margerum as he advanced on Griffin. “I will hit a man in the Monarch or any other damn place if he makes me mad,” the gambler replied. For his cheek, Margerum pulled a pistol and pumped four slugs into Griffin, knocking him to the floor; Griffin then used a table to pull himself up, leveled his weapon, and returned

\textsuperscript{38} In early-twentieth century Memphis for example, if a man wore his cap on backwards or to the side, it sent a message not to test him. Carrying a pistol similarly told people something about you—that you were a “blood” or a “heller,” to be left alone. “The enforcement of the law against pistol-carrying in this country is such a farce that nobody hesitates to go armed, who has a fancy for that sort of thing,” the \textit{Commercial Appeal} lamented in 1901. “Today the condition of affairs is worse than it was twenty years ago. The city has tripled its population almost in that time and we ought to have grown much more civilized. But as a matter of fact, there never was a time, unless it was immediately after the war, when the carrying of arms was so prevalent as now.” William D. Miller, “Rural Ideals in Memphis at the Turn of the Century,” \textit{West Tennessee Historical Society Papers} 4 (1950): 41 – 50; Fred L. Hutchins, \textit{What Happened in Memphis} (Kingsport, TN: Kingsport Press, 1965), 51.

the favor. Two of Memphis’ most infamous men both hit the ground, and died shortly thereafter.\(^{40}\)

This was far from an isolated or exceptional incident. Memphis records are home to countless stories of violent men meeting violent ends, and vice was a natural magnet for both this quality of person and type of interaction. Indeed, Beale Street produced no shortage of harrowing tales—people thrown out of windows, gambling games continuing with a murdered man below the table, undertakers sitting on freshly killed-bodies to ensure their funeral home got the business—illustrating the harsh realities of this world.\(^{41}\) Memphis was not singular in this regard; other American cities were also violent places. Yet, for however much city fathers wanted to dispute the findings of Prudential Insurance Company statistician Frederick Hoffman, who dubbed Memphis the “murder capital of the world,” he did have a point.\(^{42}\)

\(^{40}\) The incident that precipitated this fatal shootout was an argument and subsequent fistfight between Griffin and another gambler named “Speedway” at the Monarch on December 15, 1918. John Margerum, Report of Homicide, 15 December 1918, SCA; Ben Griffin, Report of Homicide, 15 December 1918, SCA; Lee, Beale Street, 83 – 85.

\(^{41}\) Margaret McKee and Fred Chisenhall, Beale Black & Blue: Life and Music on Black America’s Main Street (Baton Rouge, LA: Louisiana State University Press, 1981), 25.

\(^{42}\) Memphis waged a war of words against Dr. Frederick L. Hoffman, consulting statistician for the Prudential Life Insurance Company for years, as Hoffman identified Memphis as the most lethally violent city in the country. The national murder rate for 1900 to 1910 was 7.2 per 100,000. Memphis, for the same time frame, registered 556 murders for a rate of 47.1; in 1911 alone, the rate was 63.4. The negative publicity only intensified, and in 1918, Hoffman declared Memphis the “murder capital” of the country in his comparative assessment of thirty-one major cities in America. There were 134 murders in Memphis in 1916; the next highest city was Atlanta, which had half as many. The battle continued through the 1920s and into the 1930s. “The ten southern cities combined,” Dr. Hoffman reported, “had a homicide death rate nearly four times as high as the country at large, while Memphis, as usual, leads the list with a homicide death rate more than six times as high as the average for all the cities combined.” He declared it a “glaring contrast even for southern cities” for Memphis with less than 200,000 people to have more deaths by homicide than New Orleans, which had over 400,000 inhabitants. “Explaining Our Homicide Rate,” Literary Digest, October 19, 1912; “Memphis Again Leads Country As Murder City,” Evening Appeal, March 13, 1929.
Figure 8-5. “That’s The Stuff Boy; Tell the Truth About It!” Unsurprisingly, Memphis did not take kindly to Frederick Hoffman’s assertions about Memphis and lethal violence. This would not be the last barb made at Hoffman’s expense. *Commercial Appeal*, May 26, 1925.

In this unstable environment populated by hot-blooded toughs, alcohol was unsurprisingly a precipitating or exacerbating factor. Indeed, homicide reports underscore the very real danger that accompanied drinking—for both active participants and innocent bystanders. “Take a drink with me, or a shot!” demanded beer-dealer and ward-politician Henry A. Michel when R.L. Gaynor refused a proffered beer in June 1915. Gaynor chose the latter, and Michel obliged, but his aim was poor; he shot another patron in the foot, prompting a subsequent announcement that he would be “off
the booze diet,” having realized it only got him into trouble.\textsuperscript{43} Memphis drinking culture might have been safer if more people came to the same conclusion, but they did not—although neither did Michel, as illustrated in 1920s federal court documents.\textsuperscript{44} Instead, booze-soaked aggression was commonplace, and not just among men.\textsuperscript{45}

History usually remembers Bessie Smith as one of the greatest Blues singers of all time, for example, but she was also a volatile brawler not only willing to fight (be men or women), but enjoyed doing it. Some establishments on Beale Street denied her entrance, or banned her permanently over this fondness for clearing the room. “We’d go just to start a fight,” Smith told interviewers years later. “We’d look them up.” Her position of choice was by the door, she explained; that way she could finish off (typically

\textsuperscript{43} Michel was not the only drinker to attribute their behavior to booze—although that did not always work as a defense strategy in court. “I must have got hold of some very rotten liquor, and it made me spiteful,” defendant J.M. Ferguson explained to acting city judge Percy Biggs in August 1914. “I don’t know so well about that,” replied the arresting officer after Ferguson assured the judge he would have gone home quietly if not arrested first. “He was swearing that he intended to go home, get his pistol and shoot ‘em down if anybody crossed his path.” “Oh I see. Then he was playing bad man after all,” Judge Biggs replied. “Fine him $10. I don’t like that gun threat.” “Lid-Lifting Echo in Heard in City Court,” Commercial Appeal, August 19, 1914; “Henry A. Michel is Found Guilty; Fined,” Commercial Appeal, June 9, 1916.

\textsuperscript{44} Michel actually made a bit of a name for himself in the illicit liquor game. After the first attempt ended in mistrial, federal jurors convicted Henry A. Michel on receiving stolen property and possession in 1920, concerning two fifty-gallon barrels of industrial alcohol boosted from an interstate rail shipment—sent from New Orleans to the Van Vleet Mansfield Drug Company in Memphis—and then again for possession and liquor sales in 1922. \textit{United States v. Henry A. Michel} #833 (1920); \textit{United States v. Henry A. Michel} #879 (1920); \textit{United States v. Henry A. Michel} #1380 (1922).

\textsuperscript{45} The homicide records reveal but a small fraction of this sort of violence. At face value, it seems perhaps gratuitous or unfounded; yet upon closer examination, some incidents smack of the heterosocial male violence that Jeffrey Adler identifies in his study of homicide in Chicago, \textit{First in Violence Deepest in Dirt}, where men responded to any slights with lethal force as a means of policing and sustaining their own reputation and position. When John Henry Taylor announced he had no whiskey to sell in 1926, for example, the inquiring customer shot him in the stomach and walked away. In 1928, Osceola Murrell took Andrew Watson’s drink from him, and when Watson responded angrily—declaring he was “not running a free lunch counter”—Murrell beat him so severely with a fire poker that he died a week later. Robert Gilmore reacted almost identically after sending John Henderson to purchase whiskey. Henderson returned with Gilmore’s money but no booze, so Gilmore grabbed a table leg and attacked him. Henderson later died at the Memphis General Hospital. For more on masculinity, drinking culture, and specifically the practice of “treating,” see Jeffrey S. Adler, \textit{First in Violence, Deepest in Dirt Homicide in Chicago, 1875-1920} (Cambridge, MA: Harvard University Press, 2006). John Henry Taylor, Report of Homicide, 5 November 1926, SCA; Andrew Watson, Report of Homicide, 17 December 1928, SCA; John Henderson, Report of Homicide, 1 January 1926, SCA.
with a pistol butt) anyone who tried to escape. “One time there was a garbage can by the door. Somebody would come out and I’d slap him across the head with the garbage can lid.”

As much as the “wets” tried to contradict their claims, prohibitionists were correct when it came to alcohol, saloons, and violence. They were sites of rowdiness, even more thanks to the common practice of carrying concealed weapons and the numerous Beale Street pawnshops selling firearms and blades secondhand nearby. The candid name one saloon selected for its how whiskey spoke volumes: “A Fight in Fifteen Minutes.” Bars on Beale Street and speakeasies elsewhere in the city—or their rural counterparts, roadhouses—were hardly the only places selling alcohol in Memphis, however. Indeed, after prohibition was in effect, the question was less where you

46 McKee, Beale Black & Blue, 149.

47 Carrying a pistol in Memphis was illegal, and authorities often decried the damage “pistol toters” were doing in the city. Yet, that law was not an effective deterrent, and it was not difficult to obtain a weapon. A pitstop to one of the many pawnshops on Beale could quickly provide a knife, gun, and all the ammunition you needed—although some simply elected to repurpose a shaving razor. To dissuade the practice authorities outlawed the sale of toy pistols that shot blanks or paper caps, a common gift to children. Judge Cooper declared there were two types of people in Memphis: those carrying weapons because they were criminals, and those who wanted to be tough guys.” By his estimation, “neither of these is entitled to any consideration or benefits.” “Pistol Carrying,” Commercial Appeal, October 22, 1901; “The Pistol Toter,” Commercial Appeal, October, 1901; Hutchins, What Happened in Memphis, 34; “The Pistol Toter,” Commercial Appeal, October 22, 1901; “Toy Pistols Are Under the Ban,” Commercial Appeal, December 22, 1906; George W. Lee, “Poetic Memories of Beale Street,” 67.


49 Roadhouses were the equivalent of speakeasies outside the city limits, offering customers the opportunity to drink, gamble, listen to music, dance, and generally kick up their heels. Some were more formal businesses than others were, but musician John “Piano Red” Williams recalled in particular places like the Hole in the Ground, Red Jones, and Wagonyard. When the “lid” sealed in the city limits, booze-seekers widened their gaze to these roadhouses set up just beyond the city’s jurisdiction. Yet even if the Shelby County Sheriff’s Office arrested violators here, they went to trial in Memphis courts, where conviction was often unlikely during prohibition. “If he should be fortunate enough to make arrests the maximum fine in a justice’s court would amount to nothing,” the Commercial Appeal noted sardonically. “Property Owners May Oust the Clubs,” Commercial Appeal, July 23, 1915.

John “Piano Red” Williams, interview by Margaret McKee and Fred Chisenhall, August 27, 1973, pg. 2, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
could, but where you could not find booze. “If you wanted a half pint of whiskey, all you had to do was go in PeeWee’s and tell him, give me half pint of corn,” musician Alex Sims explained. “Set it up on the counter, pay a dollar for it, go on about your business.”\textsuperscript{50} PeeWee’s saloon was far from the only choice. Reports highlight liquor sales in hundreds of places in Memphis: dive bars, dance halls, barbershops, grocery stores, soda fountains, lunch counters, shoe shops, fruit and vegetable markets, parks, tearooms, social clubs, confectionery stands, to name a mere few.\textsuperscript{51}

![Figure 8-6. “Inman’s Inn,” 1920. Soft drink or cigar stands like this one in the Binghampton area of Memphis were common sites of illicit alcohol sales. Dye, Shelby County, pg. 66.](image)

\textsuperscript{50} Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 27, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

Like grocery stores, restaurants were sites of alcohol consumption long before prohibition began, but the nature of the restaurant business made it perfectly situated for criminal activity. Indeed, these factors are why restaurants are still popular fronts for laundering money and narcotics today; it is easy to account for losses thanks to high overhead costs. During prohibition in Memphis, restaurants kept food in the front and liquor in the back.\(^{52}\) The Panama café operated in this manner. As for Blues musician Little Laura Dukes explained decades later, it was her job to ferreted glasses and soda pops from the front, and serving them to customers who ordered whiskey in the back.\(^{53}\)

Establishments selling liquor often kept the hooch in the store safe.\(^{54}\) Drinkers sometimes brought their own alcohol, like on New Year’s Eve 1915. Newspapers acknowledged the usual morning-after headaches, but noted revelers earned their hangovers not in saloons, but cafes, entering “carrying mysterious-looking packages under their arms” that concealed their own “joy water.”\(^{55}\)


\(^{53}\) “Little” Laura Dukes, interview by Margaret McKee, September 6, 1973, pg. 13, 32, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

\(^{54}\) “Mayer and Persica are Declared Guilty,” *Commercial Appeal*, December 20, 1917.

Figure 8-7. A) “Pete & Joe’s Place.” Located on Second Street next to the Memphis Police Station, Pete and Joe’s Place was a popular restaurant during prohibition, in part because it served booze to customers in teacups—a popular method used to consume alcohol in defiance of liquor bans across the country. Dye, *Shelby County*, pg. 19. B) “Prohibition Tea.” Holding mid-to-late afternoon “tea parties,” serving actual tea and several light courses, became popular during prohibition. It is unclear whether Floyd’s, one of the toniest eateries in Memphis, warmed tea and coffee cups with alcohol, like Pete & Joe’s; but the establishment did serve booze prior to prohibition. *Commercial Appeal*, March 16, 1914.

It was not out of the ordinary for entrepreneurs to meld public and home-based consumption by throwing for-profit house parties. Some charged just admission, five or ten cents at the door, while others sweetened the deal with whiskey, a live band for entertainment and dancing, and fried catfish—dubbed by Beale’s own Professor Nat D. Williams the “caviar of the river front” and “piece de resistance of the darker segment of the Mississippi Delta’s population.”\(^{56}\) This type of party even served as a way to generate rent money for some hosts.\(^{57}\) Throwing a party in one’s private home did not necessarily mean amateur hour or small-time operations, however. Fred Jacobs turned

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his residence at 358 Jones Street into a beer joint, and hired Elizabeth Materna, who
posed as a housekeeper but served alcohol to the customers. Cops revealed the scope
of Jacobs’ scheme when they arrived—prompted by Materna’s fatal shooting of a
customer who refused to leave her private bedroom—and discovered fifty-two quarts
and four pints of home brew, one-gallon, two-gallon, and five-gallon kegs of corn
whiskey, and a smattering of moonshine pints and quarts.58 Indeed, like brick-and-
mortar joints on Beale, house parties sometimes devolved into violence. Tom Hampton,
described by police as a “well known bootlegger, ex-convict, and murderer,” threw a
party at his home on Carr Avenue, but the festivities ended when he killed an
attendee.59

Of course, for-profit house parties were not limited to Memphis. Blues man and
Beale Street regular Roosevelt Sykes turned his residence into a party house for
gambling, fried fish, drinking, and dancing while living in St. Louis. He paid the cops to
turn a blind eye, and his friends to play music—and those wages came in the form of
whiskey.60 That turned out to be a common type of payment for musicians, and music
intertwined closely with illicit liquor in cities known for their sound like Memphis, New
Orleans, Kansas City, New York, and Chicago, among others. Some musicians did
dabble in booze selling like Muddy Waters, but harmonica player Hammie Nixon
suggested musicians were more likely to imbibe than sell. “Well, I don’t know too much

58 Doran Allen Hill, Report of Homicide, 4 September 1932, SCA.
59 Major Kendrick, Report of Homicide, 17 April 1932, SCA.
60 “I got along well with the police,” Roosevelt Sykes acknowledged, explaining they were happy to let
business continue provided he cut them in on gambling profits, kept violence low, and paid $2 per officer.
“I had such a crowd you know,” he recalled years later. Roosevelt Sykes, interview by Margaret McKee,
November 2, 1973, pg. 18 – 19, Everett Cook Oral History Collection, Memphis Public Library, Memphis,
Tennessee (hereinafter MPL).
about musicians bootlegging,” Nixon explained. “Mostly they had them playing where they were bootlegging, to draw a crowd, you know. They’d just get us tanked up on that whiskey and the next thing you’d know, they’d have us there all night. I remember going to people’s house and they had five or six gallons of whiskey, some guy would be up there saying to give me a whole gallon.”

Beyond receiving some (or even all) of their wages in whiskey for a performance, musicians also joined the frivolity on their own accord. “We would get that whiskey and go balling…from joint to joint,” explained musician Lillie Mae Glover of her nights barhopping, or “balling” on Beale Street. “Especially on Monday nights,” she added. “Monday had always been a balling day.” Guitarist Walter “Furry” Lewis offered a blunter summation of booze and music: “In them days we all just got so drunk if anything had happened we wouldn’t have noticed.” Still, as Hammie Nixon noted, the volume of parties in Memphis ensured working musicians often had full schedules. “Some of them on Wednesday night, Thursday night, we could stay busy all week long,” Nixon recalled. “The busiest time was Friday night, and the next was Saturday. We were around Memphis, a different place all the time.”

As the illicit liquor trade evolved, so did the way people communicated about it. Indeed, a new, prohibition-specific lexicon emerged in Memphis and nationwide. Sometimes it was a matter of practicality, as with newspapers starting to shorten terms

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61 O’Neal, *The Voice of the Blues*, 64.


63 Walter “Furry” Lewis, interview by Margaret McKee, September 27, 1972, pg. 22, MPL.

64 O’Neal, *The Voice of the Blues*, 63.
to save on headline space and copy. The result added new words to American vernacular like “prohi” (prohibition or prohibition agent, depending on the context), “legger” (bootlegger), and “rummer” (rumrunner).65

Language proved central within booze trafficking, as well. It provided buyers and sellers with a means of identifying themselves, verifying the identity of others, and establishing members of the ingroup—an ingroup united by a desire to avoid handcuffs. Whether newly created or existing words assigned new meaning, slang became a tool in the larger, never-ending effort to make money while sidestepping law enforcement. In Memphis particularly, sellers conveyed volume and type with invented terms like “half-man” (a half-pint), “shorty” (a pint), “slabs” (a short, medicine-style bottle), “austins” (little bottle, so named because it was like the small car manufacturer, Austin), “tree top tall” (a quart), and “stoop low” (homemade corn whiskey) among others.66 Many a drink sold using this type of coded language in Memphis, at least until the police got hip to the lingo. In 1916, for example, a call-and-response system helped sell different quantities of liquor in Memphis; if buyers replied with the word “Villa,” they received a half-pint of whiskey, for “Carranza,” a half-pint of gin. That is, until someone spilled the beans to a local detective. He tested it on a bootlegger, and like patrons before him, it worked. He arrested the seller on the spot.67


Words were not the type of code used in Memphis, though. In 1918, automobiles became boozy town criers. When new liquor shipments arrived, drivers drove through the streets, tapping out specific cadences on their car horn. The number of “blasts” let interested parties know they could replenish their stock and thirst.68 A Mississippi River “whisky fleet” made use of a similar tactic years earlier. Vessels—each outfitted with a bar, huge amounts of booze, and numerous poker and gambling rooms—issued a “peculiar whistle” when approaching “dry counties,” to let the thirsty people know they were coming.69 Flashing lights could serve the same purposes. When Caruthersville, Missouri resident Tom Bishop moved whiskey down the Mississippi River in 1918, his instructions were to look for a visual cue from the shore indicating whether to land at Richardson’s or Pleasant View Landing, where he would find the booze owner waiting with trucks to unload it.70

Subterfuge and prohibition went hand in glove. When it came to civilians transporting alcohol, the most obvious and common means was on one’s own body. The number is impossible to estimate, but suffice it to say, more people got away with hiding a bottle of whiskey in their pocket or under their arm than those caught doing so. One successful concealer was renowned author William Faulkner. When Elizabeth Anderson picked him up at a New Orleans train station in 1925, she found him holding a bouquet of flowers and wearing an overcoat that “bulged strangely...so much, that, at first glance, I thought he must be in some queer way deformed,” Anderson explained.

68 “‘Bootleg’ Whisky Jumps in Prices in Memphis,” El Paso Herald, April 23, 1918.

69 “Flagship of Whisky Fleet Taken a Prize,” Washington Times, April 21, 1902.

Those strange bulges turned out to be Faulkner’s supplemental luggage: “six or eight half gallon jugs of moon liquor he had brought with him from the country and that were stowed in the pockets of the big coat.”

Faulkner’s boozy sojourn had a benign ending, but the aspirations of other smugglers surpassed the reasonable capacity of their clothing. After a foot chase down Beale Street in 1917, cops searched Will Miller and retrieved two whiskey bottles from his coat, four from his pants, and two up his shirtsleeves. Arthur Harris was rather proud when he managed to walk past cops with booze under his coat in 1932. So proud, in fact, he gloated to his friends and showed the bottles as proof—at just the right moment for the two officers to pass by again, see the whiskey, and arrest him. Poor timing also accounted for S.L. Isaac’s rendezvous with police for concealing alcohol in 1923; a stiff wind caught his coat as he passed by two patrolmen, blowing the jacket upward and exposing the booze hidden in his waistband.

Others relied on the presumed innocence of children. “I can remember some of the fellows would bring liquor and they searched everybody that came on and if they had a bottle of liquor in your pocket, they’d toss it out in the river,” recalled Sidney Nichols about excursion trips aboard steamers to and from Memphis. “And so they guys got wise; they let the girls carry the liquor in their handbags.”


73 This earned Arthur Harris a $25 fine. “Police Court Briefs,” Memphis World, March 4, 1932.


75 Sidney Nichols, interview by Charles W. Crawford, June 24, 1977, pg. 11, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).
When hiding booze at home, anywhere was fair game. It took an hour of steady searching, but city cops ultimately found the sixty quarts of quality Scotch whiskey—White Label, John Dewar’s, Haig & Haig, Green Stripe—and seven gallons of grain alcohol hidden in a Southern Avenue home in 1926, underneath the bathroom floor.\textsuperscript{76} Businesses proved equally resourceful when it came to hiding alcohol. When authorities searched Nick Faraone’s grocery store in 1917 (he already being a two-time convict for selling liquor without a license) they found 500 empty half-pint bottles, and several barrels with sacks containing half-pint bottles of whiskey inside—barrels that had been placed in holes dug in the ground behind the store, in the lot, and in the cellar.\textsuperscript{77} Faraone was not the only liquor seller to use subterranean tactics, however. In 1919, authorities found forty or fifty cases buried in a rural area, and in October 1925, an anonymous source alerted Sheriff W.S. Knight to a freshly dug hole, three or four feet deep, on the farm of R.G. Segar. The tipster was “morally certain” it was evidence of murder, but the sheriff was more convinced it was dug by bootleggers to “plant” a cache of illicit booze.\textsuperscript{78}

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\textsuperscript{76} Commercial Appeal, March 30, 1926.
\textsuperscript{77} Faraone v. United States, No. 2371, 259 F. 507 (6th Circ. 1919).
\textsuperscript{78} “July Will Bring Relief from Booze,” Commercial Appeal, June 7, 1919; “Sheriff in Doubt,” Commercial Appeal, October 24, 1925.
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Yet, alcohol had a darker side, away from the lights and flash of Beale Street. Indeed, a central argument for temperance—particularly among female activists and organizations like the Women’s Christian Temperance Union—was the need to protect families from male alcoholism. Suffering women and children offered potent imagery that gained traction by pulling on heartstrings, and prohibitionists knew it. Still, that was a publicity strategy grounded in reality. In an era before consistent social welfare services a drunk husband or father could be a living nightmare, and personal testimonies across the country told of previously even-tempered men who, thanks to the “demon drink,” transformed into abusive loose cannons spending entire paychecks on booze.79

First-hand experience with this problem galvanized many prohibitionists, including WCTU member and perhaps the most infamous teetotaler, Carrie Nation.80

79 Unfortunately, domestic altercations over alcohol were not out of the ordinary in Memphis, or anywhere in America. Yet city homicide records do indicate that some local women (although certainly a small minority compared to those who suffered at the hands of mean drunks) refused to cow to that abuse. In 1918, after an evening of drinking and fighting, Areulia Martin went to the wardrobe, retrieved a pistol, and shot Manuel Walker four times in the stomach. In 1926, a husband came home drunk, started beating his wife, so she stabbed him in the stomach with scissors. In 1927, Annie Bell Hall was drinking when she and her husband started to fight over a bottle of whiskey. She came at him with a knife and he hit her over the head with the whiskey bottle, fracturing her skull. Lillian Helms and John Preston had been living together when John went to the workhouse on a bootlegging charge in autumn 1928. Apparently tired of his antics, Lillian refused to pay his fine and moved in with her mother. For that, John hid in a bush, waited for Lilian to arrive home, and shot her in the stomach and head. In 1935, Hustler John Lewis spent the day drinking and spent the rent money on booze. His live-in girl Beulah Glover found him and stabbed him out. In 1935 at Cuneo’s saloon, Mozella Stegall Easley told Menion Earl Percy she was going to kill him for spending all his money on liquor and beer. She kept her word. Manuel Walker, Report of Homicide, 4 August 1918, SCA; Steve Gillard, Report of Homicide, 24 December 1926, SCA; Annie Bell Hall, Report of Homicide, 30 May 1927, SCA; Lillian Helms, Report of Homicide, 3 August 1928, SCA; John Lewis, Report of Homicide, 11 January 1935, SCA; Menion Earl Percy, Report of Homicide, 2 November 1935, SCA.

80 Historians have effectively argued that social issues beyond problem drinking—like status anxiety and nativism—motivated some reformers, but that many (and particularly women) were galvanized by proximity to addiction and the problems of alcohol consumption. For more on this topic, see Jack S. Blocker, *Retreat from Reform: The Prohibition Movement in the United States, 1890-1913* (Westport, CT: Greenwood Press, 1976); Norman Clark, *Deliver Us From Evil: An Interpretation of American Prohibition* (New York, NY: W.W. Norton & Co., 1976).
After marrying young doctor Charles Gloyd against her parents’ wishes in 1868, the nineteen-year-old discovered that instead of newlywed bliss, her husband was a raging alcoholic. Within months, Gloyd started coming home drunk (if he came home at all) and his medical practice disintegrated, leaving them low on food and money. Nation prayed, begged, and even asked the tavern to stop serving Gloyd, but to no avail.\textsuperscript{81} Pregnant and out of options, Nation returned to live with her parents while Gloyd literally drank himself to death within the year, making her a widow and single mother at age twenty-three. For Nation this was quite literally a call to arms. She dubbed herself the “Home Defender” and made headlines worldwide by destroying barrooms and saloons with her signature axe.


The consequences of substance abuse did not usually lead to fame and worldwide travel as it did for Carrie Nation, however. For renowned African American

\textsuperscript{81} Tennessee actually passed a law in 1883 that provided women with the support that Carrie Nation sought and failed to receive. It extended the ban on providing minors with alcohol to drunkard husbands; if a woman provided written notice, it was against the law for saloonkeepers to serve him. Grace Leab, “The Temperance Movement in Tennessee, 1860 – 1907” (Master's thesis, University of Tennessee, Knoxville, 1938), 59.
author Richard Wright, alcohol contributed to the strife and abandonment that left an indelible mark on his childhood. The turning point occurred in Memphis, after Richard’s father Nathan Wright—like scores of other black Delta residents—decided to relocate the family from rural Mississippi in the early 1910s.82 Dubbed by some the “Chicago of the Southwest,” Memphis attracted people from the hinterlands of Mississippi, Arkansas, and Tennessee.83 Indeed, as the only major city in the region with a bustling population of over 100,000, it was a mecca for black, white, and foreign-born migrants. Outside the city waited sharecropping, cyclical debt, and too-often abject poverty, so Memphis at least offered the hope of creating a better life. Yet higher costs of living and job competition made those tangible improvements difficult to achieve, meaning some simply traded rural hardships for urban poverty—which is what happened to the Wrights.84

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82 Wright was three years old when the family moved to Memphis. While Wright never knew the specific reason for the family’s relocation, he recalled talk of “the eveel boll weevil.” This devastating crop disease and falling cotton prices prompted widespread immigration. The growing conflict in Europe compounded the crisis in the 1910s, as cotton was primarily an exported commodity. After a Serbian nationalist assassinated Archduke Ferdinand in June of 1914, Europe began to churn, and when Russia began to mobilize its military a month later, investors panicked and dumped stocks, bonds, and commodities. Russia and European countries canceled contracts to purchase cotton, leaving thousands of bales idle in Southern ports. Prices had averaged around thirty cents a pound, but that number quickly plummeted to only five cents. Nathan Wright was one of the countless black farm hands who found himself in dire straits. He sharecropped a rented farm in Mississippi for five years, and after failing to grow a crop that turned a profit each year, he opted to leave the Delta in search of better opportunities, taking the family to Memphis by riverboat. David L. Cohn, Life & Times of King Cotton (New York, NY: Oxford University, 1956), 233; Constance Webb, Richard Wright; a Biography (New York, NY: Putnam, 1968), 24 – 25, 26 – 33; Hazel Rowley, Richard Wright: The Life and Times (New York, NY: Henry Holt and Company, 2001), 5.


They took up residence in a small tenement off Beale Street, but struggled to find footing. Richard’s mother, Ella, worked as a schoolteacher in Mississippi, but could not find a position in Memphis. Nathan Wright found work as a night porter in a nearby drugstore, but the stress of city life soon took its toll. He became more irritable, yelled at his wife and children, and started drinking heavily. After taking up with a woman he met in a saloon, Nathan started returning home less frequently and then deserted the family completely. Without a breadwinner, the now single-parent household ran out of food and money. This forced Ella Wright to leave her children at home with just a pot of tea and loaf of bread to eat while she worked as a cook and cleaner.

Left to his own devices all day, Richard began to wander Beale Street. He found saloons fascinating, and after peeping in doors, patrons eventually dragged him inside where he received sips of whiskey and an education in curse words. This continued until it became a habit, making him a self-described drunkard at age six. Increasingly desperate and rundown by the struggle to make ends meet, Ella Wright finally placed Richard in a local orphanage after taking ill herself. In the span of only a few years, the

86 By 1912, city directories only listed his mother’s name, Ella Wright. Webb, 27 – 29; Rowley, Richard Wright: The Life and Times, 7.
87 Webb, Richard Wright, 30.
88 Wright, Black Boy, 26; Walker, Richard Wright, Daemonic Genius, 22 24.
migrant family from Natchez had morphed into a broken home in Memphis with a drunk, absent father, a sick mother, and a son in an orphanage.  

Unfortunately, Richard Wright’s experience was not remarkable. Alcoholism claimed many victims, both locally and nationally. So extensive was the problem and the anxiety that surrounded it—a problem crossing all class, racial, and ethnic lines—that a booming trade emerged around products, treatments, and “cures” for alcohol abuse in the early-twentieth century. To be sure, addiction treatment was not for the faint of heart. This was an era before modern therapy techniques, support groups like Alcoholics Anonymous, and perhaps most importantly, prescription anticonvulsants and benzodiazepines to manage withdrawal symptoms capable of producing extreme discomfort or, if completely untreated, even death. A variety of sanitariums and facilities operated in Memphis over the years, including the Wallace, Lynnhurst, Crofford, and James Sanitariums, among others. These usually treated dependencies for alcohol, narcotics, tobacco, and other “weaknesses.” Extant sources make it difficult to assess the clientele (or effectiveness) of each operation, but the Memphis Keeley Institute reportedly hosted at least one later-famous individual: writer William Faulkner. His father

90 “This period in Memphis was the beginning of adult suffering,” argues biographer Margaret Walker, “the beginning of a terrible rage that he himself did not always understand.” Walker, Richard Wright, Daemonic Genius, 22 – 23.


routinely “died out” at Keeley’s when Faulkner was a child, while his sons waited in the city.\footnote{\textsuperscript{93}}

![Image](image1.png)


Others elected for at-home treatments purchased either in drugstores or by mail.\footnote{\textsuperscript{94}} In fact, Memphis newspapers advertised alcohol and narcotic remedies on an almost daily basis. That messaging fell largely into two camps: targeted directly at addicts, or playing on the fears of a second party, usually women. When speaking to

\footnote{\textsuperscript{93} Two of the best known were the Keeley Institute and the James Home. Founded in Illinois by Leslie Keeley in 1879, the Keeley Institute purported to cure alcoholism. At its height, it had over two hundred chapters in the United States, treating a reported 500,000 people (either in person, or through mail-order treatments) between 1880 and 1920. Keeley, his claims, and the treatment procedures came under harsh scrutiny in the twentieth century as misleading and ineffective. The organization limped along after Keeley’s death until ultimately shuttering completely in 1965. The Memphis branch stood at 475 Poplar Street. Charles B. James Old Homestead Sanitarium treated whiskey, drugs, and tobacco. It housed in a 1840s two-story Greek revival mansion on Monroe Avenue until moving into the old Raleigh Springs Inn, unfortunately a patient receiving treatment for nicotine addiction set it on fire in 1912, burning the place to the ground. It claimed to be the “only sanitarium with a ninety percent cure rate.” Judith Johnson and Cathy Marcinko, \textit{Rich Man, Preacher Man, Soul Man: A History of South Memphis} (Memphis Landmarks Commission, Office of Comprehensive Planning, Memphis and Shelby County Division of Planning and Development: Memphis, Tennessee, 2005), 69; James B. Jones, Jr., “Selected Aspects of Drug Abuse in Nineteenth- and Early Twentieth-Century Tennessee History, ca. 1830 – 1920,” \textit{West Tennessee Historical Society Papers} 48 (1994): 1 – 24, 10; \textit{Commercial Appeal}, March 11, 1915.


\footnote{\textsuperscript{94} The Jacobi Pharmacy and Hankenson Drug Company were two Memphis-based drug stores that offered alcohol treatments purchased either in person or by mail order. \textit{Commercial Appeal}, March 11, 1915; “Does Your Husband Drink? Druggist Tells How to Cure the Liquor Habit at Home,” \textit{Commercial Appeal}, December 17, 1916.}
substance abusers, promotions emphasized their ability to cure themselves and offered encouraging (allegedly true) testimonials. Memphian W.R. Miller, for example, purportedly praised a local clinic for his “deliverance from the bondage of Drug Addiction.”95 Other advertisements used guilt as their entry point, like the Memphis-based Charles B. James Sanatorium, which ran a price comparison between their services and alcoholism. “By spending a dollar a day for drinks you rob your wife and babies,” the rehab declared in 1909.96

![Image of advertisements](image)


Even more common were advertisements suggesting it possible for someone close to an addict to cure their addiction. Usually longer with more emotional language (sometimes even poems), these targeted wives, mothers, and sisters almost exclusively, making claims that ranged from dubious to downright laughable—it was,

95 Commercial Appeal, March 11, 1915.

96 “By Spending a Dollar a Day For Drinks,” Commercial Appeal, April 11, 1909.
after all, an era of widespread false advertising. This marketing strategy tapped into (and definitely gaslighted) the fear and helplessness many women felt about a loved one’s addiction. “It is you that the men who drink Whiskey, Wine or Beer to excess must depend upon to save him from a ruined life and a drunkard’s grave,” declared Golden Treatment. “He can’t stop—but you can save him.” “Wonderful Treatment Helped Faithful Wife to Save Husband When All Else Failed,” assured the Memphis-based Hankenson Drug Company in 1915. Perhaps speaking to difficulties convincing someone they have a problem, consent was not always part of the deal. “Do not let the individual know Tescum is being administered,” advised advertisements for a powdered substance claiming to cure alcoholism, “it is tasteless and cannot be detected by anyone” [sic]. Another promised itself “odorless and tasteless,” a remedy “any lady can give secretly at home in tea, coffee, or food.”

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98 Commercial Appeal, March 11, 1915.


101 The language of these advertisements is worth noting. This particular advertisement for powdered Tescum to cure alcoholism, it offers the testimony of “a lady who recently tried it on her husband” as proof. “My husband was on a spree when I got the powders, and he usually stays drunk from three to four weeks at a time. After putting the powder in his coffee for four days he sobered up and has not taken a drink since and says he is through with it forever. He also complained that whisky did not taste the same. I shall not tell him what did it, but I am grateful for this help, and I shall recommend it wherever possible.” “Does Your Husband Drink? Druggist Tells How to Cure the Liquor Habit at Home,” Commercial Appeal, December 17, 1916.
To be sure, there were gradations between teetotaler and drunk when it came to alcohol consumption. Besides responsible social drinking, alcohol played a role in countless medical practices and hospitals in nineteenth and early-twentieth century America, prescribed either straight (often for pain management) or mixed with other substances. The *Memphis Medical Monthly*, for example, highlighted the use of "turpentine and good gin" for kidney function, whiskey and eggs for septic infections, and pepto-magnan with sherry wine for syphilis, to name a few liquor-infused remedies.\(^{102}\) Although much of the medical community had distanced itself from alcohol served as a treatment and palliative. As Dr. D.H. Simmons explained of one woman’s treatment in 1896, "She was too far exhausted to be relieved by the necessary operation; so I gave opiates to relieve the intense suffering, and strychnine and whisky to hold up the flagging system." D.H. Simmons, “Intussusception of the Bowel,” in *Memphis Medical Monthly*, ed. Richmond McKinney, vol. XVII (Memphis, TN: Toof & Company, 1897), 120; H.X. Richardson, “A Few Remarks on Malarial Hematuria,” in *Memphis Medical Monthly*, ed. Richmond McKinney, vol. XVII (Memphis, TN: Toof & Company, 1897), 259; F.B. Cullens, “Septic Infection—Epithelioma,” in *Memphis Medical Monthly*, ed. Richmond McKinney, vol. XVII (Memphis, TN: Toof & Company, 1897), 259; F.B. Cullens, “Septic Infection—Epithelioma,” in *Memphis Medical Monthly*, ed. Richmond McKinney, vol. XVII (Memphis, TN: Toof & Company, 1897), 259.\(^{102}\)

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therapeutic alcohol by the 1910s, many still believed in its curative properties. Sometimes that included teetotalers, who otherwise disavowed alcohol consumption on principle.  

Alice Donnelly Hanrahan, for example, a slight Memphis girl with little appetite, received instructions from the family doctor to drink homebrew to gain weight in the 1920s. Her prohibitionist father not only approved, he cooked it himself at their home and parcelled it into Coca-Cola bottles. “More than once the stuff exploded,” Hanrahan recalled, but her father made her drink one or two bottles after school each day. “I hated it,” she explained. “No one else drank it but me and once in a great while, some friends of daddy’s from the snuff mill.” The treatment continued after she left for college, but the prescription beer had the same success rate: “Every afternoon I struggled to get down the contents of one bottle and just before bedtime, I drank another. I was still pale, freckled, and thin.”

For manufacturers and distributors concerned about intensifying calls for prohibition prior to the Eighteenth Amendment, medicinal alcohol offered an opportunity. If they framed their alcoholic products as tonics or “nutritional supplements,” they could skirt the law and negative public opinion without sacrificing—indeed, sometimes even

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105 “I can remember that every Friday when I went home from school a case of ale was sitting at the back door of the apartment. I dragged it in and added to the growing stack in the kitchen pantry,” Hanrahan explained of her time at Sienna College. Hanrahan, *Memphis Memories in the Pinch*, 30.
increasing—profits. Rochester, New York-based Walter B. Duffy’s Whiskey provides a prime example.\(^{106}\) Mr. Duffy continued business with saloons and liquor retailers, but starting in 1886, also marketed the whiskey as a cure-all for ailments like indigestion, fatigue, common cold, nervousness, all the way up to malaria, tuberculosis, consumption, and hemorrhages, using a respectable-looking chemist logo and complimentary medicinal measuring spoons (instead of customary shot glasses) to sell the façade.\(^{107}\) Advertisements proved even more important, and Duffy’s bought space in newspapers across the country, running a barrage of testimonials from happy customers including university professors, scientists, baseball players, Civil War veterans, and professional athletes, to name a few.\(^{108}\) Although it contained nothing but


\(^{108}\) Some advertisements seem less persuasive than others, like that of 105 year-old Brooklynite Ralph Bullock, who attributed his “great age” and “vigorous constitution” to Duffy’s, or 104-year-old Townsend Miller who declared he was on his third wife thanks to Duffy’s, which he described as “the greatest medicine in the world, a godsend to old people.” As the advertisement proclaimed, there were 3,536 people over the age of 100 in America, and “almost every one of them owes his or her ripe old age to DUFFY’S PURE MALT WHISKEY, the Elixir of Life.” Duffy’s did not rest on testimonials from average consumers alone. Foreshadowing twentieth-century counterparts, Duffy used athletes, namely wrestlers,
distilled alcohol, the Commissioner of Internal Revenue ruled Duffy’s a patient medicine in July 1898, allowing it to sell in both bars and drug stores as “the only whiskey recognized by the Government as medicine.”\textsuperscript{109}


in promotions. George “the Terrible Greek” Karachino declared he felt as healthy as he had tending his father’s sheep as a young man in Greece thanks to Duffy’s. According to middleweight champion, John J. Zimmer, “all the medals I have won in athletics and honors I have gained on the wrestling mat I owe to Duffy’s Pure Malt Whiskey.” “I have, as everyone knows, been champion heavy-weight wrestler and all-around athlete for years,” echoed heavyweight champion Tom Jenkins explained in a 1906 advertisement, “and I must say that during all that time the only invigorator or medicine I used was Duffy’s…I regard it as the greatest body-builder and nerve- tonic in the world.” If their words were not enough, each ad featured the respective wrestlers shirtless, flexing their muscles. Even religious leaders revealed the amazing effects of this whiskey. “My Life a Sermon of Thankfulness,” a 1905 advertisement read, in which one Reverend J. Stoddard was “gratefully acknowledging the debt he owes to Duffy’s Pure Malt Whiskey.” Ironically, such testimonials also came with warnings against “unscrupulous dealers” who might mislead customers or sell dangerous imitations. “Most Powerful Man in the World,” \textit{Washington Post}, June 15, 1905; “Champion Wrestler’s Great Strength,” \textit{Morning Oregonian} (Portland, OR), January 21, 1905; America’s Champion Heavy-Weight Wrestler,” \textit{Amsterdam Evening Recorder and Daily Democrat} (Amsterdam, NY), September 1905; “My Life a Sermon of Thankfulness,” \textit{Minneapolis Journal}, January 5, 1905; “Four Million Cures in Forty Years,” \textit{Buffalo Courier} (Buffalo, NY), March 13, 1903; “Strong, Healthy, and Full of Vigor at 104,” \textit{Chicago Tribune}, January 18, 1908.

\textsuperscript{109} Congress introduced a special tax on patent medicines to help offset costs from the Spanish-American War in 1898, and the Commissioner of Internal Revenue ruled that Duffy’s was, in fact, a patent medicine “by the manner in which it is presented to the public,” and as a result, it was subject to “a stamp tax as a medicinal article.” The two-cent tax per bottle handed down by the government did cost Duffy $40,000 a year—over $1 million in today’s money—but ultimately saved him hundreds of thousands of dollars in federal and local liquor taxes. Most importantly, it allowed Duffy to legitimately market as “the only whiskey recognized by the Government as medicine.” Fincham, “Did a Medicine Bottle Change History? Duffy’s Malt Whiskey,” \textit{Bottles and Extras}, May – June 2013, \url{http://www.peachridgeglass.com/wp-content/uploads/2013/05/DuffysMaltWhiskey_Fincham.pdf} (accessed May 15, 2014).
Duffy’s drew criticism within a larger conversation about dubious patent medicines—indeed, muckraker Samuel Hopkins Adams included it in his eleven article series ran in *Collier’s Weekly*, “The Great American Fraud,” highlighting the dangers of so-called “remedies” in 1905—but Memphis liquor interests employed similar advertising tactics in local advertisements after 1909.\(^{110}\) They, too, framed products with

\(^{110}\) Samuel Hopkins Adams exposed Duffy’s testimonials as fiction, and argued it not just inferior medicine, but inferior whiskey. Consumers were nonplussed (sales remained strong despite the negative attention), but Adams’ work found a broader audience when American Medical Association (AMA) combined, reprinted, and sold the exposes by the thousands. The AMA declared Adams’ series had done great work in mitigating the “worst of the ‘patent medicines’ and quackery”—in fact, they did contribute to the movement for the Pure Food and Drug Act of 1906. As AMA organization explained, it was not out of the ordinary for patent medicine companies to introduce their products first to the medical community, and after receiving “a sufficient number of testimonials” from “unthinking physicians,” then sell it to the public as a legitimate patent medicine. So numerous were these products that the AMA first published articles to warn customers, and after amassing so many, compiled them into entire books—the first publication released in 1911, for example, being five hundred pages in length. By 1921, the AMA published weekly articles on the “nostrum evil, quackery, and allied matters affecting the public health.” This was hardly the last scrape for Duffy, however. In 1905 the company was taken to court by New York Commissioner of Excise, Patrick W. Cullinan, who argued that Duffy’s was nothing more than sweetened whiskey, and, as a result, should fall under state liquor taxes. Duffy pulled out the big guns, mounting a defense that included eleven physicians—four actually elected members of the Rochester Health Department—who each swore on their good name that the whiskey included drugs that made it a legitimate medicine. The case made its way to the New York Supreme Court, where Duffy lost, and his whiskey became subject to state taxes. Yet, because the business had expanded nationally and overseas, it was not a crushing defeat. Profits kept rolling in. The next run-in with authorities came in 1907 when Dr. Harvey W. Wylie, the first head of the Food and Drug Administration, called out Duffy’s by name in 1907. “I have stated that Duffy’s Malt Whiskey was one of the most gigantic frauds of the age and a flagrant violation of the law,” Wylie argued, “and there was no necessity that we delay at all in the matter.” Yet, his calls for prosecution went unanswered, which Wylie declared spoke to “determined efforts of my colleagues to protect Duffy’s Pure Malt Whiskey from being molested either by seizure or bringing any criminal case against the maker.” Some believed the law would help curb the marketing of such dangerous concoctions as medicines, but the Supreme Court ruled in 1911 that the law only applied to the ingredients within a product, not marketing or claims. This decision sparked controversy. Still, Duffy’s was one of many products highlighted in the 1912 Congressional hearings on the Pure Food and Drug Act, although the company’s namesake did not live to see it, dying a year earlier at age 70. After his death, the company began to acquiesce to governmental pressure. Starting in 1915, Duffy’s Pure Malt Whiskey removed medicinal claims from advertisements, instead marketing the whiskey as a “tonic stimulant” and “household remedy.” During prohibition, the company took it a step farther by dropping the term “whiskey” and describing the product simply as a “tonic.” The outside pressure eventually became too much, and Duffy’s folded in 1926—just one of the many brands to be put permanently out of business by Prohibition. The passage of the Federal Food, Drug, and Cosmetic Act, removing a requirement that the government prove manufacturers’ intention to defraud consumers, put this issue to rest in 1938. It signaled the end of patent medicine and its promoters, including Duffy’s Pure Malt Whiskey. American Medical Association, and Arthur J. Cramp, *Nostrums and Quackery: Articles on the Nostrum Evil, Quackery and Allied Matters Affecting the Public Health; Reprinted, With or Without Modifications, from the Journal of the American Medical Association, Volume II* (Chicago, IL: American Medical Association, 1921), 3; Jack Sullivan, “How Mr. Duffy Outwitted Uncle Sam — and Got Rich,” *Potomac Pontil*, April 2008: 2 – 4, 3 [http://www.pre-pro.com/midacore/articles/JS030.pdf](http://www.pre-pro.com/midacore/articles/JS030.pdf) (accessed October 27, 2013); United States House of
language that implied health and therapeutic benefits to capitalize on state-level prohibition’s exemption for medicinal alcohol. Distributors Sambucetti, Bianchi & Company ran ads declaring Sunny Brook the “Pure Food Whiskey…unsurpassed as a wholesome pleasant stimulant or an invigorating healthful tonic.” The Tennessee Brewing Company declared its Columbian Extra Pale Beer as “nourishing and nutritious,” having “won universal favor as a medicinal tonic.” Likewise, the F.W. Cook Brewing Company touted its beer as a doctor-recommended “beverage of health.”

Federal prohibition also provided exemptions for religious, medical, and industrial alcohol, making it unsurprising that many Americans found themselves suddenly in the


grips of “illness” after the Eighteenth Amendment took effect. Physicians wrote prescriptions by the thousands between 1920 and 1933—that included medical doctors, dentists, and even veterinarians—and at $3 each (roughly $40 today), it made medicinal alcohol big business for doctors, bootleggers, and everyone in between.\(^\text{113}\) Still, despite this avenue for acquiring liquor legally, prohibition fundamentally changed consumption. The link between alcohol and serious injury—prompted by either alcoholism or booze-fueled accidents—was nothing new, yet prohibition added a new social problem of people consuming non-beverage products to achieve the same effect. Often these alternative “beverages” proved injurious, if not fatal.

![Prescription Liquor Form](image)

Figure 8-15. Prescription Liquor Form. Library of Congress.

Death by bad booze happened in Memphis, because it happened everywhere—although some incidents were borne out of sheer idiocy, like that of Memphians Curley Rogers and Eddie Mathis. After discovering a bottle they assumed contained corn liquor in September 1925, they did the only logical thing after finding an unidentifiable liquid: they drank it. Except it was not whiskey, it was bed bug poison, and they both ended up in critical condition at the Memphis General Hospital. Others purposefully adulterated

alcohol, like local man B.A. Devers, who ended his protracted illness by drinking a mixture of whiskey and carbolic acid in 1913. Unfortunately, Devers’ suicide was not the only death; others found him in his room and thought him passed out, not dead, so they drank from the bottle, too.\textsuperscript{114}

Widespread consumption of non-beverage products containing alcohol was, however, a largely unique response to liquor legislation. Hair products, stomach tonics, and other drugstore remedies meant for decidedly different purposes became an alternative in the absence of easily secured, legal alcohol. Although the same laws still applied for public intoxication, as seventeen people arrested in Memphis on Halloween in 1920 discovered. Thirteen claimed medical reasons for imbibing a stomach tonic—the most popular alibi was “cramps,” but other explanations included colic, fever, headache, and neuralgia—and the judge prescribed his own treatment: a $25 fine.\textsuperscript{115} This problem even appeared in the writing of William Faulkner, like the Sanctuary’s Gowan, who drank hair oil, or Light in August character Joe Brown, similarly warned he “ought to be careful drinking so much of that Jefferson hair tonic.”\textsuperscript{116}

These products at least came with identifying labels. An even bigger problem during prohibition was purposeful manufacture and sale of adulterated liquor. The most innocuous form was simply diluted alcohol, and many were not above fleecing their clientele by adding water to the bottles, although cheating drinkers could be a dicey move. Blues musician Alex Sims recalled the night his band played a Memphis

\textsuperscript{114} “Poisoned Whisky Causes Two Deaths,” Commercial Appeal, February 22, 1913.

\textsuperscript{115} “Heavy Court Docket Follows Halloween,” Commercial Appeal, November 2, 1920.

nightclub that kept selling watered-down whiskey to a group of Italian patrons, who, after detecting the treachery, approached the band to request a song: “Nearer Oh My God to Thee.” When the piano man started playing it, the musicians realized the hymn was actually the Italians’ agreed-upon cue to destroy the bar in retaliation for the cheapskate booze. Guns appeared and all hell broke loose, Sims explained. “They commenced to shooting them lights out, turned every table over, and they got so rough in there, we jumped out the back window.”

It comes as no surprise that bootleggers weakened liquor to increase profit, but as prohibition wore on, buying legitimate albeit watery alcohol was the least of anyone’s problems. Pulling the cork increasingly became a game of Russian roulette, and newspapers across the country chronicled the rise of adulterated alcohol and the thousands who became gravely ill or died from just a few sips. Memphis and Shelby County were not immune, but how local booze became poisonous varied rather significantly, from accidental to completely intentional.

Sometimes storage methods made alcohol unfit for consumption. When deputies began pouring several hundred gallons of confiscated liquor into the Memphis sewers in 1922, for example, reports noted its striking similarity to “the color of the Mississippi River when it is at a stage of 40 feet and rising.” The red hue reflected alcohol eating away at the tin cans, but more troubling were the solder joint alloys of antimony that leached into the beverage making it poisonous. An August 1923 raid on Mud Island underscored what little regard some moonshiners held for cleanliness or safety. “I have

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117 Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 24, MPL.
never seen such filth,” declared Deputy Sheriff Lockman of the two 250-gallon wooden stills and more than a dozen fifty-gallon barrels of mash. That mash consisted not of real corn meal, but a “mixture of bread scraps, such as would come from hotels or restaurants.” Rather than copper or stainless steel (which did not leech harmful chemicals), operators created their stills with wood, iron pipes, and old boilers. The icing on the cake was a nearly dead scorpion floating in a mash barrel. “How anyone could drink the stuff made under such circumstances and live is a mystery to me,” Lockman concluded.119

Intent is harder to determine, but reports suggest some set-ups were amateur hour: the handiwork of small-time, cash-strapped, or ignorant people who created “Frankenstein” stills from whatever random parts were available. “Ditch bank,” for example, was moonshine produced in canal trenches and cooked in used fifty-gallon oil drums.120 The first step was lighting the drum on fire to hopefully burn out all the oil, but that left the question of the iron itself. Authorities seized such “poison maker” iron stills throughout prohibition, including some repurposed from coal and gasoline shipping containers.121 Perhaps even more troubling, however, were the large-scale operations that knowingly doctored booze to sell as the real McCoy.122


120 McKinley Morganfield, interview by Margaret McKee, September 13, 1973, pg. 19, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

121 “Sheriff’s Men Get Still; Capture Negro,” Commercial Appeal, February 23, 1924.

122 The expression “real McCoy,” meaning something legitimate, first emerged in Scotland where the “real MacKay” described real whiskey. According to some, the term became McCoy in the United States in reference to boxer Kid McCoy, while others suggest it became the namesake of bootlegger William “Bill” McCoy who earned a reputation for quality, never watered-down booze.
The most common technique, both in Memphis and across the country, was using a cutting agent to dilute the alcohol.\textsuperscript{123} The products used to “cut” booze varied, but were always cheaper than real alcohol. Unfortunately for consumers, cheaper did not mean safe. Lawmen caught one local man, for example, mixing gasoline and liquor in 1924.\textsuperscript{124} Memphian L.C. Stubblefield thought he had purchased regular whiskey in 1922, but what he really paid for was a liquid infused with potassium nitrate—an ingredient in fertilizers, preservatives, and gunpowder.\textsuperscript{125} During a series of raids in 1917, authorities found liquor plants using cans of varnish, flavoring, coloring, unidentified extracts, and one with more than thirty boxes of “concentrated lye.”\textsuperscript{126} Corn moonshine is naturally clear, so the varnish and the other ingredients intended to make the liquid aesthetically look like real whiskey. The concentrated lye was for the benefit of well-informed patrons who, unmoved by color alone, knew the folk technique of shaking liquor bottles to gauge the quality based on the resulting bubbles or “bead.” Larger bubbles mean a higher alcohol content in real booze, but concentrated lye could “make it bead” in a similar fashion.

\textsuperscript{123} To be sure, adulterated alcohol was not a problem borne exclusively out of prohibition—although liquor laws undoubtedly ratcheted the practice up several notches. Shady dealers in the nineteenth century also diluted booze, which prompted Kentucky senator and distiller Edmund Haynes Taylor introduced the Bottled-in-Bond Act of 1897 to standardize the quality of American whiskey so consumers could trust the quality and safety. Still in effect today, all whiskey marked as “Bottled in Bond” still adheres to the original standards that stipulate the whiskey is straight, 100 proof, made in a single distilling season by a single distiller, aged and stored in bonded warehouses controlled by the U.S. Government for no less than four years, and sold with labels that identify the location of distilling and bottling. Bottled in Bond whiskey is a higher quality, and more expensive, because of these requirements. “Bottled in Bond Law & Legal Definition,” \texttt{http://definitions.uslegal.com/b/bottled-in-bond/} (accessed October 30, 2013).

\textsuperscript{124} \textit{Commercial Appeal}, February 22, 1924.

\textsuperscript{125} When Stubblefield tried to take legal action against the man who sold him the adulterated alcohol, the presiding judge ruled he had no case. Both had broken the law, Judge Young ruled, “Stubblefield having been a party to an infraction of the law, had no right of action against the other party to the same infraction.” “Bootlegger May Sell Poison With Impunity,” \textit{Commercial Appeal}, April 9, 1922.

\textsuperscript{126} “Moonshiners at Work in Bone Dry States,” \textit{Commercial Appeal}, December 24, 1917.
Thanks to his education from Kentucky and Virginia moonshiners, Pinkerton Detective Charles Siringo explained that bootleggers could use one gallon of lye to churn out three gallons of booze. “Only an expert can tell the difference, Siringo noted, “though one’s stomach soon finds out.”\(^{127}\) Only more troubling than the wanton disregard for poisoning others was the fact that the officers in that 1917 raid found the thirty-two lye boxes empty, and no large liquor cache in sight.\(^ {128}\) The lye-infused booze had already gone to market, authorities had no idea where, and the historical evidence trail runs equally cold. There is simply no telling how many people that single batch impacted.

Subterfuge did not stop with flavor and beading, however. Bootleggers also became adept counterfeiters. To be sure, there was a lot of legitimate booze smuggled into the United States from places like Cuba, the Bahamas, Canada, Ireland, and England, to name a few. Yet for every genuine bottle of quality rum smuggled from Havana, there was far more swill masquerading as expensive liquor, and unassuming buyers believing they just purchased a quality product. In fact, a whole cottage industry emerged for counterfeiting alcohol during prohibition. From glass manufacturers mimicking bottles, printers copycatting label designs, to carpenters producing faux name-brand crates for an air of authenticity when customers bought in bulk, everyone along the supply chain profited. Even companies producing completely legal products benefited from this booming fake booze trade. It cost businesses producing flavoring


\(^{128}\) “Moonshiners at Work in Bone Dry States,” *Commercial Appeal*, December 24, 1917.
extracts forty cents to produce a pint, for example, which they sold to bootleggers for $16 (a 3990 percent profit), who in turn used that single $16 pint to flavor as much as twenty gallons of adulterated "whiskey."\textsuperscript{129}

In New Orleans, bootleggers went so far as to create imitation booze, slap mud on the bottles, sew those bottles into sacks, and dunk it all in water to sell a backstory that it was smuggled foreign alcohol, just unloaded by boat in a remote location.\textsuperscript{130} They were not alone in this scheme. John B. Appleby, a former prohibition division chief of New York and New Jersey, claimed fake liquor was actually suppressing legitimate smuggling and creating international counterfeiters. "What’s the use of the rum runners bringing real whisky to this country?" Appleby queried local reporters during a 1923 trip to Memphis. Real foreign alcohol might cost $2 to $5, but smugglers could churn out fake booze by the quart for 25 cents, "smuggle it into New Orleans, run it up to Memphis and here it will bring, say, $12.50. Some profit" Appleby explained, "$12.25 on a two-bit investment." Not that Memphis lacked its own plagiarists. Appleby also noted the local "progressive bootleggers" setting up operations complete with bottles, convincing fake labels, government stamps, flavoring, coloring, and all the accouterments to complete the rouse—information Appleby no doubt received on good authority, since his brother was Memphis U.S. Marshall, William F. Appleby.\textsuperscript{131}

The motivation here was simple and obvious: profits were enormous (sometimes 1,000 percent or more), and people were dumb. "Every time a highbrow toper pays a Memphis bootlegger $12.50 for a prosperous-looking quart bottle of ‘Scotch’ whisky, all

\textsuperscript{129} “Leggers’ Use Acetone,” \textit{Commercial Appeal}, November 1, 1921.


dolled up in the fancy, lithographed labels popular in pre-Volstead days,” the
Commercial Appeal quipped, “the ‘sucker’ list is increased.”\(^{132}\) Counterfeiting was not a
particularly time-intensive process, either. Authorities captured one large factory
equipped with “all fancy” labels—some from local distilleries that went out of business
long before—capable of churning out a convincing bottle in just ten minutes.\(^{133}\) Speed
was, of course, not tantamount to quality or safety. Prohibition agents said it best: “the
average bootlegger doesn’t care what sort of a mixture is in his bottles, so long as he
can find purchasers.”\(^{134}\)

As a result, prohibition truly became the era of bad booze. Many people decided
to sidestep the problem altogether by brewing and distilling their own alcohol. Novelist
William Faulkner and his friends, like countless others, enjoyed homemade bathtub gin
on multiple occasions.\(^{135}\) Still, it is not a stretch to say Americans increasingly (and quite
literally) risked their lives when purchasing and consuming illicit alcohol. In regular, safe-
for-consumption liquor, ethyl alcohol is the primary ingredient. By late 1919, bootleggers
were selling products made with denatured alcohol or methanol, also known as wood
alcohol. The legitimate uses of methyl alcohol are extensive; it was an ingredient in
products like dyes, disinfectants, hair tonics, perfumes, and furniture polish to name just
a few. Thanks to its inexpensive cost and easy access, bootleggers seized upon its use
as a cost-cutting measure, mixing it with a small quantity of real liquor, water, favoring


\(^{135}\) “Partake Too Freely of Moonshine Whisky,” San Francisco Call, 16 May 1903; “Had Jug for His
Friends,” Richmond Times Dispatch, April 16, 1903.
and dye—whatever it took to make the beverage passable—and sent it into the streets. By March 1923, estimates held that a whopping seventy-five percent of all whiskey sold in America was contaminated with denatured alcohol.

This was anything but a victimless crime. The effect of wood alcohol is grisly: nausea, neurological damage, and blindness—contact with mere fumes can irreparably damage eyesight—to name a few. Only an emergency trip to the Memphis General Hospital saved the life of twenty-two year old Sam Wardell after he drank half of a bottle containing wood alcohol in 1922. Yet even before he left the doctors’ care, Wardell admitted he could now only see short distances. Others were not so lucky. The protocol for treating wood alcohol, or any sort of poisoning from bad booze, was to pump the victim’s stomach, but sometimes it did not happen quickly enough. A group of Springfield, Tennessee teenagers learned this the hard way after securing booze to throw a party with friends. Everything seemed fine until partygoers began feeling ill. Doctors came within the hour, successfully treated two teens, but found Russell Hicks dead in his bed.

Unknowing consumption of poisonous “liquor” reached a crisis level in late 1919. The death toll was the highest in New England, but from Canada to Florida, illnesses


and fatalities sprung up as customers unwittingly purchased and drank wood alcohol. News broke on December 27 that eight Chicagoans had died (each within forty-eight hours of the initial drink) from adulterated booze, prompting the city coroner to dub the poison “coroner cocktails.” Those fatalities paled in comparison to other cities, however. Seventy-one people died in Boston on the same day, some literally dropping dead in the streets. News of the outbreak traveled fast, prompting law enforcement agencies to step up efforts to identify culprits and stop future deaths. In Chicago, cops arrested a druggist who had been giving away pints of wood alcohol with $2 candy purchases. In Hartford, Connecticut, the chief of police issued a blanket closing order on all saloons as a preventative measure until the crisis abated.

The geographic diversity of these deaths caused panic, but it also spoke to a relatively new and rapidly evolving aspect of prohibition: nationally linked organized crime. Prior to the twentieth century, cities were more like fiefdoms, but starting in the early 1920s gangsters built sophisticated (and wildly profitable) webs linking syndicates in different cities, states, and regions. In the 1919 wood alcohol episode, for example, authorities identified an Italian undertaker and druggist in Brooklyn as the principal distributors of alcohol tied to several deaths. They employed an agent who sold their barrels to both local and out-of-state buyers. When tests in New York City declared it poisonous shortly thereafter, the agent immediately tried to warn customers not to sell.


any of it. He reached one barkeep in Connecticut who said he would try to get it back, but that he, too, had made sales, and some of it had already crossed state lines again.\textsuperscript{144} When news of deaths in Connecticut came in, that agent sought legal counsel, and on their recommendation and turned himself into the police.\textsuperscript{145} The distance between Brooklyn and Hartford is only 120 miles, but this single, small episode revealed how fast bootleggers moved their wares and how difficult, if not impossible it was to trace (let alone halt) after the point of sale.

With deaths in multiple states, the federal government unsurprisingly intervened to stop further distribution and warn the public. Alcohol sales and consumption always picked up around Christmas, and authorities rightly feared that to continue holiday traditions (in the absence of legal liquor stores), Americans would turn to bootleggers and unwittingly purchase “suicide whisky.”\textsuperscript{146} This was truly a public health crisis, but wet and dry forces coopted it as a propaganda tool. Anti-prohibitionists pinned responsibility on the Eighteenth Amendment, arguing that the previously legal—and there by regulated and controlled—liquor industry acted like a safety valve.\textsuperscript{147}

\textsuperscript{144} Newspapers named Italian undertaker John Ronamelli and a Brooklyn druggist Samuel Saleeby as the principal distributors, and Romanelli’s agent, Adolph Panarelli, as the agent who managed the local and interstate sales. “Bootlegger Roundup Follows Poisonings,” \textit{Commercial Appeal}, December 30, 1919.

\textsuperscript{145} After one of the Bronx saloonkeepers declared the stuff poisonous, a sample was tested and those suspicions confirmed. Panarelli immediately placed a long-distance phone call to Hartford, Connecticut barman Nathan Salsberger, warning him not to sell any of it. Salsberger said he would try to get back what he had already sold. It was after news reached Panarelli of deaths in Connecticut that he went to his lawyer and on counsel turned himself into the police. “Bootlegger Roundup Follows Poisonings,” \textit{Commercial Appeal}, December 30, 1919.


Prohibitionists, or at least their spokespersons, seemed less troubled. "We regret that these victims of the beverage habit should become so enslaved to it that they will now drink the stronger poison and kill themselves," stated Anti-Saloon League attorney Wayne B. Wheeler, "but in comparison not one is killed by wood alcohol to a score or more who were destroyed by the beverage traffic."\(^{148}\) The Woman’s Christian Temperance Union agreed. “The number of deaths caused by that poison would not compare with the number caused by drinking so-called ‘good whiskey,’” declared national president Anna Adams Gordon.\(^{149}\)

Politics aside, people were dying and questions arose about prevent more deaths and punish those responsible.\(^{150}\) Yet this situation revealed what little oversight existed for wood alcohol, and the weakness of existing revenue and criminal statutes.\(^{151}\) Said plainly, if federal prosecutors wanted to move on a violator, they had little to work with in December 1919—and this was hardly the last time the federal criminal justice system had to catch up to illicit sellers, just as Tennessee had to under state-level prohibition. Lawmakers moved to place methyl alcohol under similar regulation, taxes, and licensing to that of grain alcohol, and by 1923, poison liquor was punishable by five years in prison and a fine up to $5,000. The findings of chemist Dr. Herbert Shilstone underscored the necessity of such harsh sentencing. In his test of 3,500 alcohol samples, he found “traces” if not “killing quantities” in a staggering ninety-five percent.

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\(^{149}\) “Preach Prohibition to Foreign People,” *Commercial Appeal*, December 28, 1919.


“Hospitals and sanitariums are filled,” Dr. Shilstone declared, “with those who have paid with their sanity or with their health for a ‘kick.’”152

Memphis had its fair share of poison liquor deaths over the years, and did not escape the crisis of 1919. Almost a dozen people died after drinking wood alcohol that year, including six in the last three weeks of December alone.153 Traveling salesman J.J. Slocum died on December 30 within an hour of someone finding him unconscious in his room with two bottles marked “anti-septic” and “elixir.” Each had a high alcohol content, but also featured clear warning labels. “There was every indication that the man could not have misunderstood, if he had read the instructions, that the contents were ‘nonbeverage’ as the label announced,” the Memphis coroner declared.”154

Assigning blame to the victim proved more difficult in other local cases, like that of twenty-six-year-old wife and mother, Bertha Randle. Nausea prompted her to leave work early one Sunday around 8:30 pm, but by the middle of the night, her condition had deteriorated into “intense suffering.” By 1:00 pm the next day, she was blind. By mid-afternoon, family watched anxiously as she drifted in and out of consciousness, and four hours later, she was dead. “When I left Memphis late Sunday she was in the best of health,” her shocked husband, Edwin Randle declared.155 Before losing her faculties, Randle told her mother that she had not taken anything toxic, but doctors reached a different conclusion. “I have had no experience with such cases,” Dr. Sauls told

reporters, “however, I can say positively that her death was caused by poison in some form.” Authorities confirmed that suspicion when they searched Randle’s home and found two bottles of “Jake” or Jamaica Ginger, a popular stomach tonic.

Facing public pressure to locate the source and sellers, police started investigating local pharmacies and arresting anyone selling tonics for beverage purposes in January 1920. One of those arrestees was Theodore Pinstein of the American Pharmacy; incidentally, where Edwin Randle purchased the Jamaica Ginger that killed his wife. When city chemists tested the pharmacy’s inventory, the result was rather horrifying: prescription Jamaica Ginger with 94 percent wood alcohol— injurious, if not fatal, even when taken as directed.

Some states had laws against wood alcohol in place, but like the federal government, Memphis was procedurally ill equipped. State law prohibited alcoholic medicine sold explicitly as a beverage, but druggists classified sales as tonics. Further, there was no statute at the city or state level against selling or consuming wood alcohol, just a requirement that bottles have a skull and crossbones symbol indicating


157 Jamaica Ginger was a well-known tonic used to treat stomachaches. The alcohol content was such that the Bureau of Prohibition categorized it as “for medicinal use only,” and thus was available only through a prescription. The contents consisted of water, ash, oil of sugar and 82% ethyl alcohol. This is the origin of expressions like “jake leg” or “jake foot” to describe the physical manifestations of alcohol poisoning. “Bootleg Whisky Jumps in Prices in Memphis,” El Paso Herald, April 23, 1918; “Bone Dry Law May Get Sellers of Jake,” Commercial Appeal, September 19, 1918.


160 In Pennsylvania, for example, anyone who manufactured, distributed, or otherwise dealt with alcohol was required to file documentation with the state department of health. “Must File Statement,” Commercial Appeal, December 30, 1919.

poison.\textsuperscript{162} This meant that when cops arrested black bootleggers Jim Ruffin and Prince Roundtree for selling wood alcohol in mid-December 1919, they could only charge the pair for selling without appropriate labeling, a misdemeanor offense.\textsuperscript{163}

Figure 8-16. “Drink and Be Merry and Tomorrow Ye May Die.” \textit{Commercial Appeal}, January 2, 1922.

The pharmacy declared it an incident of unfortunate, but innocent mislabeling, and argued the barrel of White Rose Methanol in the storeroom (containing the same percentage of wood alcohol as samples seized by law enforcement) was a legitimate


ingredient in Jamaica Ginger. Yet city chemist F.A. Mantel cried foul. “I cannot conceive how such a mistake could be made,” Dr. Mantel argued. Methyl alcohol did smell slightly different from grain alcohol, Mantel acknowledged, but in the manner sold by American Pharmacy, it would be impossible for the average person to distinguish. Bertha Randle was not the pharmacy’s only victim, either. Fellow Memphians J.W. Epps and Ben Cargill also died of wood alcohol poisoning—Cargill’s autopsy showed the liquid ate four holes through his stomach—and bottles found with those men also bore Pinstein labels. Ultimately, authorities charged Pinstein and his clerk, Irvin J. Bodenheimer, with murder and manslaughter for their role in Bertha Randle’s death.


It would be nice to say that this incident ended with the carriage of justice. Yet American history is not a fairytale, and there was no happy ending. Without enough

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evidence to prove their guilt beyond reasonable doubt, both Pinstein and Bodenheimer walked in October 1920.166 The same held for punishing street sellers. Victims—or at least those able to speak when helped arrived—provided descriptions, and law enforcement came close to making arrests several times, but to no avail.167 Cops knew one wood alcohol bootlegger sold poisonous half-pints on the corner of Rayburn and Calhoun Street, but missed him by mere minutes in early February 1920—although their arrival did save the life of Charles Crenshaw, who had just purchased a bottle that proved poisonous.168 Unlike Crenshaw, authorities were not there to save Charles Harris a month later. He also thought he purchased grain alcohol from a Memphis bootlegger, but the beverage in that soda pop bottle was wood alcohol. He paid $5, and died at the General Hospital two hours later.169

Brick and mortar pharmacies were easier to monitor, but the trail ran cold on the street bootleggers selling wood alcohol in late 1919 and early 1920.170 Perhaps they stopped selling their poisonous merchandise on principle, because it attracted police attention, or maybe they sold out the entire stock. In any event, it is difficult to say how this particular episode ultimately ended. Unfortunately, however, this would not be Memphis’ last experience with wood alcohol or other ghastly products. Subsequent

170 As prohibition wore on, the government tacked on new laws to try and control medicinal alcohol. In 1927, new regulations declared pharmacists had to fill prescriptions within thirty days, not extend those prescriptions more than three times, or prescribe in quantities exceeding six fluid ounces. Pharmacists were inspected by prohibition administrators to ensure they had safe, secure facilities, and that they did not have more than fifty percent of their yearly liquor allowance on hand at one time. “Revised Regulations for Medicinal Liquor,” Commercial Appeal, September 25, 1927.
reports showed local bootleggers selling a mixture of grain alcohol and potash, a “concoction almost as dangerous” as wood alcohol, in large quantities.\textsuperscript{171} Acetone—the primary ingredient in nail polish remover—came into vogue soon after, described by Associate State Prohibition Director S.F. Rutter as “a greater menace than wood alcohol…contained in much of the bootleg whisky sold.”\textsuperscript{172} Flavoring extracts might mute the taste, but “there is no question but that the drinking of this stuff results in blindness and paralysis,” Rutter declared.\textsuperscript{173} In 1926, authorities changed the trade name to “methanol” as part of a larger attempt to stop its use as a beverage,” but problems continued.\textsuperscript{174} Local man and poison alcohol victim Wad Garret summed conditions up rather succinctly: “the quality of corn whisky sold in Memphis is not improving,” he declared as medics rushed him to the hospital to have this stomach pumped. “I took two drinks and that is all I remember.”\textsuperscript{175}

To understand the city’s drinking culture during federal prohibition, it is important to remember the decade spent under state-level liquor controls. Bootleggers were not the only ones who learned how to navigate—or perhaps more aptly, circumnavigate—legislative prohibition. Drinkers also transitioned their first-hand experience on securing and consuming alcohol without detection into the 1920s, and if anything, brought even more ambivalence or disregard for prohibition with them. To be sure, it would be a stretch to say any large, urban population welcomed prohibition. Yet Memphis drinkers,


\textsuperscript{172} “‘Leggers’ Use Acetone,” \textit{Commercial Appeal}, November 1, 1921.

\textsuperscript{173} “‘Leggers’ Use Acetone,” \textit{Commercial Appeal}, November 1, 1921.

\textsuperscript{174} “Liquor Which Killed 20 is Wood Alcohol,” \textit{Commercial Appeal}, August 11, 1926.

\textsuperscript{175} “Two Drinks of Corn; Man Wakes Up in Hospital,” \textit{Commercial Appeal}, January 19, 1923.
like the bootleggers who sold to them, already knew the score. Many prohibitionists thought, or at least hoped,) federal law would make prohibition “take” in Memphis; that it was the missing piece of the puzzle. Yet the Volstead Act did not magically erase the desire for alcohol, or stop people from drinking it in Memphis.
"I have no instructions to make arrests, and do not expect to make any. Memphis does not want prohibition. Public sentiment is against it."

— Chief of Police William C. Davis, 1910

“We will get them, by and by.”

— E.C. Yellowley, U.S. Chief Prohibition Agent, 1924

“Easy Money.”

— Tyree Taylor, former prohibition agent, convicted of accepting bribes, 1922

Trying to enforce prohibition in Memphis—that is, legitimately or successfully—was a Herculean task. First, it ran counter to the city’s history and culture. For better or for worse, Memphis earned its reputation as a hard-drinking, fun-loving, often violent town. Like New Orleans, people from the hinterlands flocked to the city to raise hell, and that made vice big business. Citizens of a “better sort” who endorsed reform and disavowed such activities existed, of course, but those with financial, political, social, or personal stakes outweighed their voices. When illicit activity stayed its assigned station (literally and figuratively), many white, middle-class and business-minded Memphians were content to ignore problems they did not see.

Further, if elected officials set an example for constituents to follow, Memphis was a success in the 1910s: city authorities did not believe in prohibition, said so publicly, and the people followed suit. When federal prohibition took effect, it became apparent that the decade of state-level bans had done little to reverse public opinion;

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fact, anti-prohibition sentiment and the sophistication of the city’s illicit liquor business only increased. Thus, for any earnest officer willing to carry out the law, it was an uphill battle against history, habits, and top-to-bottom apathy.

Figure 9-1. “Poison!” Commercial Appeal, September 24, 1927.

Over the years, liquor law enforcement fell to agencies at the city, county, state, and federal level. The first three (theoretically) targeted violators during Tennessee’s state-level ban, while the latter joined the fray after the 18th Amendment and Volstead Act of 1919. The government used federal prohibition agents—or “prohis”—assigned to

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3 Prior to the 18th Amendment and Volstead Act, federal authorities were not completely absent; rather, their attention directed more towards catching dealers who sold alcohol without a government-issue tax permit. After the Volstead Act, federal prohibition agents join the fray in a meaningful way. As discussed in chapters 4 and 5, city cops rarely did anything not episodic or politically motivated during state-level prohibition. That rang true for county officers, too, after the Crump machine brought the sheriff’s office into its orbit.
regionally specific, male-dominated units to police that legislation. Memphis, for example, was the headquarters of the Western District of Tennessee division, and although the city was the target of constant action, its agents were responsible for a larger swath of territory. The Memphis Police Department and Shelby County Sheriff’s Office continued to handle enforcement in the city and county, and remained under the control of the Crump political machine as they had during state-level prohibition. Still, things were different after the ouster trials of the mid-1910s. The shake-ups failed to take Boss Crump out of power, but outside scrutiny paired with ouster laws did make it impossible to stay the same course—that is, brazenly refusing to carry out liquor laws under the logic that Memphians did not vote for it, and did not want it. Authorities had

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4 The previous chapter notes how women participated on a serious, albeit smaller scale in Memphis bootlegging, but this did not apply to enforcement. Sources do not reveal any female prohibition agents working in Memphis. When women were involved in enforcement, their responsibilities were clerical. This was often, but not always the case; female field agents did exist in other states. Prohibition Commissioner Roy Asa Haynes released a list of twelve official female prohibition agents (declining to give the names of others undercover) in May 1922, for example—all of whom, with the exception of two in California, worked in the northeast and Midwest. Among the more famous of these female prohis was Daisy Simpson, a San Francisco-based agent who drew upon her own knowledge of the underworld (she was a former drug addict) and keen disguises to execute raids, gather evidence, work undercover, and successfully bust countless violators. "Dry Officer, A Woman, Was Tonopah Girl," *Tonopah Daily Bonanza* (Tonopah, NV), May 6, 1922; "Withhold Some Names of Some Women on Prohibition Forces," *Great Falls Tribune* (Great Falls, MT), May 8, 1922; “Prohi Raiders Are Dolling Up,” *News Scimitar*, January 4, 1923; J. Anne Funderburg, *Bootleggers and Beer Barons of the Prohibition Era* (Jefferson, NC: McFarland, 2014), 291–292.

5 Headquartered in Lexington, Kentucky, Memphis fell into the Eleventh District of the Bureau of Prohibition. Staffed by one deputy administrator (salaried at $3,200 per year), three agents ($2,300 a year), and one clerk-stenographer ($1,620 per year). The territory they were responsible for could be significant. Memphis-based agents in 1924, for example, executed raids 125 miles away in Carroll County—quite a distance when one considers the modes and speed of transportation. “Prohi Agents Raid Stills in Carroll,” *Commercial Appeal*, March 30, 1924; Laurence Frederick Schmeckebier, *The Bureau of Prohibition, Its History, Activities and Organization* (Washington, DC: Brookings Institution, 1929), 214.

6 For more on how Mayor Crump and his machine brought the Shelby County Sheriff’s Office under its control, and the brazen electoral fraud that facilitated it, see chapter 5.

7 For more on how Boss Crump lost the mayor’s office, yet navigated the ouster debacle to not only retain, but also eventually consolidate and strengthen his power in the city and county, see chapter 6.
to give at least lip service commitment to enforcement, and even more so after the federal ban took effect.

Making a definitive statement about these agencies and their effectiveness during prohibition proves difficult, however. Or more specifically, evaluating how sincere and consistent each agency was about enforcement, and how much illicit activity they cosigned off the record, proves difficult—particularly at the city and county level. On the one hand, there were enforcement units created specifically for prohibition, and special campaigns that appear legitimate. The police department’s Four-Mile Squad led by Captain Couch and his “famed squad of rum raiders,” for example, made over three hundred arrests during its six months of existence in 1917, including some of “the most persistent violations of the liquor law.”

In later years, the department had “sponge squads” operating day and night, but stressed that enforcement fell to all officers. “Every man on the force is a member of the liquor squad,” declared veteran officer Mike C. Kehoe, “and they’re expected to do their duty in liquor matters just as they do in other law violations.”

Yet other evidence suggests these campaigns and pledges were, at best, episodic. The first half of this chapter addresses how law enforcement did enforce

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8 Mayor Ashcroft Thomas C. Ashcroft (see chapter 5 for more on the mayoral succession following Crump’s ouster from office, and how Crump maintained control of the city), appointed Couch to the position to “stamp out the sale of whisky in Memphis,” specifically because he was unsatisfied with the effort and results of Fire and Police Commissioner W.T. McLain. Besides liquor, the Commercial Appeal explained, Couch’s crew also staged raids on “notorious negro (sic) dives and instilled the fear of the law, if not of the Lord, into the hearts of persons who heretofore seem to have considered themselves as immune.” Politics accounts for why the Four-Mile Squad disbanded after just six months. “Liquor Making a Sorry Spectacle, Once Arrogant, Now Seeks to Make Terms With Courts,” Commercial Appeal, January 5, 1917; “Chicken Coop Yields Up Treasure of Booze,” Commercial Appeal, January 5, 1917; “Captain Couch’s Squad Spends a Busy Day,” Commercial Appeal, January 2, 1917; “Passing of Couch’s Antiliquor Squad,” Commercial Appeal, January 1, 1917.

prohibition—their tactics, tools, and uphill battle against an established, increasingly volatile, and well-funded bootlegging fraternity. The second half wades into far murkier territory: corruption, malfeasance, and the true extent of ties between authorities and the underworld.¹⁰

The modus operandi of law enforcement agencies varied, but if a standard playbook existed for capturing known bootleggers, it looked like this: authorities identified violators, secured a search warrant, executed the warrant as a surprise raid, arrested perpetrators, confiscated contraband found during that raid and subsequent search, and finally turned the whole lot over for storage or prosecution.¹¹ Yet police work, like real life, is rarely so tidy or scripted.¹² Many arrests occurred during otherwise routine patrols. Adding soft drink stands—a common front for liquor sales—to daily

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¹⁰ For more on the symbiotic relationship between the Memphis underworld and the Crump political machine, see chapter 6.

¹¹ Whether after a raid or covert purchase to secure warrants, officers labeled illicit materials, noting the details of the sale as to create provenance, and provide supplementary information to their testimony in court. During the trial of John Gammon in 1922, for example, Agent J.T. Dannel wrote on the bottle he purchased from Gammon: “September 8th, bought 2:50 P.M.” Sometimes these labels included more information, like that submitted during the trial of M. Folbe and Henry Folbe, that read: “Bought from dry goods store two half pints; paid two dollars; delivered to Taylor; M. Folby (sic); and the date and time, August 29, at 4 pm.” Some officers also kept their own records, like J.T. Dannel, who supplemented his bottle labeling with a personal memorandum book—which sometimes became evidence at trial. Dannel read this passage aloud during the trial of Joe Matroni and Elisha Stone: “10:00 A.M. sent George Chappell, negro, into soft drink stand 12 S. 4th Street. He bought half pint whiskey at one dollar. We raided the place at once, arrested Joe Motroni (sic) and Elisha Stone on the charge of selling and possession. Searched and found ten gallon (sic) whiskey and one half pint corn whiskey. Brought before Commissioner Poole 3 P.M. under bond.” “Four Held to State on Liquor Charges,” Commercial Appeal, April 22, 1922; United States v. John Gammon, #1383 (1922), U.S. District Court for the Western District of Tennessee, National Archives and Records Administration, Southeast Region, Atlanta, GA (hereinafter NAA); United States v. Herbert Folbe and M. Folbe, #1335 (1922), NAA; United States v. Joe Matroni and Elisha Stone, #1388 (1922), NAA.

¹² Some raids hit pay dirt by sheer luck. Captain Couch and his men searched a building rented by D.H. Wortham—a “noted chicken fancier” who ran a pool hall next door—that was filled with chicken coops in January 1917 when someone noticed the door to one coop, labeled number seven, was ajar. Couch sent Officer Gwaltney to investigate, but when Gwaltney, described by reporters as “rather large of girth,” squeezed into the narrow space, he bumped his head into the back wall. Rather than a headache, the officer found that the wall gave way. He continued through this trap door and found a small secret room with several cases of whiskey. “Chicken Coop Yields Up Treasure of Booze,” Commercial Appeal, January 5, 1917.
beats netted results in 1917, while patrolmen R.P. Littlejohn and J.A. Cruse demonstrated the value of acting on instinct during a survey of their Hernando Street beat in 1922. They knocked on the door of a suspicious home, inhabitants let them in without a warrant, and they spotted glasses of liquor on the table, the smell of whiskey in the air, and twenty other gallons of booze around the room.

This basic form of law enforcement—observation—thwarted countless violators in the Memphis area. An unknown party used waist-high weeds to hide their booze in 1916, yet failed to consider the suspicious appearance of trampled down plants. City cops followed a “path showing traces of much use” right up to their “oasis” of fifty bottles and casks of beer, still on ice when officers hauled it away. Keen surveillance (and perpetrator laziness) similarly accounted for Joe Melvezzi’s arrest in 1923. “Hey whaddaya got in the flivver?” shouted hawkeyed patrolmen after noticing something shiny in Melvezzi’s automobile down the street. He refused to answer, so they solved the mystery themselves: fifteen gallons of liquor in uncovered tin cans, riding shotgun beside him on the front seat.

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13 Captain Couch ordered daily inspections of soft drink stands to keep the heat on would-be lawbreakers in 1917. “Captain Couch’s Squad Spends a Busy Day,” Commercial Appeal, January 2, 1917.


16 It also could have been that the officers recognized Melvezzi’s vehicle, and knew it might be engaged in criminal activity. Police Chief Will Lee explained that, in the early 1910s at least, “automobiles were so few that almost every officer knew to whom every car belonged when he saw it on the street.” “Police Foil Bold Coup,” Commercial Appeal, January 6, 1923; “City Court Opened in New Home 25 Year Ago Today,” Memphis Press-Scimitar, June 2, 1937.
The nature of alcohol production, and specifically the powerful aroma of fermenting and cooking mash, made an officer's nose equally useful.17 “Once smelled, the odor of an illicit still is never forgotten,” explained the *Commercial Appeal* in 1919, “internal revenue agents can sniff them as far away as 400 yards.”18 Having the nose of a bloodhound was not exactly necessary in urban areas, though. Memphis lawmen reported the stench—an unavoidable aspect of distillation—pervading entire neighborhoods. One patrolman even likened it to being “hit by brass knuckles.”19

Underscoring the democratic nature of violations and perpetrators, it was this wafting smell of “frankincense and simmering corn” that led police into a respectable neighborhood and the bungalow of Mrs. Jimmie Reynolds in 1921. Officers found the sixty-gallon still running full tilt in the basement more persuasive than her declaration that she had “no idea” how it got there, or attempt to pin it on an unknown (read: nonexistent) tenant who paid $5 a month to store “machines and things.” The incident ultimately earned Reynolds the dubious distinction of being the first woman arrested in Shelby County for running an illicit still.20 Joe Massa attempted similar home distillation, but worked at three o’clock in the morning, no doubt believing the late hour added a layer of security. Thanks to a late-night robbery, however, officers walking his otherwise empty street picked up the scent, followed it, and found his 2,000 gallons of mash, fifty-

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17 The smell of cooking liquor is as pungent today as it was in the 1920s, although contemporary sources suggest describing that as a “distinctive” aroma might be putting it mildly. “When you are fermenting the stuff, it will smell like puke or even worse,” notes one online commenter, “heated mash smells worse than an outhouse.” “Mash,” ZetaTalk, [http://www.zetatalk.com/food/tfood13b.htm](http://www.zetatalk.com/food/tfood13b.htm) (accessed July 2, 2013).

18 “July Will Bring Relief from Booze,” *Commercial Appeal*, June 7, 1919.


five gallons of whiskey, and a 250-gallon copper still. Massa contested this warrantless search, yet the fight ended when Tennessee Supreme Court justices ruled the use of smell reasonable cause in liquor law enforcement, leaving Massa to complete his $250 fine and six-month workhouse sentence.\(^{21}\)

Happenstance, bad luck, and idiocy aside—successful criminal activity is, like anything else, a skill—authorities chalked more arrests through purposeful police work. Perhaps the most effective approach was for agents to make purchases of illicit liquor and gather information themselves, but that posed several problems. For one, they ran the risk of being recognized, or “made” as a lawman.\(^{22}\) Once their cover was blown, it did not take long for that information to circulate through the underworld.\(^{23}\) This undercut their effectiveness in the field, risked exposing others by association, and invited potential retribution from the criminals they pursued. Further, as prohibition wore on, authorities increasingly tried to secure evidence of multiple infractions before arresting a

\(^{21}\) Joe Massa v. State, 159 Tenn. 428, 19 S.W. 2d 1928 (S.C. TN 1928).

\(^{22}\) As the Commercial Appeal explained of an October 1923 operation, “The raids have been carefully planned, agents having previously visited all of the places raided for the purpose of securing evidence upon which search warrants were sworn out. It was stated by Mr. [Chief Field Agent W.H.] Tyler that his advance agents had made purchases at practically all places they had visited and that little trouble was experienced in making the purchases.” “13 Alleged Tigers Caught in Memphis,” Commercial Appeal, October 28, 1923; United States v. John Gammon #1383 (1922), NAA.

\(^{23}\) According to the Memphis Police Department Yearbook for 1924, protecting the anonymity of detectives warranted the use of facemasks. Every morning the department had roll call, where officers presented their pistol, club, and baton for inspection. Next was the daily “show-up,” where prisoners were marched onto a raised platform before the assembled officers to answer questions on the birthplace, trade, and crimes, before walking in front of the officers so they could get a good look at each man. During this activity, detectives wore masks to avoid compromising the secrecy of the plainclothes unit. Jack Carley, “Behind the Scenes at Headquarters,” in Memphis Police Department Year Book (Memphis, TN: Memphis Police Relief Association, 1924), 56.
violator. That ensured more ammunition in court and thus a better chance at conviction, but proved difficult to accomplish with a finite pool of trained lawmen.\textsuperscript{24}

Perhaps the most obvious solution to this dilemma was personnel rotation, and federal forces often loaned out agents to other units. These out-of-town agents brought similar training and experience, plus anonymity. This made them perfectly suited for adding muscle to large raids, gathering evidence, and making purchases without being recognized—and that anonymity made it less likely for bribery attempts from local bootleggers. Agents from Tennessee-based units in Nashville, Chattanooga, Knoxville, and Dyersburg offered assistance, but sending agents across state lines was also popular. Prohis from nearby states like Arkansas, Mississippi, Kentucky, and even as far away as Florida went to Memphis to help orchestrate raids, cover vacancies after local agents resigned, locate stills, and gather evidence.\textsuperscript{25} One of the largest came in late 1926. After undercover agents spent six weeks gathering information, thirty-eight handpicked federal agents from four states descended on Memphis, raiding nearly forty saloons and making sixteen arrests in what newspapers dubbed the Memphis bootlegging industry’s “severest setback in history.”\textsuperscript{26}

\textsuperscript{24} Bailey v. United States, No. 3209, 259 F. 88 (6th Circ. 1919); United States v. Mrs. Jennie Bailey, #695 (1919), NAA; United States v. Herbert Folbe and M. Folbe, #1335 (1922), NAA.

\textsuperscript{25} Raids executed in late October 1923 offer an example. Described as one of the “most successful ever conducted by federal agents in Tennessee,” this operation was the handiwork of ten agents; three from the Nashville office, two from the Chattanooga office, one from the Dyersburg office, and four from Memphis. In total, the operation netted more than a dozen arrests. In December 1923, Louisville, Kentucky prohi agent Les Stewart temporarily filled the vacancy left by Memphis agent G. Phil Armour’s resignation and newspapers noted, “Agents from Louisville will work here from time to time.” Les Stewart “Federal Agents Raid,” Commercial Appeal, December 5, 1923; “13 Alleged Tigers Caught in Memphis,” Commercial Appeal, October 28, 1923; “Prohibition Agent is Hurt by Dynamite,” Commercial Appeal, October 19, 1924; United States v. Mike Angelo, #1692 (1923), NAA; United States v. Vincent R. Lucarini, #1733 (1923), NAA; “Swooping Agents Get Six Men in One Sweep,” Commercial Appeal, April 27, 1926.

\textsuperscript{26} “16 Arrested in Raids by U.S. Sponge Squad,” Commercial Appeal, November 14, 1926.
The door swung both ways. Memphis-based federal agents assisted outside prohibition and vice drives, like Cecil Frazier, Memphis’ chief narcotics officer who went in Louisville, Kentucky in 1923. Over the course of a three-day weekend Frazier participated in a series of raids that produced $5,000 in cocaine and morphine, as well as 13 arrests—which included former Memphians who had reportedly traveled to Kentucky when things grew “too hot for them” in Memphis. “We are always prepared to leave at any time,” explained Agent M.R. Wimmer to reports that Memphis prohis would be assisting a Henry County, Tennessee campaign against moonshiners operating on the Tennessee River in April 1926.

Another tactic was going undercover, and a select few, like federal revenue agent J.L. Asher, turned it into an art form. He almost single-handedly gathered evidence for Washington, D.C.’s most successful sting to date in early February 1923, posing as an ice deliveryman, coal wagon driver, piano tuner, attorney, and even a Kentucky colonel at a swanky ball. So convincing were Asher’s disguises that when

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27 Rotating personnel sometimes came to the relief of bootleggers, like the transfer of Alvin J. Howe to Louisville in 1928. “Everywhere Memphis’ illicit booze is manufactured, and the almost numberless places where it is sold in town—everywhere the bootleggers and stillers (sic) congregated yesterday there were chuckles of glee and sighs of relief,” the Commercial Appeal noted on August 14, 1928. “Alvin J. Howe, deputy prohibition administrator for West Tennessee has been transferred to Louisville. So the last obstacle to prevent the proper functioning of a booze-making, booze-selling syndicate in Memphis was removed.” “Federal Prohi Agents Seize Two Big Stills,” Commercial Appeal, August 26, 1924; “Sheriffs Join Forces in Liquor Raids,” Commercial Appeal, December 28, 1924; “Wildcat Stills Found in Henderson County,” Commercial Appeal, April 14, 1913; United States v. Mike Angelo, #1692 (1923), NAA; United States v. Vincent R. Lucarini, #1733 (1923), NAA; “13 Alleged Tigers Caught in Memphis,” Commercial Appeal, October 28, 1923; 50 Years Ago,” Commercial Appeal, August 14, 1978.


31 The information that Asher collected virtually single-handed over the course of three weeks in Washington, D.C. lead to what was described by the Associate Press as the “most all-inclusive campaign
dressed as a tramp with booze bottles in his pockets, a superior officer arrested him before he could explain.  

Even as this first round of antics made national headlines, Asher went back undercover as a violin-playing minstrel to gain access to bootlegger headquarters. Authorities scrounged up a local detective who could play the harp to assist him, and together the duo facilitated the next round of arrests by posing as musicians—they actually had organ grinders with real monkeys—fishmongers, hucksters, and peddlers.  

Amazingly, Asher’s use of disguises as an investigative tool paled in comparison to America’s most famous prohibition agents: Izzy Einstein and his partner Moe Smith. Izzy did not have the appearance of a crack lawman; he stood 5’5, weighed 225 pounds, and did not carry a gun. What he lacked in physical prowess, however, he made up for as a multilingualist whose chameleon-like ability to transform put trained method actors to shame. Barkeepers and patrons across the country fell victim to Izzy’s disguises that included (but were certainly not limited to) a Yiddish gravedigger, Chinese laundry worker, pickle packer, rabbi, beauty pageant judge, Texas rancher,  

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33 “City-Wide Raids on Washington Liquor Joints, Second Drive in Month on Capital Haunts the Thirsty,” Reading Eagle (Reading, PA), February 17, 1923.  
34 The easy comeback to this statement is Eliot Ness, but popular culture has wildly overinflated his influence—both in the capture of Al Capone, and more generally. To the 2014 suggestion that the Washington, D.C. headquarters of the Bureau of Alcohol, Tobacco, Firearms and Explosives be named after Ness, the Wall Street Journal put it best, likening this “lousy idea” to “naming Wrigley Field after the former Cubs outfielder Alfonso Soriano, a hot dog who never lived up to his hype.” “Actually, Eliot Ness Was Just a Nuisance to Al Capone,” Wall Street Journal, January 16, 2014.
plumber, opera singer, and a Polish count. He used a white doctor’s coat to shutter a speakeasy near a hospital, a muddy uniform to pass as a football player, and a wet swimming suit to convince a Coney Island bartender he needed whiskey for medical assistance. The bartender provided a stiff drink to revive him, and Izzy provided the handcuffs. Although not everyone appreciated their style, the proof was in the pudding: between 1920 and 1925, the two agents made nearly 5,000 arrests, seized an estimated five million bottles of booze, and had a conviction rate of ninety-five percent.

Extant sources do not reveal such pizzazz, but officers in Memphis also utilized subterfuge. Sources reveal tactics like dressing in plainclothes (sometimes with uniforms underneath), using marked dollar bills, fake names, backgrounds, or aliases to net lawbreakers. After receiving complaints of booze peddling to employees on payday at the Memphis Machine Works in 1924, for example, federal agents W.D. Hearington and M.H. Littrell went to the scene posed as life insurance salesmen.

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38 Although not liquor related, Memphis police used a rather unusual tactic to catch two criminals responsible for “more than a dozen robberies of persons in parked cars” in 1936: department store mannequins. With one dressed as a man and the other a woman, officers put the “dummies” in the front seat of a parked car, and waited. Two hours later, two black men wearing masks, gloves, and carrying flashlights approached the vehicle. Officers shot the men when they turned to run instead of obeying the order to halt. “Dummies, Planted in Car, Lead to Bandits’ Arrest,” Memphis Press-Scimitar, August 24, 1936.

ploy allowed the officers to move undetected through the crowd where they witnessed, and then arrested Tony Romeo for selling liquor. Hearington and Littrell’s fake sales pitch must have been rather convincing, though. Besides collaring Romeo, they also managed to “sell” a life insurance policy to an unsuspecting worker.40

More common was the use of civilian informants or “spotters.”41 Authorities nationwide used them as conduits for evidence; they witnessed sales, scoped out targets, purchased booze, and otherwise gathered information to justify warrants, raids, and earn convictions.42 Like the violators they pursued, Memphis spotters were diverse. City officials disclosed in the summer of 1916, for example, that they had a Marine veteran, former bartender, and “country youth” in the field who collectively returned evidence on more than fifty people in just two weeks.43 Equally diverse were motivations to enter this line of work. Some were prohibitionists acting on principle, while others

40 “Thirteen Half Pints Lead Man to Jail,” Commercial Appeal, February 3, 1924.


42 The arrest of Fred Haydel, J.B. Bailey, J.W. Sigler, and Signey Evans offers a template for how these spotter purchases usually went. In 1916, a black spotter entered the Front Street store of Bailey & Haydel, bought a half-pint of whiskey from a porter, paid a clerk for the booze, and left. Police Captain Couch and his men later arrested the two partners, porter, and the clerk on the spotter’s information. How agents secured evidence against A.B. “Jack” Ramsey, a bartender in Frank Tucker’s poolroom, provides another example. On July 12, 1919, spotter S.A. Denison went into Tucker’s place, ordered a bottle of the near beer, Nib. After striking up a conversation with Ramsey, the spotter asked, “Have you got anything stronger than Nib?” “I will see about it,” Ramsey replied, and then returned with a half-pint of whiskey. Denison purchased the whiskey, and then returned a couple hours later with U.S. Marshal Milton Bryant. “Ouster Trial Begun Divekeeper Witness,” Commercial Appeal, September 26, 1917; “Shot in a Quarrel,” Marion Enterprise (Marion, NY), October 24, 1891; “Brunswick Riot,” Lewiston Evening Journal (Lewiston, ME), December 26, 1900; United States v. A.B. Ramsey, No. 3404, 268 F. 825 (6th Cir. 1920); United States v. A.B. Ramsey #747 (1919), NAA.

43 “Alleged Lid Tilters Fined in City Court,” Commercial Appeal, July 4, 1916.
were in it for the money, like barber S.D. Wallis, who moonlighted as a spotter for extra cash.\textsuperscript{44}

If police spotter W.M. Long’s experience was representative, though, getting paid for this job was no small feat. During the trial of Captain James Couch (charged with allowing illegal alcohol sales on the steamer \textit{Minnie Couch} in 1916), he provided testimony and meticulously kept records of places, times, prices, and circumstances of the alcohol sales. When asked about these fastidious notes, Long explained he was in the “whiskey business,” hired by the city to procure evidence. Yet Memphis’ nonstop violations did not make this a cash cow position: despite months of work and reporting to a police official, he had no formal contract, and had yet to receive a cent of compensation. Payment hinged on not only gathering proof and testifying in court, Long continued, but also that cases ended with guilty verdicts.\textsuperscript{45} If the matter concluded with acquittal or mistrial, it meant no payment whatsoever. Even then, the bounty was hardly impressive; successful convictions earned spotters a mere $1 per case, not per defendant.\textsuperscript{46} That was a particularly meaningful distinction since cases with multiple defendants (sometimes enough to field a football team) routinely appeared in local and federal courts.\textsuperscript{47}

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\textsuperscript{44} Wallis ran into trouble during his tenure as a spotter, however. One night in May 1917 Terry King followed him and another spotter employed by the police department, S.G. Garrard, into an alley. As explained in the subsequent homicide report, they asked King what he wanted, he made a move for his hip pocket, and Wallis shot the black man dead. Terry King, Report of Homicide, 26 May 1906, Shelby County Archives, Memphis, Tennessee (hereinafter SCA).

\textsuperscript{45} For more on the unwillingness of Memphis juries to convict on even airtight cases and evidence—for infractions including but well beyond liquor laws—see chapter 5.


\textsuperscript{47} \textit{James Couch v. State}, 140 Tenn. 156; 203 S.W. 831 (S.C. Tenn., 1918).
Unpaid spotters—a group that W.M. Long appears to have joined, albeit as a *de facto* member—were also used in Memphis, although “unpaid” should not be conflated with altruism. Sources suggest volunteer spotters often had an agenda. Like Hamilton County Deputy Sheriff Will Taylor, who participated in at least six federal liquor cases in 1922, but admitted under cross-examination he traveled the several hundred miles from his Chattanooga home to volunteer in hopes of earning a position as a prohibition agent. Taylor did receive instruction to return to Memphis, but it was a subpoena, not job offer.\(^48\) The same fate met S.A. Denison who gathered evidence and testified against liquor man Jack Ramsey in 1919. He denied the accusation that he was spotting to secure a job, but did admit to visiting U.S. Marshal Stanley Trezevant for a “trade” position. Denison refused to elaborate on that “trade,” and an objection ended the line of questioning, but agency rosters indicate he never spotted his way to employment.\(^49\)

Other civilians found themselves unexpectedly involved. Robert K. Christenberry, a Washington, D.C. Internal Revenue Department agent visiting Memphis, tried to purchase liquor from Jim Pallas in 1922, but struck out when Pallas (who knew the feds were after him) refused him service. “Failing to locate liquor or to be able to buy from Pallas,” Christenberry wrote in a later report, “I then employed a negro, gave him $1.00, told him to make a purchase of liquor from Pallas with the result that reported to me that

\(^{48}\) This “dream” appears to have never come to fruition. The name “Will Taylor” appears in none of the located rolls of federal prohibition agents, or mentioning of federal agents in newspapers. *United States v. Henry Folbe and M. Folbe*; #1335 (1922), NAA; *United States v. George Kolp*, #1379 (1922), NAA; *United States v. J.L. Marcum*, #1382 (1922), NAA; *United States v. Charlie Priddy*, #1399 (1922), NAA; *United States v. M.V. Nelson*, #1577 (1922), NAA; *United States v. E.C. Frierson*, #1613, #1745 (1922), NAA; *United States v. Harvey Mitchell*, #1380 (1922), NAA.

he did buy ½ pint of moonshine whiskey for $1.00.” The deposition does not explicitly say whether this black man received compensation or had previous employment with police. Other cases do suggest, however, it was not out of the ordinary for cops to take African Americans with them to collect evidence—perhaps even plucking participants off the street to assist on an ad hoc basis.\(^50\) Even a cursory understanding of race relations in the early-twentieth-century South explains why those unsuspecting decoys complied with such a request from white law enforcement: they felt they had no choice.\(^51\)

Spotters often met with success, but problems could (and did) arise from their use. Some criticized sending non-professionals into potentially dangerous and unseemly situations, like Memphis Judge H.B. Anderson in 1929, who heard the testimony of eighteen-year-old Hadley Strange and declared it “a shame for the government to hire boys and send them into alleys to drink whiskey with bums.”\(^52\) Federal Judge Harry Anderson voiced similar disgust to the use of poor and uneducated persons for these tasks in 1926, noting how he saw “no reason in the world for the government to have to use such persons as witnesses.”\(^53\) Others zeroed in on the legal ramifications. The Memphis Police Department hired Missourian W.L. Silvey to smoke out violators in 1920, and over the course of several weeks, he played the “stranger new to town” role perfectly. He scoured the city, facilitated numerous arrests, and saw

\(^{50}\) Inspector Bee “took a negro (sic) with him and sent the negro into the store to buy whisky” at E. Bertasi’s grocery store on South Fourth Street in January 1920. The black man returned a few minutes later with a half-pint of whiskey, Bee went inside, and promptly arrested the store clerk. “Bertasi and Tonoli are Freed by Jury,” Commercial Appeal, March 30, 1920.

\(^{51}\) For more on issues of race in bootlegging, see chapter 8. United States v. Jim Pallas, #1412 (1922), NAA.

\(^{52}\) “Life at Home,” Life, October 18, 1929.

many defendants bound over to the grand jury—but then failed to show up when they went to trial. Since his testimony was a cornerstone of the prosecution, defendants mostly got off with paying costs and *nolle prosequi* verdicts, sending countless man-hours went down the drain.\(^{54}\)

Defense lawyers argued spotter-collected evidence was unreliable, but more importantly, entrapment. That argument did not get Memphis defense attorney Ernest Bell very far in 1922, but judges and juries in other parts of the country became increasingly unwilling to convict on evidence gathered by civilian informers alone.\(^{55}\) Judge Troy Lewis banned the practice altogether in Little Rock, Arkansas in 1923, noting the “inevitable tendency would be, if not to invite perjury, at least to sway the minds of the witnesses.” Rather than being impartial, they had a personal and financial stake in the outcome of cases, Lewis continued, and that could “contaminate the stream of justice at its source.”\(^{56}\)

Legal questions aside, bad behavior from individual spotters made it easy to criticize the lot. Moonlighting barber S.D. Wallis, for example, shot and killed an unarmed black man in May 1917. According to the homicide report (listing him as a “liquor spotter” and “employed by the police department”) the infraction was brushing against Wallis several times and appearing to follow him.\(^{57}\) Even more brazen was Otha Jacobus whose uncle, a Memphis prohibition agent, secured him a position assisting Agent M.L. Rolen in 1923. During one grocer’s trial, Rolen acknowledged Jacobus’ role

\(^{54}\) “Alleged Bootleggers Fare Well in Court,” *Commercial Appeal*, October 30, 1920.

\(^{55}\) *United States v. John Gammon*, #1383 (1922), NAA.


\(^{57}\) Terry King, Report of Homicide, 26 May 1917, SCA.
in numerous “liquor buying trips”—records list Jacobus in at least thirteen cases—yet admitted his assistant was presently enjoying the inside of a county jail cell.58

Somewhere along the line Jacobus decided to switch teams, approaching violators with an offer to “make it right” (read: disappear instead of pursue charges) for $50.59 That worked until someone dimed on his extortion scheme, prompting authorities to lay a trap, which caught Jacobus red-handed.60

Unsurprisingly, police informant was not an occupation that won popularity contests. When asked to define his use of the term “stool pigeon” for a Memphis jury in 1916, defense attorney Ralph Mason replied:

A stool pigeon is a person bereft of all decency and a person shunned and despised by all mankind. When God made the rattlesnake, the toad, and the vampire, He had some awful substance left, with which He made a Stool Pigeon. A Stool Pigeon is a two-legged animal with a corkscrew soul, a water-sogged brain and a combination backbone made of jelly and glue: where people have their hearts, he carries a tumor of rotten principles. When the Stool Pigeon comes down the street, honest men turn their backs. The angels in Heaven take precipitated refuge behind their harps and the devil bars and locks the gates of hell.61

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59 United States v. Jeff Shelton, #1940 (1922), NAA.

60 Out-of-work carpenter R.A. Samuel tried a similar scheme in 1920, but for not narcotics rather than liquor. Armed with a detective badge (purchased for a dollar), a fake moustache, and some thick-rimmed glasses, he targeted drug dealers in Memphis, taking part of their profits under the guises of being a “revenue” officer.” It worked until real lawmen caught on. “Federal Investigator Held on Bribe Charge,” Commercial Appeal, December 18, 1923; “R.A. Samuel Held as Phony Officer,” Commercial Appeal, November 12, 1920.

Mason’s dramatic flair and belief in vampires aside, the criminal class would have seconded his definition. Snitching was a cardinal sin. It comes as no great shock, then, that it could be hazardous to one’s health. Informant Charley Simms learned this lesson in a Memphis courtroom in April 1922 when Frank Fianigan—one of twenty charged with unknowingly selling booze to Simms—punched him upside the head. The scuffle earned Fianigan a $10 contempt of court fine and failed to stop the hearings, but it made an impression on Simms. He began to “stop, look, and listen for the approach of footsteps,” reported the Commercial Appeal, and took up residence with another spotter at police headquarters. The threat seemed plausible enough for the pair to forego any outside activities, exercising instead in the safety of the police gymnasium.\footnote{15 Held to State on Liquor Charges,} \textit{Commercial Appeal}, April 22, 1922.

Other incidents suggest Simms’ paranoia actually prudent; informants did not always escape with just a black eye.\footnote{Indeed, crossing bootleggers in any capacity could have lethal consequences. An unknown party murdered Mrs. C.B. Cook, president of the Benton County, Iowa chapter of the Women’s Christian Temperance Union, for example, in 1925 for her efforts to break up local illicit liquor. Assisted by the cover of a thunderstorm, the assailant shot her through the window of her home as she sat reading. Local authorities were convinced the responsible party linked back to illicit liquor dealers. “Woman Dry Leader Brutally Murdered,” \textit{Commercial Appeal}, September 9, 1925.} Grim stories of retribution emerged all over the country: bootleggers burning a farmer’s house to the ground near Cairo, Illinois, three informants’ barns destroyed near Knoxville, Tennessee, a boy and his father murdered by a Hickman, Tennessee bootlegger for calling police.\footnote{“Moonshiners Burn Home of Informer,” \textit{Commercial Appeal}, December 28, 1922; “Moonshiners Burn Barns of Informers, Feuds Break out Between Liquor Makers and Citizens,” \textit{Commercial Appeal}, December 1, 1923; “Told on Bootleggers; Three Deaths Follow,” \textit{Commercial Appeal}, September 10, 1915.} Upon Memphis spotter Jack Burns’ mysterious disappearance and presumed murder in 1923, the \textit{Commercial Appeal} remarked he had joined the “port of Missing Men,” occupied by local witnesses,
defendants, and informants who “talked too much.”\textsuperscript{65} Although that same year cops hired three teens to spy on local bootleggers, which ended with the discovery of their bullet-ridden bodies, proving that “port” included more occupants than grown adults.\textsuperscript{66}

When Joe Hays, informant for federal prohibition agents, went missing, his handlers surmised he had been murdered and his body thrown in the Mississippi River.\textsuperscript{67} “Bootleggers have killed him,” explained agent Jack Davis, “I don’t believe we will ever see Joe anymore.”\textsuperscript{68} Truck driver Gulliver Thomas met a similar fate in 1932. Five days after his wife reported him missing, his body turned up in the Wolf River, still wearing an $8 watch and carrying cash; facts that made robbery look unlikely. Rumor held that Thomas sealed his own fate by simultaneously working for bootleggers and as a “tip off man” for police. The coroner determined he took a shotgun blast to the chest at close range before his killers dumped the body.\textsuperscript{69}

It goes without saying that crossing liquor interests in Memphis—or anywhere in America, for that matter—was a very dangerous proposition. Yet authorities consistently received no-strings-attached information from civilians who, unlike the previous examples, were not even on the payroll. Self-interest motivated tipsters like “Mr. Hildebrand,” who discovered unknown persons running a 150-gallon still on his land in 1924, or the quartet of young men who accidentally stumbled upon a massive 1,000-


\textsuperscript{66} This incident prompted public outrage that police were using children in such dangerous work Yao Foli Modey, “The Struggle over Prohibition in Memphis, 1880-1930” (Ph.D. dissertation, Memphis State University, 1983), 185; “Bootlegging Thrived in ‘Dry’ Time,” \textit{Commercial Appeal}, January 3, 2002.

\textsuperscript{67} “Informer Still Absent,” \textit{Commercial Appeal}, October 20, 1926.

\textsuperscript{68} “Prohibition Informer Killed, Agents Think,” \textit{Commercial Appeal}, October 17, 1926.

\textsuperscript{69} “Mysterious Call Lures Man to Trap,” \textit{Memphis World}, May 31, 1932.
gallon still while hunting the Wolf River bottoms. Those boys fled in terror when moonshiners started shooting at them, but they ultimately had the last laugh: they called the law, and deputies seized the still.

Some information proved rather heartbreaking. “Can you not keep my papa from getting drunk?” read a letter sent to Memphis police by a young girl in 1916. “He gets whisky at a blind tiger near our house. He is the best papa in the world until he visits that dive. I think mamma knows where the dive is. Please break up that dive,” implored the girl. Memphis certainly earned its reputation as a bulwark of anti-prohibitionist sentiment, and that also held true for the city administration, but the young girl’s note moved Police Commissioner Douglas to action. He called upon Memphis women to report any information they had, and it quickly produced results.

Most tips came in over the telephone or in “pitiful notes,” but one woman took it a step further in 1921 when notified Sheriff Perry about a remote still. Rather than explain

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70 “Sheriff Nabs Another,” Commercial Appeal, June 29, 1924.


72 This was precisely the type of situation that teetotalers used to underscore the necessity of prohibition legislation. The defense of the home, women, and children against the evils of alcohol was a cornerstone of the entire temperance movement and a constant rallying cry for organizations like the Women’s Christian Temperance League. For more on this rhetoric and the role of temperance organizations in securing state-level prohibition controls, see chapter 2. “Little Girl Note Starts Drive on ‘Blind Tigers,’” El Paso Herald, August 30, 1916.

73 The Memphis YMCA wrote directly to Mayor Crump in the fall of 1910 explaining the group’s “very sincere and earnest wish” that “the atmosphere about the building and at least in its immediate neighborhood should be kept as free from temptation and contamination as possible.” Yet that was impossible, General Secretary R.G. Alexander explained, due to the illegal joints within a stone’s throw of the organization’s headquarters on Madison Avenue. Alexander identified an alleged soft drink stand ran by V. Guittini behind the YMCA on Fourth Street, noting it “evident that this is in reality (sic) a negro dive.” He listed another soft drink place operated by I. Menke on the southwest corner of Madison and Fourth, selling “anything from soda pop to whiskey,” and another saloon a block away producing staggering drunks from its doors at all hours of the night. With over 200 young men living at the YMCA and a membership roll of 1,400, Alexander requested Crump see to it that these places cleaned up, to assist the organization’s purpose, “making the surroundings here wholesome and clean.” R.G. Alexander to E.H. Crump, September 24, 1910; Box 13, Crump Collection, MPL.
its location, she took the sheriff and his men there herself. They traveled by car until she said stop, walked a half mile into the river bottoms, followed a small path through the underbrush, and stopped in front of a recently used ten-gallon still and barrels of mash waiting for the next run. Why this woman wanted the still destroyed badly enough to lead police to it was unknown, but the sheriff obliged, confiscating the copper worm and demolishing everything else onsite.74 While those circumstances were unusual, the woman’s desire for anonymity was not. Tips often came with desperate pleas to remain nameless. “My husband would kill me if he knew I told where he buys his whisky,” worried one wife.75

Informants also approached authorities with payback on their minds.76 Angry wives during messy divorces, neighbors with axes to grind, and tattletales were par for the course.77 Acy Powell was no stranger to police himself, but in June 1924, he headed to the police station on his own volition, located Captain Kehoe, and provided instructions on where to find bootlegger Edgar Hill’s stash. Unfortunately, that information came from a homicide report. After Hill made bond, he tracked Powell down

76 If Hugo Harry Neudecker, alias “H.H. Curley” had managed to fly beneath the police radar, that ended when in 1925. His wife filed for divorce, stated in the paperwork he was a bootlegger who kept company with shady characters and was cruel to her and their twin sons. “Husband is Bootlegger, Wife Declares in Suit,” Commercial Appeal, October 6, 1925.
77 Vick Bosaline’s neighbors submitted complaints against him in 1920, as did E. Devoto’s neighbors four doors down. When asked if she knew about him selling liquor out of his home Mrs. W.J. Bouch replied, “I know he sold it alright.” When prompted to elaborate she explained “he would sell it and then a lot of drunken men would be passing up and down the street in front of my house when I would have company, and he would be in the bunch with them, Devoto himself…Devoto was as public with that as I am with my flower house, I mean as I was to sell plants out of my greenhouse.” United States v. Vick Bosline, #870 (1920), NAA; United States v. E. Devoto, #680 (1919), NAA.
and shot him in the ear. James Shepherd responded in a similar fashion after Jessie Atkins “snitched” on him for violating the liquor law in 1931. After stewing ten days in the workhouse Shepherd procured his pistol, went to see Atkins, and started shooting when someone tried to call the cops. Atkins escaped unscathed, but the woman living with him, Mary Colbert, was not so lucky; hit by one of Shepherd’s bullets, she later succumbed to the wound.

The outcome of a “business breach” between Herman “Butts” Werkhoven, O.P. Stroud, and Henry De Lamotte proved less violent, but no less petty in 1923. After deciding Werkhoven was to blame for a still suspiciously destroyed by fire, Stroud and De Lamotte tracked him down, forced him to write a check for his entire bank account balance, and held him hostage while a messenger went to cash it. Werkhoven somehow escaped his captors, but not in time to stop payment, so he went to the cops himself to accuse the pair of strong-arm robbery. “De Lamotte owed me money. He refused to pay. I decided to get even,” Werkhoven told authorities. After their arrest and release on $500 bond (double the amount they received from Werkhoven’s bank account), Stroud and De Lamotte decided to return the favor. They ratted out Werkhoven for recent unsolved robberies, and the supposed victim of theft found himself in handcuffs for the same crime.

Regardless of the source, solid intelligence was invaluable in a city with nonstop violations spread out across diverse urban and rural terrain. Many residents were hesitant to speak up, though. Good Samaritan or not, the likelihood of divulging

78 Acy Powell, Report of Homicide, 12 June 1924, SCA.
79 Mary Colbert, Report of Homicide, 9 May 1931, SCA.
80 “Werkhoven Had Two Arrested to Get Even,” Commercial Appeal, April 18, 1923.
information on criminal activity plummeted if that “good deed” might result in a broken jaw or even death. “I have had people call me and tell me they knew the whereabouts of a still, but they were afraid to give me the location for fear of some dire consequences,” acknowledged federal prohibition agent Bertram Bates in 1921. His plan to kill two birds with one stone was an anonymous telephone tip line. Essentially precursors to the modern-day “Crime Stoppers” lines, this became a popular tool for law enforcement officers during prohibition. Memphians could report liquor sellers and illicit stills with personal assurance that their identity remained confidential. To prevent any “embarrassment,” Bates added, his office intended to screen and confirm all tips before taking action.”81 Civilians absolutely used these resources, and their information produced arrests and raids. Still, it did little more than make a dent; Memphis’ illicit liquor network was simply too large and too powerful to be taken down by citizens alone.

Regardless of how they acquired information or executed the raid, legislation dictated how they processed confiscated materials. Prior to 1919, state law determined that modus operandi. Whether city or county, officers were required to file a written statement detailing the type and quantity of liquor seized; that document went to the criminal or circuit court clerk, while the actual liquor went to the sheriff for safekeeping. Both filing and delivery had to occur within five days of the raid, and failure to do so constituting a misdemeanor punishable by fine, imprisonment, loss of job, ineligibility for promotion, or some combination, therein.82 Yet, those guidelines covered the final


82 The Public Acts of 1919, Chapter 50 set out these requirements. Specifically, sections 1, 2, 3, and 15. H.M. Mathis and R.H. McCoy v. State, 164 Tenn. 81; 46 S.W.2d 44 (1931).
product, not the contraptions that produced it. Dealing with illicit distilleries and paraphernalia was a constant battle. Here authorities usually went with one of two options: dismantle and haul it back to headquarters, or destroy it onsite.\textsuperscript{83}

When it came to destruction (or gaining access into suspected premises), officers utilized axes, picks, and sledgehammers to get the job done.\textsuperscript{84} Police Chief John Couch’s tool of choice, a hatchet, was almost preordained for the task. He received it as a gift ten years earlier from none other than infamous temperance fighter Carrie Nation.\textsuperscript{85} Nation, who earned her notoriety smashing up bars in Kansas, assured Couch his gift had destroyed “many a barroom,” so she would no doubt have been pleased that after 1917 it was in “almost constant use, breaking flasks and knocking heads out of casks and barrels of contraband liquor.”\textsuperscript{86}

Destroying a still could be arduous work, so sometimes authorities opted for more extreme methods. When floodwater pushed moonshiners out of a low-lying area in 1921, lawmen used the reduced risk of an accidental forest fire to their advantage: they torched everything from the two 250-gallon fermenters, to the tents and living quarters.\textsuperscript{87} Shelby County Sheriff W.S. Knight and his men took a similar tack when raiding A.B. Thomas’ cabin on a creek bank near the Collierville Road in 1924. They

\textsuperscript{83} “Another Still Found,” \textit{Commercial Appeal}, February 21, 1924.

\textsuperscript{84} It was not out of the ordinary for authorities to use brute force when executing raids and destroying of contraband afterwards. Kicking in doors, breaking windows, and smashing barriers proved to be par for the course. “Doors are Smashed in Police Raids,” \textit{Commercial Appeal}, December 23, 1920.

\textsuperscript{85} “Mrs. Nation in Memphis,” \textit{Commercial Appeal}, October 24, 1902.

\textsuperscript{86} “Use Carrie Nation’s Hatchet in Memphis,” \textit{Muskogee Cimeter} (Muskogee, OK), January 27, 1917.

\textsuperscript{87} “Prohi Men Take Inundated Still,” \textit{Commercial Appeal}, February 11, 1921.
seized Thomas, his horses, wagons, demolished the 1,000-gallon distillery, and finished by using his ten cords of wood (intended as fuel for the still) to set the rest on fire.\footnote{“1,000 Gallon Still Captured by Knight,” \textit{Commercial Appeal}, April 16, 1924.}

In other instances, authorities chose an even more radical tool: dynamite. Although certainly faster and less labor-intensive, blowing up an illicit distillery could be (to the surprise of no one) a potentially dangerous solution. Saying this was a lesson learned “first-hand” proved viciously literal for H. Satterfield, an Arkansas prohi temporarily assigned to Memphis. A stick of defective dynamite blew his right hand completely off while destroying confiscated material on President’s Island in October 1924. It is impossible to imagine the pain Satterfield endured, and unfortunately, it was not short-lived. There were no first-aid supplies on the island, so it took a jarring boat ride back to Memphis before he even received medical attention.\footnote{“Prohibition Agent is Hurt by Dynamite,” \textit{Commercial Appeal}, October 19, 1927.}

Resolve and tools were not always enough to destroy stills in Memphis, however. Small potatoes operators running modest or hastily thrown-together stills were absolutely part of Memphis’ liquor game. Yet real players constructed huge, top-of-the-line liquor plants for large-scale production. Indeed, the volume of moonshining and bootlegging in Memphis and Shelby County is one factor that set it apart in the region. A prime example was a massive still of the “finest artisanship” discovered by sheriff’s deputies in the Nonconnah bottoms in 1923. Likened in size to tanks used on streetcar sprinkling wagons, this copper-lined still could produce ten gallons of whiskey per day, and stood mounted on the “finest brick masonry.” It was simply too large to remove, but when deputies attempted plan b—destruction—they found throwing weight behind an
eight-pound sledgehammer left not even a dent. Ultimately, they did what they could, destroying the copper worm, two hundred oak-barrel fermenters that could hold 10,000 gallons of mash, but asked federal agents to take over the destruction project.90

Figure 9-2. The Shelby County Sheriff’s hauls over a ten-day period in 1926. An unidentified man stands center in the bottom photo, providing a point of reference to the tremendous scale of these busts. “Just a Few of the Stills and Some of the Beer Seized by Sheriff in Ten Days.” Commercial Appeal, May 16, 1926.

This sort of problem was a reoccurring issue for law enforcement. Stills that required ten hours to dismantle or seven round-trips to move were noteworthy, but not unheard of in the Memphis area.91 Sheriff Tate’s men once caught a liquor cache on the

90 “Beaty and Willis Get Record Still,” Commercial Appeal, April 12, 1923.

91 In the aforementioned incident of 1924 where bootleggers took shots at four teenagers hunting in the Wolf River bottoms, authorities noted that it was “one of the most complete yet found in the county,” and it took deputies nearly ten hours to dismantle the still and confiscate all the ingredients and equipment. Lucien Laughter’s bust in October 1924 presented a similar challenge. It took officers seven trips to completely dismantle and transport the massive 1,500-gallon still to the county jail for storage. “Seize Big Still After ‘Shiners Attack Boys,” Commercial Appeal, August 4, 1924; “Sheriff Raids Giant Moonshine Plant,” Commercial Appeal, October 4, 1924.
Mississippi River so large that the vehicle they loaded it onto broke through a wooden bridge under its weight. That left everyone twiddling their thumbs until a replacement truck came from town.\textsuperscript{92} Once seized alcohol did make it back to Memphis, it went into the storage facilities of the agency that seized it.\textsuperscript{93} The most obvious reason was keeping evidence on hand for use at trial, but also because the law was unclear on issues of replevin.\textsuperscript{94} Authorities did not want to be financially liable for destroying seized

\textsuperscript{92} “Sheriff Tate Catches Loaded Whisky Boat,” \textit{Commercial Appeal}, July 26, 1927.

\textsuperscript{93} The Shelby County Courthouse basement, police headquarters, and Federal Building storage room, for example, were common areas for seized alcohol. Failure to transport seized alcohol to one of these storage facilities successfully could land lawmen in hot water. Constable H.M. Mathis and Deputy R.H. McCoy found this out in 1931, after Mathis seized somewhere between 300 and 700 gallons of whiskey. This vague range speaks to the fact that the booze never made it back to headquarters; Mathis called McCoy, a good friend, in the middle of the night and had him secure a wrecker truck to tow the seized vehicle holding the whiskey. Yet somehow, the three men arrested with the booze and the alcohol then disappeared. Authorities charged both men with failure to report and failure to deliver, and the Tennessee Supreme Court upheld their convictions and sentences: a $250 fine for Mathis, $100 for McCoy, and for both thirty days in the workhouses and a five-year disqualification from rehire. “‘Corn’ Whisky Fills Station After Raid,” \textit{Commercial Appeal}, March 30, 1923; “Shorty’s Cortege Soon Will File By,” \textit{Commercial Appeal}, December 16, 1917; United States v. Lawrence Masterson, #750 (1919), NAA; “50 Years Ago,” \textit{Commercial Appeal}, October 28, 1970; “Police Foil Bold Coup,” \textit{Commercial Appeal}, January 6, 1923; “Deputies Flush Two Big Stills in Field,” \textit{Commercial Appeal}, April 18, 1923; \textit{H.M. Mathis and R.H. McCoy v. State}, 164 Tenn. 81; 46 S.W.2d 44 (1931).

\textsuperscript{94} The only legal way to see the return of something seized by law enforcement was through a writ of replevin. These were not usual as the \textit{Commercial Appeal} noted, Memphians filed writs to secure the return of everything from “cookstoves to dead bodies.” When it came to judges granting petitions to return alcohol to the original owner, it hinged largely on legal outcomes. If a defendant was not guilty, their confiscated assets might return. But if found guilty, ownership transferred permanently to the authorities who—after the legal process had run its course—often sold the more valuable items like cars, trucks, and boats at public auction. Announcements in local newspapers, sometimes even in the classifieds section, provided prospective buyers with details where they could inspect the items in advance—which meant bootleggers knew when their property hit the auction block, and sometimes used proxy bidders to buy it back. When it came to seized alcohol, the passage of measures like the Bone Dry, anti-shipping, and storage laws in Tennessee and the federal Webb-Kenyon Act helped law enforcement know what to do with confiscated booze. Prior to this point, many were hesitant to destroy anything lest it produce a lawsuit. Still, the issue cropped up again throughout prohibition. In 1924, for example, local officials “struck a knotty problem” with regard to twenty-five cases of whiskey stored in one of the city’s largest banks. Seized from a man transporting it through Tennessee to New Orleans—that being still legal in 1919—courts dismissed the case, but he still did not get the booze returned to him. After taking up space for five years in facilities, the bank wanted the government to pay the storage fee. Sheriff Mike Tate stated quite clearly in 1917 his concern that someone might sue to have property returned. “Sheriff Protests Giving Up Shorty,” \textit{Commercial Appeal}, December 28, 1917; “Booze is Now in Its Last Throes,” \textit{Commercial Appeal}, July 27, 1917; “Refused to Restore Confiscated Liquor,” \textit{Commercial Appeal}, January 18, 1920; “Stored Liquor Has Become Big Problem,” \textit{Commercial Appeal}, August 20, 1924; “United States Marshal’s Sale,” \textit{Commercial Appeal}, October 2, 1924.
alcohol if courts might later rule it returned to the original owner. The Louis Ginocchio trial resulting in a court order to return the former-saloonkeeper's pre-prohibition liquor cache, valued (conservatively) at $50,000, demonstrated why it was a wise policy to first assess the probability of such legal action before acting.\(^\text{95}\)

Storing confiscated liquor in the Federal Building warehouse had been a common practice in Memphis, but by 1920, it had become a problem. Guesstimates held (there was no official inventory) that the cache, accumulated over three years, had a street value of at least $1 million. Besides the dwindling storage space, it was also an increasing liability, because everyone knew exactly where authorities took seized alcohol—and sometimes that confiscated booze disappeared.\(^\text{96}\) Indeed, multiple

\(^\text{95}\) Former saloonkeeper Louis Ginocchio went twelve rounds with authorities after the sheriff seized pre-prohibition liquor from his home on Jefferson Avenue during a September 1, 1925 raid. Ginocchio had ran a saloon on Main Street years earlier, and explained the liquor in question had been in his home since 1915—long before the Bone Dry Law went into effect on February 2, 1917. The contents of this cache made his fervency understandable; the rare whiskies and wines had a 1925 street value of at least 1925—but even that figure was hard to determine because that quality of booze was simply not available anymore. The authorities made no claim that Ginocchio had, or had made even an attempt to sell or distribute the booze (it was common knowledge he had the liquor stored on his property), making the circumstances of the raid somewhat unclear. Ginocchio fought the seizure tooth and nail, arguing his possession of the liquor was legal and demanding its return. His attorneys attacked the validity of the search warrant and used receipts to prove provenance, showing the booze purchased prior to the Volstead Act taking effect. The judge agreed, and ordered the liquor returned to Ginocchio. Some argued that this case proved that rich people had bought up alcohol, stored it, and continued to drink in their own homes after the country went dry, while poor people, on the other hand, had to risk arrest, and potential health problems like blindness and even death from unregulated stills and rotgut they bought from shady sellers and distributors. This was true. Overall, however, the public sympathized with Ginocchio and saw the affair as governmental harassment of a respectable citizen. As for the booze, Ginocchio promptly donated the lot for use in a "medical institution." "Warrant Held Valid in Ginocchio Seizure," \textit{Commercial Appeal}, September 6, 1925; "Demands His Whisky from Chief of Police," \textit{Commercial Appeal}, September 29, 1918; "Bootleggin' Thrived in 'Dry' Time," \textit{Commercial Appeal}, January 3, 2002.

\(^\text{96}\) Not all disappearances were shady, though. In the fall of 1935 there was a great deal of finger pointing after forty cases of choice liquor, valued at more than $1,200, disappeared from police headquarters. "I took the whisky to police headquarters and had the desk sergeant check off every one of the 1,108 bottles," Inspector Hewitt vowed. "My responsibility ended when it was checked in and I do not know what became of it." When asked about the incident, Chief Lee replied, "that whisky must be in the county jail—that's where evidence is generally held." Yet Sheriff Bacon emphatically stated, "Not a bottle of that ever reached the jail." After all the kerfuffle and efforts to absolve responsibility, a week later, they found the whiskey. It was in the third floor storeroom. "Police Headquarters Lose Liquor Stocks," \textit{Commercial Appeal}, November 9, 1935; "Spirits Are At Police Station After Roaming (?) Last Week," \textit{Commercial Appeal}, November 12, 1935.
attempts were made to access the warroom’s treasure in 1920; doors were breached, desks broken into looking for keys, and in February 1920 would-be looters made it as far as sawing through one lock before being frightened off by a watchman. Authorities circled the wagons by adding armed guards at night and ordering the arrest of anyone skulking around who could not provide a decent explanation for being there, but they also started looking for a permanently solution—namely, one that got the liquor off their hands.  

District Attorney Kyser petitioned the government to either auction off, destroy, or send the alcohol for use in other government agencies in February 1920. Federal authorities authorized the sale of confiscated liquor to licensed wholesale drug businesses (who would then resell it for medicinal purposes) and it was anticipated that an auction of this magnitude would attract every pharmacy and drug company in the city and surrounding area like moths to a flame. To their surprise, this was not the case. Advertisements ran in Louisville, New Orleans, and St. Louis produced no buyer and by early April, it looked as though destruction would be the likely outcome. The proposed

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97 This was not the first instance of extra guards to protect seized booze. On February 20, 1917, sheriff’s deputies caught Mahoney, Sam Holt, and Henry Perotti with 339 beer casks—the equivalent of 40,000 bottles of beer. Authorities indicted Mahoney for violating the four-mile law, and stationed deputies to guard the confiscated cache until there could be a “bottle breaking” session. Incidentally, John Mahoney, a brewery agent for the Miller brewery, was one of the liquor representatives that paid big bucks to secure modified injunctions from Judge Jesse Edgington, thereby facilitating the continuation of liquor law violations. “John Mahoney Indicted,” Commercial Appeal, February 21, 1917; “Stage Set for Trial of Jesse Edgington,” Commercial Appeal, February 25, 1917; “Attempts to Steal Confiscated Liquor,” Commercial Appeal, February 13, 1920.


99 Sometimes the irony was palpable with these booze auctions. Memphis authorities selling booze to the very people bending the state liquor laws until they broke; it seems authorities were inadvertently in the interstate alcohol business themselves. For example, authorities auctioned off a large cache of liquor, seized from the wholesaling outfit Laughter & Fisher, in June 1916. The highest bid was not from an outside entity, but fellow local wholesalers—now avowed strictly interstate dealers—Sambucetti & Company for $101.75. “Fine Stock of Booze Goes a-Begging Here,” Commercial Appeal, June 22, 1916. “May Sell Liquor,” Commercial Appeal, February 3, 1920.
plan for streamlining that process was constructing a “huge chute” from the back of the custom’s house building, down the river bluff and to the bank of the Mississippi River. According to planners, bottles would slide down this chute to the water, be loaded onto boats, ferried out to an anchored barge, and then broken and dumped into the river.

This (seemingly half-baked) idea also included (equally half-baked) contingency plans; like arresting anyone who tried to drink river-liquor water around the barge. Fortunately for U.S. Marshal Stanley Trezevant, who would have led this operation—yet unfortunately for historians, since newsreels were planning to film it—the great booze slide-and-smash never happened.\(^{100}\) Instead, authorities decided on a hybrid solution. The liquor would be boxed up and shipped north to federal hospitals and for industrial uses (like making stamps), and beer poured out before a mournful audience in Memphis.\(^{101}\) There were concerns that hijackers might target the liquor during transport, so the official date and time remained a secret—although authorities did announce armed guards would accompany the vessels with authorization to shoot on sight.\(^{102}\) The subterfuge worked, because while the details are unclear, it did happen. A few weeks later the storage warerooms were hosting police training, not liquor.\(^{103}\)

\(^{100}\) “Booze Will Die by Pile Driver Route,” Commercial Appeal, April 9, 1920.

\(^{101}\) The federal government allowed the use of intoxicating liquor, although only one-half of one percent, in the preparation of foods and manufacture of liquid foodstuffs like soups or preserving fruit flavoring. “Liquor May Be Used,” Commercial Appeal, July 18, 1920; “Marshal Boxes Booze for Shipment North,” Commercial Appeal, April 14, 1920.

\(^{102}\) “‘Mr. Booze’ Ready to Bid Memphis Good-by,” Commercial Appeal, June 12, 1920.

This was hardly the last incident, though. Storage hassles were a constant problem throughout the entirety of prohibition, and one that was not limited exclusively to alcohol. The law authorized the seizure of everything used in the production of alcohol, and that was often far more than just a still, mash, and liquor. When federal agents busted Benjamin Jones and Jimmie Britton outside Memphis in December 1920, for example, they took into custody 700 gallons of beer, twenty-eight fermenters, two copper stills, worms, caps and a copper test vial—all fairly straightforward items that would either be destroyed or stored as evidence. Yet that was not all; they also found 200 pounds of sugar, several five-gallon jugs, a fruit-stewer, metal furnace, oil-heating stove, garden rake, seven pounds of soldering, measuring cups, two buckets, one tent, one cot, two oil cans, two lanterns, two coffee pots, and two coats. Even if this haul was uncharacteristically large (it was not), the sheer number of raids executed in Memphis and Shelby County by city, county, and federal agents made storing

104 In late September 1932, federal agents executed a surprise raid on the Lipman Brothers Grocery store on North Second Street. Inside they found more than $25,000—the same buying power as over $434,000 in 2015—worth of sugar, meal, kegs, and other “essentials of the liquor trade.” Captain Ed Larkin declared the haul so large it would take all day and night to remove. Indeed, the cache ultimately proved larger than the Federal Building’s storage area; they actually had to rent additional space to handle the result of this massive raid. United States Department of Labor, Bureau of Labor Statistics, CPI Inflation Calculator, http://www.bls.gov/data/inflation_calculator.htm (accessed August 5, 2015); “Lipman Brothers’ Store Visited By Federal Raiders Following Ambushing Plot,” Evening Appeal, September 24, 1932.

105 When agents executed a raid on Albert Anderson and W.W. Boyles in 1920, they took all “property then and there designated for the manufacture of intoxicating liquors intended for use in violating the laws of the United States. This included two 150-gallon stills, three copper caps, two copper worms, one upright boiler, one heater stove, three gasoline lamps, four sheets galvanized iron, five galvanized buckets, three earthenware jars, one gasoline blow torch, one ash can, one axe, 2,050 gallons of beer, 54 fermenters, 1,600 pounds of sugar, 1,500 pounds feed meal. Even when authorities found only distilling equipment, but not any actual liquor, the law still authorized them to seize it. United States v. Albert A. Anderson, W.W. Boyles, #1009 (1920), NAA; “Liquor Raids Net Six,” Commercial Appeal, February 16, 1924.

106 United States v. Benjamin Jones and Jimmie Britton, #1017 (1920), NAA.
everything a logistical nightmare. As a result, confiscated materials went towards practical or charitable purposes whenever possible.107

The primary metal in safe, decent stills is copper, so it was common for authorities to sell copper stills and components for scrap. While hardly enough to offset the tremendous cost of enforcement, this did direct revenue from the precious metal back to city or county coffers.108 The same held true for vehicles or machines used in the commission of a crime. Authorities routinely confiscated cars, trucks, wagons, and boats during raids, and legal outcomes determined whether that property returned to its original owner.109 When guilty, ownership transferred permanently to authorities who used periodic auctions to liquidate inventory, running announcements and classified advertisements to alert interested parties.110 Although ironically, this provided bootleggers with the information necessary to arrange proxy bidders to buy back their seized property. Seized alcohol also became part of the war effort during World War I. Confiscated booze went from the sheriff's office or police department to federal authorities, who then double distilled the alcohol and sent it to the War Department for

107 As the Commercial Appeal explained of a liquor cache seized in 1917, the federal government’s options when it came to seized alcohol were “double distilling to extract the alcohol for war uses or until more little shorties [meaning, more seized alcohol] come, and so cramp the space in the vault that they will be taken to the river bank and poured out.” “Shorty’s Cortege Soon Will File By,” Commercial Appeal, December 16, 1917.

108 “Stills Go to Perry,” Commercial Appeal, July 12, 1921.

109 This occurred under both state and federal prohibition, as the Volstead Act also allowed for the seizure, impoundment, and sale of vehicles used to transport alcohol. Sources detail the confiscation of cars, trucks, and boats throughout prohibition. “Seize Foreign Ships Violating Dry Laws,” Commercial Appeal, October 12, 1920; “Officers Raid Still; Two are Arrested,” Commercial Appeal, October 16, 1920; “Seize Four Autos,” Commercial Appeal, January 31, 1923; “Sheriff Raids Giant Moonshine Plant,” Commercial Appeal, October 4, 1924; Wells v. State, 174 Tenn. 552, 129 S.W.2d 203 (S.C. TN 1938).

distribution among medical branches of the armed service.\textsuperscript{111} Sugar seized by federal agents in Memphis raids similarly went to the Red Cross during the conflict.\textsuperscript{112} Sheriff Knight managed to merge practicality and fantastic irony in 1924. Successful raids that summer meant many bootleggers were in custody, and Sheriff Knight ordered the large quantities of confiscated sugar and meal sent to the county jail alongside them. More specifically, he sent the foodstuffs to the kitchens. Thanks to his “waste not, want not” approach, bootleggers enjoyed their former liquor-making provisions in their coffee and cornbread at mealtime.\textsuperscript{113} Yet, Sheriff Knight was also known for altruistic protocols, as he often donated confiscated items (when appropriate) to charitable organizations. Five hundred pounds of sugar accumulated during liquor raids, for example, went to several orphanages, the Crippled Adults’ Hospital, and the Crippled Children’s Hospital in the spring of 1926.\textsuperscript{114}

As prohibition wore on, authorities continued to distribute seized material and save samples and bottles for evidence in court, but they were increasingly unable to trust that seized alcohol was donation worthy. Said plainly, there was simply too much adulterated booze on the market to risk sending a potentially poisonous substance to medical patients or aid societies. As a result, officers “exercised their right arms” breaking bottles, as the \textit{Commercial Appeal} quipped in 1915, and sent even more

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\textsuperscript{114} Other agencies embraced the same practice. Thanks to a quiet eight-week campaign, executed by fourteen top federal agents in the mountains of Tennessee, Alabama, Georgia, and the Carolinas in 1918, the Red Cross received a staggering 21,000 pounds of confiscated sugar. “Government Agents Round Up Moonshiners,” \textit{Commercial Appeal}, August 31, 1918; “Sheriff is to Give Sugar to Orphanages,” \textit{Commercial Appeal}, April 26, 1926.
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alcohol down drains and street gutters. In October 1921, Bertram Bates poured four hundred gallons of corn whiskey worth $6,000, the largest batch seized in the previous month, down the drain of a bathtub at the Memphis Police Department headquarters. Bystanders gathered to watch the destruction of seized alcohol in 1922, but because of the fumes, “the air was so foul” that many abandoned the area—and the officers tasked with the job still had several hundred gallons to go. Although both of those incidents paled in comparison to the estimated $30,000 to $40,000 worth of liquor poured down a gutter in the courthouse yard in 1918.

Confiscated material was a constant headache, but unlike authorities, some bootleggers did not consider ownership permanently transferred when the spoils of a successful raid made it back to headquarters. It cannot be underestimated how valuable liquor plants were, and what a tremendous financial hit it was to have a top-shelf operation seized. When agents seized E.A. Laughter’s 1,000-gallon steam-powered still in 1926, for example, it was valued at $6,000—the buying power of just over $80,000

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115 Pouring out confiscated booze happened throughout prohibition. The Commercial Appeal humorously recounted one 1914 raid, describing how a “regular rivulet of joy water flowed across the floor of the place and into the street.” When asked the extent of his experience with whiskey in 1922, Agent L.B. Morey testified that he had “handled quite a bit” of confiscated booze. They have kind of designated me to pour liquor out and get rid of it,” he explained. Prohibition agent Sam Holt’s wife even got in on the action in February 1921, breaking the heads out of keg barrels and overseeing $3,000 in liquor poured into Memphis sewers under orders from the Treasury Department—instructions sent to various districts to clear out existing liquor caches seized by federal agents. “Saloons Raided and Stock is Destroyed,” Commercial Appeal, June 29, 1914; United States v. John Gammon, #1383 (1922), NAA; “Woman Assists in Destroying Liquor,” Commercial Appeal, February 20, 1921.


117 This was not a short task. “It required half an hour of hard work for the two deputies to smash the bottles,” the Commercial Appeal explained. “Liquor in Quantities Flows into Sewers,” Commercial Appeal, December 17, 1922.

118 “Alcoholic Fumes Fill the Air as Booze is Poured in Sewer,” Commercial Appeal, June 7, 1918.
adjusted for inflation.\textsuperscript{119} That type of money made some unwilling to simply concede defeat and start over from scratch, especially when everyone knew the location of confiscated stills and liquor. The most brazen decided one good turn deserved another, and tried to steal it back.

Sometimes these efforts were unsuccessful. Cops anticipated there might be trouble when they seized a barge with two massive 2,000-gallon stills and a large cache of sugar at the south tip of President’s Island in 1923, so a detail of four officers went to guard the lot. That preparation proved wise, because overnight eight men arrived in automobiles and tried to get onto the barge. Outmanned and outgunned, it was only thanks to the ace shooting of Patrolman England that the would-be thieves decided to turn back.\textsuperscript{120} In October 1920, thieves actually made it into the storage room holding confiscated booze for upcoming trials and successfully removed sixteen cases of whiskey without detection.\textsuperscript{121} The most curious heist, however, was the re-appropriation of a behemoth liquor plant Deputies Beaty and Willis had captured in April 1923.

Described as the largest confiscated in Memphis and the region, this 1,000-gallon still boasted a huge steam boiler made of iron, required 100 feet of coil, stood on a huge foundation, and used a firebox large enough to consume four-feet long pieces of wood. It languished in police custody for a month, but then suddenly vanished, “as if the earth had opened and swallowed it.” How the thieves managed to boost it was entirely unclear; the operation was so massive it took large-scale transport to move, but


\textsuperscript{120} “Police Battle ‘Shiners,’” Commercial Appeal, May 15, 1923.

\textsuperscript{121} “Fifty Years Ago,” Commercial Appeal, October 28, 1970.
authorities had it stored in a location without easy railroad access. The details were a mystery but as the Commercial Appeal noted, “somebody, somewhere, is in possession of a still big enough to supply half the bootleggers of Memphis and at a retail bootleg price of $1 for a half-pint…capable of turning $15,000 worth of booze per single run, and they’re making it overnight, according to semi-authoritative advice.”

Executing a successful raid was not always an easy task, even when authorities unequivocally knew alcohol was inside a building, business, or on the property. In 1922, for example, officers sent African American George Chappell (under indictment for a liquor violation himself) into Joe Matroni’s store to buy whiskey. Authorities searched his person for contraband, handed him a dollar, watched him walk inside, and then immediately rushed the store after Chappell returned with a half-pint of whiskey. Yet they still searched the small business for over an hour to find the booze. It turned out there was a trapdoor, hidden by sawdust, lead to a cellar underneath the building. There they found two five-gallon demijohn containers of moonshine whiskey.

Rural or remote location raids were even more difficult, and certainly not for the faint of heart or easily out-of-breath. Moonshiners purposefully chose backwoods and outland places, so lawmen had to go there to make the arrest. In 1924, agents hiked the entire Nonconnah Creek bottom’s brambles and cane and then crossed two creeks on

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122 Assumedly to answer any questions about whether they were involved in, or responsible for the disappearance, the Commercial Appeal noted in their coverage of this theft that the officers responsible for the bust, deputies A.E. Beaty and C.E. Willis, have a record for making arrests when they seize wildcat stills, and they enjoy the confidence and respect of Judge J.E. Richards, Judge Thom Harsh and Attorney General S.O. Bates of the Criminal courts.” “Shiners Steal Giant Still From Deputies,” Commercial Appeal, May 15, 1923.

123 United States v. Joe Matroni and Elisha Stone, #1388 (1922), NAA.
foot logs to find fourteen barrels of mash hiding in the thicket covered by paper.\footnote{124}{Agents often followed streams and rivers to locate this type of remote distillery, because making booze without a reliable water supply is impossible. Raiders told newspapers in 1917, for example, that they rarely found stills away from streams or springs. "Seven Stills in Week, New Sheriff's Record," \textit{Commercial Appeal}, February 3, 1924; "Moonshiners at Work in Bone Dry States," \textit{Commercial Appeal}, December 24, 1917.}

“When the water gets shallow,” a moonshiner told reporters of local prohis in 1935, “they hop right out in the water and go ahead. The other day a bunch of them waded into a slough over their head. They just stuck their pistols up in the air, swum with one hand, and went ahead until they could walk again. Ain’t no stopping’ those guys.”\footnote{125}{Most, but not all raids happened by land or water. Coast Guard brass dispatched air Lieutenant C.F. Edge, commander of the air patrol unit at Dodd Field at San Antonio, Texas to Memphis to “hunt whisky stills from the air,” and that is exactly what happened. “Why that thing’s just like a buzzard,” a Memphis liquor dealer declared of the reconnaissance plane flying missions in the Memphis area in July 1935. "When it sees a still it starts buzzin’ round in circles and dropping down to the tree tops. And that ain’t all—a little later them guys show up," \textit{Lawrence Journal-World} (Lawrence, KS), April 4, 1931; \textit{St. Petersburg Times} (St. Petersburg, FL), April 5, 1931; "High Water and Coast Guard Make It Tough for River Moonshiners," \textit{Commercial Appeal}, July 2, 1935.}

Tenacity aside, there were differences of opinion on how to best approach raids, and although agencies often worked together to amplify their forces, that did not mean they had the same enforcement agenda.\footnote{126}{In April 1931, for example, Prohibition Director W.W. Woodcock announced a collaboration between Arkansas and Tennessee agents to destabilize what he deemed to be “large scale moonshining operations” on the Mississippi River. Woodcock argued that the lack of systematic cooperation between multi-state agents facilitated the growth of water-based booze trade, and specifically that flowing into Memphis. The success of that partnership proved limited, as evidenced by the introduction of the United States Coast Guard to combat liquor in Memphis four years later. \textit{Lawrence Journal-World} (Lawrence, KS), April 4, 1931; \textit{St. Petersburg Times} (St. Petersburg, FL), April 5, 1931; \textit{St. Petersburg Times} (St. Petersburg, FL), April 5, 1931.}

“The work of the prohibition agent is to cut off the source of supply, the still, and to stop transportation,” declared Tennessee Prohibition Director W.A. Smith in 1924. “The pocket flask offender should be taken care of by the civil officers.”\footnote{127}{W.A. Smith made these comments in a conference with Federal Prohibition Directors Thad W. Bowden and M.H. Dailey, head agents of Arkansas and Mississippi, respectively. The purpose of the meeting was to address how their agencies could better enforce prohibition given states’ close proximity and jurisdictional boundaries, which bootleggers exploited like clockwork. "Booze Running Boat Coming to Memphis," \textit{Commercial Appeal}, February 7, 1924.}

The philosophies of those civil officers also changed over
time, though—in ways that ring equally true for the late-twentieth-century “War on Drugs.” In a nutshell, should they treat the symptom or the cause of the disease: target small bootleggers and drinkers or the kingpins providing the booze, who enjoyed layers of insulation and protection? Evidence suggests they vacillated on this issue (and that enforcement drives were episodic), but Sheriff Perry added a little World War I humor to his vow of hardnosed enforcement in 1918. “I intend to make whisky sell at such a premium that it will be less of a hardship to buy Liberty bonds than it will be to buy and sell whisky for those who sell it now,” he declared.128

Others offered evidence of more specific tactics. “Spectacular raids do not bring results,” Commissioner Thomas Allen declared in August 1921, of the decision to scrap a massive clean-up campaign. “We will stage raids on certain parties when least expected.” After this particular series of raids, he remarked, “the crooks have crawled into their holes.”129 W.S. Knight brought a similar perspective to the job of Shelby County Sheriff in 1924 (after the death of Oliver H. Perry), declaring it necessary to destroy stills, but not sufficient to rid the county of liquor.130 Instead, he advocated a two-pronged approach: “get the men as well as the stills.”131 “If the proprietor and

128 “Three Men Try to Get Whisky From Sheriff,” Commercial Appeal, October 1, 1918.


131 Other officers embraced this same logic of getting both the booze and the violator. When officers confiscated 648 gallons of booze from an unmanned garage on South Fifth Street in 1923—the largest single raid to that date—for example, it was to the chagrin of Captain Mike Kehoe who wanted to uncover those responsible, not just their merchandise. “A watch should have been kept over that place for a week, if necessary, in order to find who was storing the whisky,” he lamented. “‘Corn’ Whisky Fills Station After Raid,” Commercial Appeal, March 30, 1923; “Seven Stills in Week, New Sheriff’s Record,” Commercial Appeal, February 3, 1924; “Sheriff’s Men Get Still; Capture Negro,” Commercial Appeal, February 23, 1924.
workmen have to do some time in the workhouse, they will not be so apt to resume after their temporary absence," Knight argued, and he practiced what he preached. During his first week in office Knight’s forces broke the record for most still raids in a single week, seized seven distilleries, confiscated a large amount of moonshining supplies, and made numerous arrests.¹³²

Sometimes equipment could be a hindrance for those enforcement efforts. Not every bootlegger had the biggest, best, and fastest tools on the market, but overall, criminals outpaced law enforcement where technology was concerned.¹³³ They simply had the money to buy cars, trucks, boats, and planes, and modify them for maximum performance. Law enforcement, on the other hand, had limited operating budgets. The Memphis Police Department supplemented “Black Maria,” the nickname for its patrol

¹³² Commercial Appeal editor C.P.J. Mooney applauded Knight and his men for “bringing home the bacon” where prohibition enforcement was concerned. “Sheriff Knight and his deputies are making moonshining a hazardous business; and if they keep up the pace they have set it will not be long until moonshining in this county is an obsolete business.” That ultimately did not happen, but between the winter of 1923 and August 1924, Knight did see to the destruction of more than three hundred illicit distilleries. “Seven Stills in Week, New Sheriff’s Record,” Commercial Appeal, February 3, 1924; “Drying Up the Booze Fountains,” Commercial Appeal, February 16, 1924; “Bringing Home the Bacon,” Commercial Appeal, February 21, 1924; “Seize Big Still After ‘Shiners Attack Boys,” Commercial Appeal, August 4, 1924.

¹³³ What some bootleggers lacked in expensive vehicles and tools, they made up for in chutzpa. Deputies felt confident they had a foolproof plan for capturing bootleggers in May 1922: they parked their Ford across the Hindman Ferry Road, blocking the only escape route. Rather than stop when they saw the road block, however, the bootleggers “managed the impossible” by gunning the engine and careening down the narrow road—surrounded on either side by ten feet of water—at thirty-five miles an hour, leaving the officers in the dust. “There was not room for a wheelbarrow to get around the Ford,” Deputy Armour later told newspapers. When John L. Rieberi took Captain Couch on a wild car chase in 1917. At a “45-mile an hour clip… the machines raced, their horns working incessantly,” and when they approached a railroad crossing, Rieberi did not touch the brakes, launching over the tracks at high speed. It broke his vehicle’s front spring, but he never slowed down, outpacing the lawmen once they got into the countryside, prompting Couch to abandon the chase. Ultimately, however, Couch had the last laugh. He waited an hour or so at Rieberi’s job, and when he returned, arrested him. Inside the car were four cases of whiskey, a five-gallon jug, and forty-eight bottles of gin in a sack. “50 Years Ago,” Commercial Appeal, May 4, 1972; “Captain Couch’s Squad Spends a Busy Day,” Commercial Appeal, January 2, 1917.
wagon, with the force’s first two motor vehicles in 1910, but the force continued to move mostly by foot, horse, and wagon, during state-level prohibition.\footnote{Besides horse, wagon, and foot, the department did briefly experiment with bicycle units. For seven months the Barksdale station replaced its horses with bicycles—under the premise that bicycles were quieter than horses, and thus the officers could “slip up” on criminals—but that did not go over well with the officers instructed to ride them. They found the machines “undignified” and purposefully broke the wheels to avoid the assignment; Sergeant Camferdam, furious after crashing his bike, actually pulled his pistol and threatened to shoot it for revenge. Prior to 1915, there were two also “emergency officers” rode motorcycles to answer calls all over the city; but in 1915, Fords replaced them. To speed up pursuit, the department installed radios on motorcycles in 1937. Since officers rode in pairs, they put radios on twelve machines—although they mounted those radios over the rear wheel, which made the bikes wobbly at high speeds. “Another Step in Crime War,” \textit{Memphis Press-Scimitar}, December 21, 1937; “Horse and Buggy Used,” \textit{Commercial Appeal}, January 1, 1940; “Clattering Of Hooves Was Curfew,” \textit{Memphis Evening Appeal}, March 16, 1932; “City’s Police to Mark 100th Birthday Soon,” \textit{Memphis Press-Scimitar}, December 18, 1937; “Policeman of 100 Years Ago Had No Radio or Siren, He Routed Crime With His Trusty Rattle and Lantern,” \textit{Memphis Press-Scimitar}, February 24, 1939; “Cops Disliked Bicycles,” \textit{Commercial Appeal}, January 1, 1940.}

Figure 9-3. “Black Maria.” The Memphis Police Department replaced “Black Maria” with an automobile, known to criminals as “the black hawk” or “the night hawk” because it caught criminals in its talons. “Bootleggers called it ‘the running devil.’” Rye, \textit{Shelby County}, pg. 18; Eddie M. Ashmore, “The History of the Memphis Police Department.”

By 1920, sergeants did have Model T’s, but even in 1930, the city boasted just seven squad cars—some illicit liquor dealers had more cars than that to make deliveries in the 1910s.\footnote{“Horse and Buggy Used,” \textit{Commercial Appeal}, January 1, 1940.} Still, to the chagrin of criminals, Memphis’ law enforcement mechanized, improved communication, and transportation. When escalating crime prompted the purchase of a more powerful riot car, for example, it earned the nickname
“black hawk” or “night hawk” because it caught criminals in its talons, while bootleggers called it the “the running devil.”

If these factors were not enough, an additional challenge came from people tipping bootleggers off in advance. Hardly relegated to Memphis, this problem plagued all departments. Tennessee Pure Food and Drug Inspector Harry L. Eskew—not a trained lawman, but a former traveling pharmaceutical salesman appointed to his position—found himself in the untenable position of trying to enforce state laws related to soft drink stands, restaurants, and drug stores, three of the most common fronts for illicit liquor. This brought them into conflict with bootleggers and prompted several dicey situations; his agents claimed that men followed them in a threatening manner after they tried to make purchases at the L.D. Rice Liquor Company in Chattanooga. Other bootleggers even sent Eskew anonymous letters daring him to try to catch them. The latter prompted Eskew to personally participate in a May 1916 raid with two deputy sheriffs—one of whom almost got hit in the head by bootleggers throwing a tub out the window to where he stood below—but all they found inside was one man, empty bottles, and destroyed evidence.


137 Pure Food and Drug Act of 1907, Sanitary Food Law of 1909, and Sanitary Hotel Measure of 1911—all with a team of just six inspectors, two chemists, two office assistants, a $25,000 budget, and under a microscope of public opinion. “Already throughout the State there has been severe criticism that this Department was being used entirely for the prosecution of the soft drink laws,” Eskew lamented in late 1916, “and we’re neglecting to enforce the laws for which the Department was originally created.” Eskew denied this accusation, but as historian Margaret Wolfe’s survey of newspapers and official documents revealed, the “thrust of the work was toward enforcement of the liquor laws.” Margaret Ripley Wolfe, “Bootleggers, Drummers, and National Defense: Sideshow to Reform in Tennessee, 1915 – 1920,” East Tennessee Historical Society’s Publications, 49 (1977): 77 – 91, 83;

When people questioned his department’s ability to catch large liquor caches but not similarly high numbers of arrest, Eskew pointed out how difficult it was to catch violators in the act, and particularly when shady authorities tipped them off in advance.\textsuperscript{139} Davidson County criminal court clerk Wiley Embry, for example, undercut a big raid by tipping off men within the Nashville-based Hartman Distilling Company and Thomason Brothers Company about injunctions secured against their businesses and forthcoming raids. It deprived authorities of a successful bust, but they charged all three parties with contempt of court. At that trial, Embry admitted to contacting Hartman first. When Eskew asked Hartman during the raid if he was trying to transport his liquor out of the state, Hartman replied, “Yes, by God, if they had given me a little more time I would have been moved.”\textsuperscript{140} At the ouster trial of Davidson County Sheriff Joe E. Wright, Eskew testified that even deputy sheriffs were notifying bootleggers about impending raids. Eskew believed that his small staff could make a big dent in illicit liquor if they were able to focus on it exclusively, but progress was difficult when others aided and abetted violators at every stage.\textsuperscript{141}

\textsuperscript{139} Knoxville authorities—indeed, law enforcers all across America—had this same problem of everyone from court clerks to elected officials tipping off bootleggers to impending raids. In Knoxville, the accusations held that cops were notifying soft drink stand owners before the service of distress warrants, so they could move their booze inventory before raids occurred. “Allege ‘Soft Drink’ Dealers Favored,” \textit{Commercial Appeal}, March 8, 1913.

\textsuperscript{140} Clerk Wiley Embry, Hartman Distilling, and Thomason Brothers all received contempt of court charges, and Embry somehow appeared in court with a legal team of ten attorneys who had allegedly volunteered their services to him. He admitted on the stand that he had contacted Ike S. Hartman (although he denied contacting the Thomason brothers) but declared he thought he was simply following protocol by informing the men that they were being filed against so they could get legal representation and surrender themselves to the police. Ultimately, the court found Embry not guilty, but Hartman received a $50 fine and six months in the workhouse. Margaret Ripley Wolfe, “Bootleggers, Drummers, and National Defense: Sideshow to Reform in Tennessee, 1915 – 1920,” \textit{East Tennessee Historical Society’s Publications}, 49 (1977): 77 – 91, 86.

\textsuperscript{141} Eskew echoed the testimony of other witnesses that Sheriff Wright was allowing bootlegging, but the state supreme court ultimately reversed the Wright decision and he went on to be reelected. Margaret
Eskew and his department were not terribly involved in Memphis, but the Bluff City faced markedly similar challenges.\textsuperscript{142} Particularly when it came to authorities refusing to assist those actually trying to enforce the law, or even aiding and abetting violators.\textsuperscript{143} Just as it was for Eskew in Nashville, the reality of tipping violators off in advance made the business of law enforcement even more difficult.\textsuperscript{144} Captain Couch executed a raid on underworld kingpin Jim Kinnane in early July 1916, for example, but came up empty-handed—an outcome the rumor mill attributed to leaked information that gave Kinnane time to clear out.\textsuperscript{145}

The sum of these factors made it necessary for authorities to devise new schemes to keep up with bootleggers who were also constantly devising new ways to turn a profit—including impersonating law enforcement. One gang successfully boosted twenty-seven cases of liquor from an Illinois Central passenger train at the Memphis Grand Central Depot in 1917—right under the noses of policemen—by pretending to be U.S. Marshals.\textsuperscript{146} That same gang of “pseudo raiders” managed to rob a well-known

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\textsuperscript{142} Nashville Tennessean and American, March 12, 1916.

\textsuperscript{143} As detailed in chapter 4, Memphis and Mayor Crump garnered a reputation for refusing to enforce liquor legislation, much to the chagrin of Governor Ben Hooper. Hooper did not take kindly to local bosses like Crump undercutting state laws to the point they became useless in the state’s largest cities, and rather than accept defeat, he pushed for a mechanism to kick malfeasant officeholders out of their positions. The solution was the Ouster Law of 1915, which captured Boss Crump in its crosshairs. For more on the ouster dramas of 1915 and 1916, see chapter 6.

\textsuperscript{144} Armed with hatchets and axes, twenty cops were loaded into two patrol wagons and taken to Kinnane’s place on Winchester and Front Street. They fanned out around the block and quickly descended on several buildings in masse. Yet they failed to find any incriminating evidence, which reportedly was due to leaked information that gave Kinnane time to prepare. “Deputies in Vain Search for Liquor,” Commercial Appeal, August 19, 1915; “Alleged Lid Tilters Fined in City Court,” Commercial Appeal, July 4, 1916.

\textsuperscript{145} “Alleged Lid Tilters Fined in City Court,” Commercial Appeal, July 4, 1916.

\textsuperscript{146} “Booze Peddlers Become Dangerous,” Hartford Republican (Hartford, KY), March 29, 1918.
smuggler moving a load to the riverbank by rushing the scene, firing their pistols, and yelling out the names of U.S. Marshal Stanley Trezevant’s deputies to make it seem authentic—and it worked. The original owners of the whiskey panicked, fled, and the gang made off with thirty-five cases of booze.\footnote{147}{“Booze Peddlers Become Dangerous,” \textit{Hartford Republican} (Hartford, KY), March 29, 1918.}

With so much money on the line, it was perhaps inevitable that tensions escalated between lawmen and bootleggers as prohibition wore on. To be sure, enforcing it could be a rough gig. It was late nights, long distances, unsuccessful raids, and uneventful stakeouts, punctuated by moments of adrenaline.\footnote{148}{Sheriff’s deputies A.E. Beaty and C.E. Willis, two of the most prolific raiders of prohibition-era Memphis, provide a good example of how laborious and sometimes unsuccessful enforcement tasks could be. During an April 1923 stakeout, they hid in the thicket to catch operators of a massive Nonconnah bottoms still for a staggering eighteen hours, overnight and into the next day, but the moonshiners never appeared. Reports held that someone tipped the moonshiners off in advance, ensuring Beaty and Willis went home empty handed. “Beaty and Willis Get Record Still,” \textit{Commercial Appeal}, April 12, 1923.}

Whether on the city, county, or federal payroll, policing illicit liquor was an inherently dangerous task where sometimes even routine assignments turned violent.\footnote{149}{“Negroes Fire at Patrolmen,” \textit{Commercial Appeal}, May 31, 1909; “Booze Peddlers Become Dangerous,” \textit{Hartford Republican} (Hartford, KY), March 29, 1918.}

Grocery storeowner Lorenco Clifton was not happy when patrolmen searched his business in September 1915, for example, and even more displeased when they found his whiskey and beer stash. Clifton paid the $50 fine (until the ousters of 1916, it was common practice to let persons arrested for misdemeanor offenses immediately pay their fine and skip going to jail), yet the instruction to close the store proved to be his tipping point.\footnote{150}{The practice of allowing misdemeanor offenders to pay fines directly to beat cops, thus bypassing the time and paperwork of going to police headquarters, ended following the ouster trials of 1916. After that point, anyone charged with violating a state law was required to post bond. “Bertasi and Tonoli are Freed by Jury,” \textit{Commercial Appeal}, March 30, 1920.} When the cops stepped outside, Clifton locked the door behind them, procured a Winchester rifle,
declared he was “from Mississippi and would show them a few things about the bootlegging business,” and proceeded to open fire on the unsuspecting officers through his own plate glass window. Luckily, no one was injured, and the (no doubt incensed) patrolman busted down the door and forcibly took Clifton into custody where he later received intent to kill and manslaughter charges.\footnote{151}{"Blind Tiger Operation Shoots at Policemen," Commercial Appeal, September 26, 1915.}

Not all law enforcement officers escaped injury in the line of duty, however.\footnote{152}{Some injuries happened because of criminals, while others were simply accidents. Four patrolmen were injured for example, when a riot gun accidentally exploded as they waited to intercept a caravan of eight cars carrying liquor to Memphis from Arkansas in February 1925. “Four Policemen Shot as Riot Gun Explodes,” Commercial Appeal, February 14, 1925.}

Family members faced the real possibility of their loved ones not coming home, because it happened all too often across the country.\footnote{153}{Fears of moonshiners taking retribution on lawmen was very real, as A.E. Beatty and C.E. Willis, two of Memphis' best raiders, discovered in May 1923. While out on a stakeout that produced the successful capture of a still and arrest of its operators, a milkman stumbled upon their hidden vehicle in the Nonconnah bottoms and reported it to the sheriff. Given that they had been gone all night, some feared they had been killed, given that they, as the Commercial Appeal reported, were “in disfavor with the moonshiners because they have a habit of getting both stills and the men in charge of them.” “Beaty and Willis in Night Vigil at Still,” Commercial Appeal, May 9, 1923.}

Federal prohis executed three raids in a week in rural Kentucky in 1922, for example, and returned to their Lexington headquarters with a dead agent each time.\footnote{154}{An incident closer to Memphis came in 1924, when three bootleggers murdered prohibition agent Dan S. Cleveland in Mississippi. “Third Dry Agent Shot to Death in Kentucky,” Commercial Appeal, December 16, 1922; “Three Indicted for Dry Raiders’ Death,” Commercial Appeal, August 6, 1924.} Such violence hardly relegated to the countryside. On the suspicion of illicit liquor sales inside, Memphis police officer E.T. Broadfoot went into the Preferencia Café on South Main Street in February 1918 and instructed a known black bootlegger to stand up for a search. Rather than comply, the man pulled an automatic pistol and started firing. The first shot hit Broadfoot in the forehead, killing him instantly. Memphis' close proximity to other states helped
bootleggers when it came to booze, but also when it came to escaping: Broadfoot’s killer evaded arrest by making it across the state line into Mississippi.155

These were not the only deaths, and as time progressed, violence only escalated between lawbreakers and enforcers.156 “Gradually, week by week, the gangsters who sell booze have become more dangerous,” the Commercial Appeal observed in 1918.157 “Time was, a year, ago, when bootleggers or the runners who bring booze in from points in wet states, never dreamed of showing a fight,” the paper continued. “All that is changed now, for from the revolvers with which they were armed a year ago the United States marshals now have graduated to automatic shotguns and far-shooting heavy caliber rifles. And they have been forced to it in defense of their lives…The raiders are rarely able to take the booze runners now without more or less shooting.”158 These trends only continued. When Sergeant W.D. Stallings tried to arrest bootlegger Percy

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156 Some bootleggers went to the extreme to avoid arrest. In the spring of 1931, Officers H.G. Crum and A.B. Randle were driving on Walker Avenue when they noticed a Ford Coupe in front of them with a black man, Willie Jackson, driving who kept looking back at the officers. So they lit out after him and after a brief chase, Jackson bailed from the car. As the car careened across the street and wrapped around a telephone pole, Jackson took off on foot. Crum followed him as they chase went between houses while Randle went to head him off around the corner. As Randle cut him off, Jackson pulled out a pistol and started shooting. Crum then shot and dropped Jackson to the ground. After they secured Jackson, they discovered a quart of red whiskey in the front seat. Jackson said he was delivering whiskey for Paul Bomarito. Willie Jackson, Report of Homicide, 10 May 1931, Shelby County Archives, Memphis, Tennessee (hereinafter SCA); “Drunken Negro Shoots Motorcycle Police,” Commercial Appeal, August 23, 1914.

157 Memphis’ ongoing battle with bootleggers proved newsworthy enough for the Hartford, Kentucky Republican to reprint a 1918 assessment of current conditions, noting that “Hunting Memphis booze smugglers is becoming even more thrilling than nailing the bucolic moonshiner in his mountain lair.” “Booze Peddlers Become Dangerous,” Hartford Republican (Hartford, KY), March 29, 1918.

158 To the question of why violence escalated in this manner, the Commercial Appeal mused, “Perhaps it is a psychological change due to their constant infraction of the law, to association with the class of dare-devils involved in the nefarious traffic, to the fact that frequently when caught the booze-runners are half wild from copious use of their own bottled goods.” “Booze Peddlers Become Dangerous,” Hartford Republican (Hartford, KY), March 29, 1918.
Smith, Smith shot him.\textsuperscript{159} Moonshiners ambushed a raiding party in Putnam County, Tennessee, killing one officer in February 1915.\textsuperscript{160} The newspaper noted the following year that local bootleggers were “willing to commit violence if need be to land their cargos of whisky inside the city.”\textsuperscript{161}

To be sure, statements from law enforcement officials made plain a commitment to non-violent tactics. As Tennessee’s prohibition chief W.A. Smith declared in 1924, “Machine guns have no place in our programme…we go armed only for defense and not to kill in cold blood.”\textsuperscript{162} Yet other sources suggest the inclination for force ratcheted up right alongside bootlegger’s inclination to employ brutal violence. Charles Jackson, for example, testified that agent Bertram Bates held a gun to his head and threatened to kill him on two occasions if Jackson did not swear the whiskey he had in his possession came from Walls, Mississippi—thereby ensuring Bates could bring him up on charges of violating the Reed Amendment by moving it across state lines.\textsuperscript{163}

Many texts identify lawlessness as a defining characteristic of prohibition-era Memphis, and that term is often associated with anarchy or chaos, but this was not exactly the case in Memphis. To be sure, conditions in Memphis were not unlike those found in other cities with a similar reputation for disregarding prohibition. Gambling houses were open, saloons were dispensing drinks, and everyone knew it. This is not to say the authorities did absolutely nothing, however. City and county officers arrested

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\textsuperscript{159} Albert Donoho, Report of Homicide, 2 January 1933, SCA.
\textsuperscript{160} “Posseman Killed in a Moonshine Fight,” Commercial Appeal, February 11, 1915.
\textsuperscript{161} “July Will Bring Relief from Booze,” Commercial Appeal, June 7, 1919
\textsuperscript{162} “Booze Running Boat Coming to Memphis,” Commercial Appeal, February 7, 1924
\textsuperscript{163} United States v. B.F. Crockett and Charles Jackson, #694, NAA.
hundreds of people for booze, and courts (to their detriment) were overwhelmed with liquor cases. Yet the hammer did not fall evenly on wrongdoing.

Figure 9-4. “Applause From the ‘Gallery.”’ Commercial Appeal, July 3, 1927.

Being a cop in Memphis meant developing selective hearing and vision. Certain people had immunity, and officers knew who to leave to their own devices—but

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164 Liquor law violations weighing down court dockets happened everywhere, it simply happened longer in Memphis because of the combined length of state and federal bans. Indeed, there were enough violations to warrant setting Thursday aside as the “Booze and Beer” day in criminal court in August 1909. There appear to be some scheduling changes (in 1914, Judge Jesse Edgington made Tuesday his court’s “four-mile day” for dealing with Four Mile Law violations, while the first criminal court tried all liquor cases on “Booze Friday” in 1917), but the distinction persisted, with Thursday identified as the “weekly bootlegger’s day” in 1919. Prohibition violations continued to bog courts down into the 1920s. The majority of the 350 cases on the docket as of January 1, 1923 were for liquor infractions, with J.W. Ross set to hear seventy-five cases on Monday alone. “Thursday is to be Booze Day,” Commercial Appeal, August 4, 1909; “Criminal Judge Sounds Grand Jury,” Commercial Appeal, March 14, 1914; “Booze Friday Brings 19 Cases to Courts,” Commercial Appeal, December 15, 1917; “Booze Cases Come Up,” Commercial Appeal, December 22, 1917; “Bill McVey Faces Trial on Thursday,” Commercial Appeal, January 5, 1919; Cheer Up, Boys! Be Ready to Face Judge,” News Scimitar, January 1, 1923.
that immunity was not free. Crump’s machine seized upon the opportunity prohibition provided, making it another source of leverage and power. As R.S. Keebler explained in 1917, liquor dealers had a choice: comply with the political machine’s demands, or see business go under. Most selected the former, made large contributions to political campaigns, and facilitated the machine’s use of African American votes. Although it is important to recognize that sanctioned vice and routine payoffs long existed before Edward Crump’s reign and political machine.

In 1967, W.W. Busby reflected back on his youth in early-twentieth-century Memphis, noting how beat cops expected gifts around the holidays. “In Pinch the policemen on the beat canvassed the businesses on Main for Christmas gifts, a chicken or goose at the butcher; groceries and goodies at the grocers; gloves, underwear, socks or even a pair of shoes from the dry goods man and a great big bottle from each saloon keeper,” Busby explained. “It was not graft, just a premium for the protection day and night that helped make Pinch a good place to live and raise a family.” Busby did not

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165 Collusion between police and saloons was particularly common with regard to Sunday closing laws. Many cities and towns had legislation that specifically prohibited the sale of alcohol on the Sabbath, but many laborers had that day free from work. The potential profit was too tempting, and saloonists greased the necessary palms to keep running.

166 As Keebler explained, liquor dealers “were forced to register migratory negroes (sic) and to turn over the fraudulent registration certificates to the machine, which placed them in the hands of repeaters on Election Day.” Allegedly, 10,000 of these questionable votes went into the August 1914 election, but in 1917, the state legislature made paying poll taxes to influence elections and collecting registration receipts like this a felony. For the Crump machine, this system did more than foot the bill. It also acted, to a certain extent, as a safety valve. As Wayne Dowdy explains, connections with the underworld made it possible to restrict illicit activity geographically. This was invariably to poor areas of town, and thus away from the middle class—out-of-sight, out-of-mind. Further, Dowdy notes this system was Crump’s method of balancing two critically important, albeit vastly different objectives: maintaining machine power, and appeasing voters. Staying in power required winning elections, and those did not come cheap. Money from the criminal class made it possible to execute successful campaigns, and cash from gambling and booze—rather than taxpayer money—provided free food at Democratic Party rallies and events. For more on the symbiotic relationship between the Memphis underworld and the Crump political machine, see chapter 6. Dowdy, “Sin in Memphis,” 174; Keebler, “Prohibition in Tennessee,” 681.

conceptualize this as malfeasance, but it did violate state law. Musician Thomas Pinkston recalled similarly entrenched, normalized practices. “You had to pay him so you could operate and the police come collect every Monday,” musician Thomas Pinkston explained of Memphis law enforcement. “They had one policeman down there was name of Littlejohn. He got rich. He collect shakedown out of all the policy houses, crap houses and whiskey houses and the prostitution houses. All of them had to pay off.”¹⁶⁸ Vice in Memphis was large and elaborate, but that system boiled down to one single truth: you had to pay to play.

Sources suggest the machine ran a seemingly tight ship. Crump made strong declarations about his intolerance for charges of corruption against individual rogue officers, and actually offered a reward for any credible evidence (he stated plainly he would “entertain no anonymous charges”) of wrongdoing. “Under no circumstances should anyone receive a dollar for anything without having the matter first submitted to commissioners for approval,” Crump wrote in private correspondence to Commissioner R.A. Utley in 1914.¹⁶⁹ Glad-handing outside machine dictates was simply unacceptable, and periodic firings (like the member of the mounted police who, while drunk, swam in

¹⁶⁸ Pinkston most likely spoke here of Officer B.F. Littlejohn. Whether Pinkston’s statements are accepted as fact or not, Littlejohn appears in the records for other questionable behavior. In 1920, for example, attorney A.B. Galloway accused Littlejohn of arresting his client, Will Manley, for a personal grudge in 1920. Littlejohn perhaps confirmed it when he lost his composure and tried to attack Manley in the courtroom—a scuffle that earned both pugilists a $10 fine for contempt of court—and then renewed the brawl in the hallway afterwards. “Policeman is Fined for Contempt,” Commercial Appeal, July 14, 1920; Thomas Pinkston, interview by Margaret McKee, October 31, 1973, page 23, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

the fish pool and tried to ride his horse into the bear cage at the city zoo) indicate he followed through.\textsuperscript{170}

The machine’s ability to turn the tide of vice with an announcement of the “lid” going on demonstrates the strength of this control. “Now if they operate when the lid was on, and the law checked ‘em, they had to go up to the station house. But when the lid was off, everything as wide open,” musician Alex Sims explained. “See some places regarded that because the law would come around and tell ‘em, say, the lid’s going to be on at such and such a time, don’t open up. They don’t open up.”\textsuperscript{171}

In sanctioning activities outside the law—liquor was just one of those vice activities—the Crump administration essentially created a de facto licensing system. Of course, finding irrefutable proof that Memphis authorities, be it police or politicians, were

\textsuperscript{170} Crump spelled out his approach to graft early on in his career. The \textit{Memphis Press-Scimitar} wrote to him in September 1910, noting, “for some time past there have been many romors (sic) to the effect that members of the police department have shown favoritism in the matter of enforcing the laws, the intimations being that some person or persons are being paid by law breakers for ‘protection.’” The newspaper acknowledged they had no solid proof, “but in the view of the persistent reports on the street, we feel that our duty to the public demands that you be notified, officially, that such reports are prevalent and that your duty to the public demands a thorough investigation of the conditions, strict examination into any specific instances reported and summary action against any city employees found guilty of receiving either money or favors from law breakers.” Crump wasted no time making his reply. “I have always been in sympathy with the movement to make the police department from any hints of graft,” Crump wrote on the same day he received the newspaper’s letter. Graft was now a felony in the new commission government charter, Crump explained, and in order to set a good example, noted that he himself refused to accept free railroad passes, tickets to the theater or shows, or any other sort of gifts. As for the police department, he continued, since he came into power “whenever there was the slightest proof of graft, the offender has been promptly discharged from the service of the city. No matter who a man’s friends may have been, all were dealt with in the same way…I invite the entire public to cooperate in this matter, and if any man knows that grafting exists and will report it to me, his name will be withheld if he so desires. I wish it understood, however,” he threatened, “that I will entertain no anonymous charges, but in every instance must know who is making the allegations, even if I do not make his name public…The public will please bear in mind that we have unhorsed a great many of the old politicians, who no doubt feel now that we are usurpers, for it is hard for them to realize they are out of office, and consequently they are persistent in peddling every possible story with a view to injuring the standing of the municipal government with the people.” \textit{News Scimitar} to E.H. Crump, September 23, 1910, Box 26, E.H. Crump Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL); E.H. Crump to the \textit{News Scimitar}, September 23, 1910, Box 26, Crump Collection, MPL; “Kelly Fires Police for Shooting at Zoo,” \textit{Commercial Appeal}, October 24, 1911.

\textsuperscript{171} Alex Sims, interview by Margaret McKee, November 11, 1973, pg. 28, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
knowingly in bed with illicit liquor is a difficult task. Simply put, shady dealings outlined on official letterhead with signatures, sworn affidavits, and corroborating evidence is not part of the E.H. Crump Papers at the Memphis Public Library. Yet the lack of a “smoking gun” from Boss Crump himself does not mean it did not happen. Indeed, critics lobbed allegations of corruption and collusion at Memphis and Shelby County law enforcement throughout prohibition.

When city authorities addressed those accusations, a common and convenient explanation was to blame it on the officers involved. This made it seem as though bribe taking reflected individual shortcomings, not systemic corruption—that it was cancer police brass could cut out while keeping the rest of the department healthy and upstanding. Not all of Memphis’ cops were bastions of professionalism, however. Like the veteran officer who got drunk and punched the glasses off a lieutenant, the similarly booze-laden patrolman who pulled a pistol on his superior officer, or the detective indicted for stealing a car—and all those incidents happened in 1920 alone. In fact, 

172 Some seemingly innocuous sources raise an eyebrow upon second glance. Like the 1924 Memphis Police Department Year Book that published advertisements from its sponsors. Amongst the “friends of the police department” ads were the Monarch Café—an establishment ran by “Czar of the Memphis underworld” Jim Kinnane, and dubbed the “castle of missing men” because of so many killings there—The Palace Theater ran by known liquor law violator. To be sure, prohibition violators could also want to support the police relief fund, but the logic behind advertising a business known as the “castle of missing men” because so many homicides took place, and ran by a man dubbed the “Czar of the Memphis underworld” seems suspect for a police publication. Steve Cheseborough, Blues Traveling: The Holy Sites of the Delta Blues (Jackson, MS: University Press of Mississippi, 2009), 31; Memphis Police Department Year Book (Memphis, TN: Memphis Police Relief Association, 1924), 91.

other sundry illegal activities notwithstanding, alcohol was not an uncommon variable in questionable incidents and police misconduct.\textsuperscript{174} Sources reveal officers drunk on the job, drinking confiscated alcohol, and even stealing seized booze to sell on the black market.\textsuperscript{175}

\textsuperscript{174} The death of patrolman Ed Hurlburt—shot dead by friend and roommate Charles Shields with Hulbert’s own gun around 4 am on February 20, 1918—provides another rather perplexing example of alcohol-infused mishaps and shady policing. According to Shields and the death certificate it was an accident, but almost immediately, rumors began to circulate because the explanations and evidence did not add up. The story was that Shields Deputy Sheriffs Holmes, Thomas, and Wilroy went on a liquor raid that netted twenty-five cases of liquor and two arrests. Afterwards, the raiders went to Hulbert’s place to wait a few hours until they could act on another tip that a boatload of whiskey would be coming down the Hatchie Chute at 5:00 am. The men had played cards and drank heavily—incidentally, drinking from the cache of booze they had just confiscated—but at some point Hulbert fell asleep in his chair, Shields accidentally jarred a pump shotgun that was lying on the counter, it discharged, and struck Shields in the chest, killing him instantly.\textsuperscript{174} When other cops arrived, they noted that Shields smelled like booze, and by March 1 Shields had changed his story declared he did not fire the killing shot, but the body was a suspicious distance from the chair he was supposedly sitting in, and the angle of the entry wound was highly unlikely for the gun’s alleged position. Hurlbert’s friends and family were convinced it was not actually Shields, and his lack of motive made the police believe this as well. These inconsistencies had many calling for action, and Judge Puryear answered by ordering a special investigation by the grand jury that began on March 4, 1918. Far from simply considering Hurlbert’s death, this probe focused on the larger issue of liquor traffic in Memphis and the nearly constant claims that the “bootlegging fraternity” was operating hand in glove with city and county law enforcement officers. This was hardly the first time a grand jury received this task. The two previous grand juries investigated the same issue; the September 1918 term even summoned Sheriff Tate to testify, who disavowed any knowledge of such collusion. Like other attempts to get to the bottom of things in Memphis, this investigation spun out. “Ed Hurlburt Slain, Shot Through Heart,” \textit{Commercial Appeal}, February 21, 1918; “Let the Grand Jury Hold a General Inquest That We May Have General Cleanup,” \textit{Commercial Appeal}, February 22, 1918; “Shields, Slayer of Ed Hurlburt, Freed,” \textit{Commercial Appeal}, February 24, 1918; “Hurlbert Case May Develop to Murder,” \textit{Commercial Appeal}, March 1, 1918; Certificate of Death: Edward Leroy Hurlbert, 20 February 1918 (File #533); “Grand Jury Probe Coming Up Monday,” \textit{Commercial Appeal}, March 3, 1918; “Continue Booze Probe,” \textit{Commercial Appeal}, March 6, 1918.

When it came to liquor laws, sources reveal authorities calling individual officers and groups onto the carpet to explain uneven or selective enforcement.\(^\text{176}\)

Commissioners wanted to know in 1917, for example, why patrolmen had not raided a saloon on South Main Street, despite the fact that it was a well-known place, directly across from the busy Grand Central Rail Station, with glass front windows facing the street.\(^\text{177}\) Yet it hard to pin responsibility on single persons when other evidence indicates large-scale, sanctioned vice and criminal activity. It seems unlikely that not a single law enforcement official knew about easy whiskey sales within three blocks of the Memphis Police Department headquarters and within two blocks of the Shelby County Sheriff’s Office that same year.\(^\text{178}\) Indeed, Judge D.B. Puryear, “tired and sick of the frequently repeated rumors that some attaches of the sheriff’s office and police department were hand in glove with the bootlegging fraternity,” ordered a special

\(^{176}\) In 1913, for example, grand jurors quizzed Fire and Police Commissioner Utley as to why some gambling houses seemed to be given a wide berth while others were constantly raided and under surveillance. It was more of the same in 1916, as Detective Emil A. Bizot was “called on the mat in the mayor’s office and warned that it was his duty to aid in law enforcement. A general warning was issued at the same time to all the detectives and other members of the police force.” That same year, Patrolmen J.E. Johnson and Hart Merrell faced indefinite suspension after a raid within their patrol territory produced more than a dozen arrests. Police Chief Perry said the raid showed that they were either inept as officers, or had known about it and did nothing. Johnson and Merrell were second pair to lose their positions after raids revealed obvious gambling on their beats. Jack Ward resigned and Eddie Lyons faced dismissal in August 1920 for the same reason. A raid on a Court Street house revealed a complete liquor plant, and raiders arrested five men inside for violating the liquor law, and hit three of them with an additional charge of violating the age of consent. Besides liquor manufacturing, a thirteen and a sixteen-year-old girl were inside. Ward later admitted he knew about the house but did not act on it, and it was actually the call of one girl’s worried mother that prompted the raid. “Grand Jury Talks to the Police Head,” *Commercial Appeal*, December 14, 1913; “Alleged Lid Tilters Fined in City Court,” *Commercial Appeal*, July 4, 1916; “Ward Quits Force; Lyons is Dismissed,” *Commercial Appeal*, August 10, 1920; “Grand Jury Indicts Five Caught in Raid,” *Commercial Appeal*, August 11, 1920.

\(^{177}\) The patrolmen in charge of the area claimed they, in fact, raided this establishment, which was operating under the guise of a soft drink stand, and found nothing. Yet when federal agents executed their own raid, they discovered the entry point to a false wall and all the booze behind it. “Barroom is Cause of Official Inquiry,” *Commercial Appeal*, December 22, 1917.

\(^{178}\) “Leaks are Sprung as Booze Goes Up,” *Commercial Appeal*, May 2, 1917.
investigation into such collusion after the suspicious death of an officer in 1918, but it produced no comprehensive or lasting change.179

Still, it is important to note that not all cops took the bait. Roy Watkins asked two patrolmen watching for liquor deliveries by train “how much it would take to let a few suitcases go by” in 1918, for example, but rather than accepting that overture, they arrested Watkins for loitering.180 When officers busted E. Bertasi for selling whiskey in his grocery store in 1920, he pulled out a $50 bill, handed it to Police Inspector W.D. Bee and told him to “forget about it.” Instead of taking the money, Inspector Bee added a bribery charge to the liquor law violation, and the $50 became evidence.181 “Now I am a businessman,” bootlegger O.P. Stroud declared after deputies descended on his Wolf River banks distillery in 1924. “Let’s talk business and fix this up right now.” Deputy Brignardello proved similarly unmoved, replying, “I am not a businessman and you will have to come with us.”182

179 Called to testify about the alleged relationship between law enforcement and booze dealers were bootleggers, newspapermen, and “queens of the underworld.” The prostitutes were summoned because two other city detectives had recently been charged with the larceny of whiskey, but rumor had it that the patrolman who testified against them was actually the “real purloiner,” and hid the booze in a prostitute’s house for several hours after stealing it before it was safe to move. “Grand Jury Probe Coming Up Monday,” Commercial Appeal, March 3, 1918.

180 The two patrolmen were posted at the end of the “river section” to thwart any would-be bootleggers trying to remove any alcohol from the upcoming train. As the arrival time neared, they found Roy Watkins and three black men waiting near the tracks, so one officer arrested the quartet while the other watched to see if someone dumped booze from the train. As they transported the men to police headquarters on the charge of loitering, Watkins asked Thomas “how much it would take to let a few suit cases go by.” Thomas made no reply, but reported the incident. Judge A.S. Wilkerson had to dismiss the loitering charges due to lack of evidence, but lamented the move, as he thought Watkins had been a good catch. “Bootlegger Escapes, But Leaves Whisky,” Commercial Appeal, January 18, 1918.


182 Besides O.P. Stroud, officers arrested three black men, who presumably ran the still for Stroud, as many bootleggers hired African Americans for that purpose. The Commercial Appeal noted that Stroud’s “name has often been connected with distilling,” but “never been successfully prosecuted for a liquor charge.” “Sheriff’s Men Land O.P. Stroud in Jail,” Commercial Appeal, February 20, 1924.
Other officers proved more tractable, although the realities of being a cop in early-twentieth century Memphis makes that somewhat unsurprising. All reports, from newspapers to the chief of police, highlight a woefully understaffed police department that paid officers less than the national average, to cover more territory—in a city that routinely made headlines for unusually high levels of crime, and murder in particular.\footnote{From the 1870s onward, sources reveal an understaffed Memphis Police Department. “As the city grows in population and business importance it is necessary to increase in proportion the strength of the police department,” Police Chief Jonathon J. Mason argued in 1902. “It was easier for a force of forty patrolmen to preserve order…twenty years ago than it is for one hundred patrolmen to do the same duty now.” He argued that Memphis, having doubled geographically with expanded city limits, should have “not less than one hundred and twenty patrolmen”—very different from the 67 actually policing the city. By 1907, the number of patrolmen jumped to 102, but that still fell far short of other cities. Atlanta, for example, had a police roster of 146, while Memphis—with its larger population and more square miles to patrol—had just 146. That number rose to 278 people by 1924, but issues of limited budget and staff continued into the 1930s. “Memphis is woefully underpoliced,” lamented the\textit{Commercial Appeal} in 1935. “Every 2,131 persons in the Bluff City must rely on the courage and integrity of a lone patrolmen for their safety.” An FBI study of American communities declared the ratio of Memphis policemen to inhabitants below the national average, at roughly 1.5 officers for every 1,000 citizens. In 1938, Memphis had less than half the number of police department employees as the average American city of over 250,000 people. When asked why the department was understaffed compared to others, Commissioner Cliff Davis said one of the main reasons was “we don’t have the density of population that cities outside the South have. Another reason, particularly in Memphis, is that we have so many character-building forces,” he said. “Take the juvenile court, for instance. The fine work it does lessens the need for more police power. Some fine preventative work is being done by the health department, the housing department, city parks and other agencies,” he said. “Southern cities don’t feel the need for as strong a police force as other cities requires.” His answer the following year, however, was probably more accurate: “the budget won’t allow us to take on any more.” “Policeman For 1000 Citizen,”\textit{Memphis Press-Scimitar}, September 4, 1936; “Memphis Short of Policemen,”\textit{Memphis Press-Scimitar}, September 13, 1938; “City’s Police To Mark 100th Birthday Soon,”\textit{Memphis Press-Scimitar}, December 18, 1937; Jonathon J. Mason, “Report of the Chief of Police,” in\textit{Report of the Chief of Police Department of Memphis, Tennessee to the Fire and Police Commissioners for the Year Ending December 31, 1902} (Memphis, TN: S.C. Toof & Co., 1902), 9-10; George T. Haver, “Report of the Chief of Police,” in\textit{Annual Report of Police Department for Year 1907} (Memphis, TN: S.C. Toof & Co., 1907), 46; W.C. Davis, “Report of the Chief of Police,” in\textit{Report of the Chief of the Police Department of Memphis, Tennessee to the Fire and Police Commissioners for the Year Ending December 31, 1908} (Memphis, TN: Paul & Douglass Company, 1908), 14; P.R. Athy, “Annual Report of the Chief of Police,” in\textit{Second Annual Report of the Chief of Police to the General Council for the Year Ending December 31, 1873, Together with the Mayor’s Message} (Memphis, TN: Office of the Public Ledger, 1874), 17; “Police and Firemen of 40 Years Ago Had Worries Too, Yearly Appointments Then By Commission Caused ‘Shaky’ Feeling Among Cops and Firemen,”\textit{Commercial Appeal}, December 31, 1927; “Policeman of 100 Years Ago,”\textit{Memphis Press-Scimitar}, February 24, 1939; \textit{Commercial Appeal}, January 8, 1915; Memphis Police Department Year Book (Memphis, TN: Memphis Police Relief Association, 1924), 13.} The average beat cop made slim pickings compared to the payoff that bootleggers were
willing to pay. Officers need only turn a blind eye—no active participation required—to double their monthly pay in a single evening. When the city hired the American Institute of Criminal Law and Criminology to assess conditions in Memphis (in hopes of counterbalancing the claim that it was the “murder capital” of America) in 1928, this issue emerged in their final report. Investigators noted their belief that conditions had improved in Memphis, but recommended boosting salaries for lower-ranking positions like patrolmen to better counteract “pressure and allurements of the liquor traffic.”

The likelihood of wooing a police officer with a “cash offering” also increased by virtue of not-so-rigorous hiring standards and procedures. To be sure, when Memphis adopted a commission style government, it introduced a civil service exam, and used for

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184 In other parts of Tennessee, the introduction of cash incentives encouraged county officials to go after bootleggers. Carroll County, Tennessee, 125 miles to the northeast of Memphis, for example, offered $25 for each destroyed still and $50 for each conviction in state or federal court. The plan worked a little too well, though. Bounty hunters took many risks and scored many victories, but the subsequent cost to the county became such that they had to discontinue the practice. It seems at one point Shelby County had a similar law, providing a $10 bonus to the sheriff or deputy upon the confiscation of a still, but only one source located during this project mentions the incentive, suggesting it not a serious component of prohibition enforcement. “Rewards for Catching Bootleggers Prove Costly,” Commercial Appeal, April 14, 1923; “Stills Go to Perry,” Commercial Appeal, July 12, 1921.

185 Sources referencing the low pay of Memphis officers appear throughout the period. In 1932, a study by the Editorial Research Reports of Chicago placed the Memphis salary schedule below the national average for cities with a population of 100,000 to 250,000. In 1936, the Memphis Press-Scimitar found Memphis cops the lowest paid of all major cities in Tennessee—although cops in Memphis, Nashville, Chattanooga, and Knoxville had to pay for their own uniforms, guns, and ammunition. “Depression cuts went deep,” the Memphis Press-Scimitar acknowledged. “They have to buy their own uniforms and supplies and $105 and $128.50 is pretty low pay, regardless of that fact, for men with their responsibility.” “Memphis Pays Police Least in Tennessee,” Memphis Press-Scimitar, December 3, 1936; “City Salaries,” Memphis Press-Scimitar, December 4, 1936.

186 Bertam Bates served as a lawman in Memphis for most of prohibition, but cited the low pay as the precipitating reason he sought a new career. “While I appreciate the honor my present position carries, its financial demands and sacrifices make it practically impossible for me to make any future provision for my family,” Bertram Bates explained of his decision to not seek reappointment as U.S. Marshal in 1937—a position that paid $4,800 annually. Instead, he determined it a smarter decision to “return to private life, where I can give the best years of my life to an occupation where I may make such provision for my wife and children. Continued occupancy of public office would deny me this opportunity.” “Marshal Bates Gives Reason for Quitting,” Commercial Appeal, May 15, 1937; “Crime Expert Would Boost Police Wages,” Evening Appeal, September 17, 1928.
the first time to select cops in June 1910.\textsuperscript{187} The intention was to remove political influence and making hiring decisions solely based on merit, but saying politics did not affect the police department would be laughable. Eventually rigid standards would separate the wheat from the chaff, but many earned their badges through political affiliation or nepotism.\textsuperscript{188}

Indeed, to say politics influenced personnel decisions in the Memphis Police Department prior to 1910 would be an understatement. The firing and rehiring of Sergeant John Condon in 1906 illustrates this point, thanks to the surprisingly frank admissions of Commissioner Bruce, who admitted he rehired a previously fired officer in exchange for that officer’s brother dropping out of a ward election against a candidate that Bruce supported. “I told Will Condon that if he would withdraw from this race I would use my influence as fire and police commissioner to restore to the police force his brother, John Condon, whose head we had gotten. Will Condon accepted the proposition and we clinched the deal,” Bruce told the \textit{Commercial Appeal}.

The most amazing aspect of this backroom deal, at least from the contemporary perspective, is the nonchalance of those involved, like another commissioner who


\textsuperscript{188} The career trajectory of Deputy Sheriff Walter Lee provides insight into the political nature of Memphis policing. His first post was as a mounted patrolman with the Memphis Police Department. Police brass fired him from that position. Then when J.A. Reichman became sheriff, his qualifications again passed muster, and he received an appointment as a deputy. Not long after that, the attorney general indicted Lee, Ed Beckham, and A.J. Beckham on gambling charges, which went to trial in June 1916. Authorities charged that the Beckham brothers ran a gambling operation out of Lee’s South Memphis property, and that Lee knowingly allowed criminal activity to happen on his property. Lee admitted owning the place, and to leasing the property to the Beckhams, but denied knowing about their criminal activity. The state pointed out the numerous raids in that area that had failed to target the Beckham joint. “Deputy Sheriff is Under Indictment,” \textit{Commercial Appeal}, June 10, 1916; “Deputy Sheriff Dismissed,” \textit{Commercial Appeal}, June 14, 1916; “Walter Lee’s Trial Will Begin Monday,” \textit{Commercial Appeal}, June 18, 1916; “Jury Tampering is Charged by Wilson,” \textit{Commercial Appeal}, June 20, 1916;
admitted freely, “I knew of this deal between Commissioner Bruce and Will Condon involving the pledge of official influence for apolitical service, and I approved of it.” The lone dissenting voice was Mayor Malone who disapproved publicly, but due to the structure of the commission government, his single vote of opposition was ineffective against the three votes of the commissioners—leaving the Commercial Appeal to decry how the mayor’s office was “humbled to the dust by a political bargain and trade over paltry ward politics.”

The circumstances of how and why police brass fired John Condon in the first place even further demonstrate the pervasive influence of politics in the police department. Despite having a sterling reputation and excellent service record during his time as sergeant, he received dismissal “either because he voted against the present administration in the late election, or else because he declined to make his office subservient to influences having their origin in gambling dens and drinking dives,” the Commercial Appeal noted. Regardless, Condon lost his job after arresting a man who was “credited with being able to set in motion these dark alley influences, which are terrors to all policemen,” the paper continued. There were no official charges against him as a person or a lawman. Once again, Mayor Malone opposed his dismissal, but again the three votes from commissioners overruled his dissent.

The Commercial Appeal applauded the reinstatement of Condon but cried foul at the shady circumstances surrounding the deal, arguing that the people of Memphis were owed an explanation for police commissioners using law enforcement jobs as a

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political currency—a practice that, the paper argued, was “hardly conducive to inspiring in the police respect for the law.” The paper ultimately argued that there “must be action against the crazy charter which permits such things to be,” and that is exactly what happened. 191 In 1909, the city adopted a commission style government followed by civil service examinations for hiring law enforcement. In theory, this meant officer selection tied to exam performance and qualifications, rather than political affiliations—but politics never became a complete non-factor. 192

The department did take steps to professionalize the force. In 1920, every employee received a compiled manual of regulations, duties, and city ordinances. This became a textbook of sorts for a mandatory two weeks of instruction—the classroom, incidentally, was also the previous storeroom for $1 million in confiscated liquor—on everything from state law to crowd control to first aid. The officers finished this “school in efficiency” by taking a written examination testing their knowledge, with plans to hold future sessions led by attorneys and judges to explain best practices when it came to making arrests and gathering evidence that would hold up in court. 193

By 1924, assurances that politics would play no role in hiring or promotion continued, as well as competitive examinations to test mettle and lectures on investigation techniques, criminal law, and expected behavior. Higher-ranking positions like detectives filled with applicants from lower ranks who survived the exam and


selection process and then a probationary period of several months. This also holds true for federal prohibition officers. No civil service exam was required, and after the short and perfunctory selection process—like city cops, often determined by patronage and greasing palms—and little training, these men were handed a badge, a gun, and told to clean up crime. Yet, they too were poorly paid, and were just as vulnerable to temptation.

It was common knowledge that some officers, like former patrolman turned liquor kingpin E.A. Laughter, embrace illicit enterprise soon after leaving the force. Yet rumors swirled that others had not bothered to turn in their badge before they entered the liquor business, and it was common knowledge that some officers tasked with executing booze raids were former divekeepers and gamblers themselves. William W. Smiddy, for example, served as a patrolman and a city detective before his name became synonymous with bootlegging, but his business relationship with booze predated prohibitive legislation. Smiddy owned part of a saloon before the statewide law took effect in 1909. By 1914, he was off the force, by 1916, connected to illicit liquor distribution and by 1919, described as an “alleged whiskey chieftain” and owner of the Rosebud Café, an establishment where, the Commercial Appeal noted, “free-for-all fights sometimes required police tranquilizers.”

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194 “Want to be a Detective? Here’s Your Opportunity,” Commercial Appeal, August 20, 1924.


196 In 1914, Smiddy faced contempt of court charges in conjunction with the operation of a blind tiger in an alley on Monroe Avenue (see chapter 4 for the discussion of saloonists violating injunctions and receiving contempt of court charges), received six months in county jail, and a $50 fine plus costs instead of a workhouse term. In the end, Smiddy did not live to see much of federal prohibition, thanks to Deputy U.S. Marshal Orville R. Webster. Webster was relatively new to the U.S. Marshal’s office in Memphis (he had been there less than a year), but that was long enough to develop bad blood with Smiddy. When Webster asked what he could do about bootleggers congregating in front of the Rosebud, others advised him to ignore it. What Webster ignored was that advice. Insulting words passed between the two as Webster
If familiarity with the booze trade provided an edge for identifying and capturing violators, it also provided low-hanging fruit for lawmen with flexible scruples. Sometimes greed proved so enticing that they went beyond accepting bribes then extorting them from bootleggers. One of the most dramatic examples to emerge from prohibition-era Memphis involved federal agent Tyree Taylor. As big as this bribery scandal was—indeed, it made headlines across the country and the New York Times declared it “one of the most sensational in the record of Memphis crime”—it remains, inexplicably, forgotten by historians. The standard narrative declared Taylor accepted bribes from local bootleggers, but later found absolution in turning state’s evidence. That his testimony helped put big bootleggers behind bars was true enough; yet other sources suggest more to the story.

drove past the Rosebud on September 19, 1919, prompting the lawman to stop his vehicle and walk back toward the restaurant. An intense argument ensued, and after Webster pistol-whipped Smiddy, they both started shooting. Eleven chaotic shots later, it was over. A black porter took a bullet to the thigh and another stray hit a man in the finger, yet the only fatalities were the combatants: Webster was dead before he hit the ground; Smiddy breathed his last on a General Hospital operating table. Luckiest of all, however, was Chief U.S. Deputy John. J. Carrigan. One bullet passed through Smiddy’s body, and hit him in the chest. Only the bankbook he carried in his breast pocket saved him. Bootleggers tried to burn the car Webster was driving as it sat outside U.S. Deputy Marshal Louis Humphrey’s house the following day. They doused the machine in five gallons of gas, but were frightened off by street cleaners just as they were about to light the match. Commercial Appeal reporter Boyce House alluded to this duel in his memoir, describing the bootlegger involved (clearly Smiddy) as a liquor “master mind” of a liquor ring in Memphis. “Liquor Men to Spend Summer at Workhouse,” Commercial Appeal, May 31, 1916; “Mid-South Memoirs—Shootout at the Rosebud Café,” Commercial Appeal, April 9, 1972; “Marshall and Smiddy Duel to the Death,” Commercial Appeal, September 20, 1919; “Bootleggers at War With U.S. Officers,” Anniston Star (Anniston, AL), September 21, 1919; “Clicks from the Keys,” Washington Herald (Washington, DC), September 21, 1919; “Try to Burn Auto of Slain Rum Foe,” Washington Times (Washington, DC), September 21, 1919; Will W. Smiddy, Report of Homicide, 19 September 1919, Shelby County Archives, Memphis, Tennessee (hereinafter SCA); Orville R. Webster, Report of Homicide, 19 September 1919, SCA; House, Cub Reporter, 157.


198 Until this historian, that is. It is my intention to make this bribery scandal one of, if not the principle event that serves as the nucleus of the book project. Accomplishing this will require more research in east Tennessee, and if I can manage it, interviews with Tyree Taylor’s still-living children.
Described by newspapers as the “typical product of a rural Southern county,” Lymuel Tyree Taylor was born one hundred miles northeast of Memphis in Gibson County, Tennessee, where he spent most of his formative years. Like so many others in the rural countryside, he relocated to the Bluff City for better employment, which began in November 1915 when he earned a spot as a Deputy U.S. Marshal for the Western District of Tennessee, headquartered in Memphis.\(^{199}\) There twenty-seven-year-old Taylor advanced quickly. After just two months on the job, he received a promotion to Chief Deputy Marshal, responsible for leading field forces—although that consisted of only two other deputies.\(^{200}\) Indeed, despite the city’s size and predilection for lawbreaking, the force was comprised of just two deputies, chief deputy, and marshal. Still, Taylor was successful enough to be reappointed again in 1917, 1918, and to receive a slight boost in pay. Although that $1,500 yearly salary was still meager for the scope of the job.\(^{201}\)

In the beginning, Taylor fulfilled the expectations of a man in his position. He pursued lawbreakers, executed successful raids, and made arrests that led to jail


time.\textsuperscript{202} Yet temptation was always knocking for anyone tied to prohibition enforcement. Criminals across the country were ready, willing, and able to grease palms, and Memphis was no different. For Chief Deputy Taylor, that temptation turned to action on a hot July night in 1918. Bootleggers arranged a meeting with Taylor in a downtown Memphis alley, he accepted their overtures, and left with a sizeable chunk of cash in his pocket—another lawman “on the take” during prohibition.\textsuperscript{203}

Until the wheels came off this scheme, it was not a much what Tyree Taylor did, as what he did not do. When a large cache of liquor made land off the Mississippi River, he and his forces just missed their arrival. When an automobile sped through Memphis neighborhoods loaded with booze, he was not close by to pursue. It was a highly scripted, calculated game of redirecting agents and clearing the way for illicit activity.\textsuperscript{204} Through telephone calls with Taylor or a woman named Mrs. Harris—Tyree’s landlady, turned mistress, turned second wife—local liquor barons made arrangements for the

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\textsuperscript{204} One of the most intriguing aspects of this bribery scandal is trying to differentiate between legitimate, sincere law enforcement efforts that failed to net bootleggers, and which “near-misses” Tyree Taylor orchestrated in 1918 and 1919. If the chronology of the extant primary sources is correct, it is possible that Taylor’s successful leadership on a large bust on June 30, 1918—at most a couple weeks before he accepted that first bribe—could have been the precipitating event for bootleggers to recruit him if business was to continue. After receiving information about a big load of liquor coming down the Mississippi from Caruthersville to Memphis, U.S. Marshall Trezevant sent Deputy Marshals Tyree Taylor, Ivy, and Rutland to intercept. The agents went up river fifty miles to Richardson’s Landing where they anchored to the bank, camouflaged the boat with willow branches, and waited. After spotting the boat, the Reliance (described as “one of the largest and swiftest motorboats plying out of Memphis) with binoculars they sprung the attack as the boat tried to land. Shots were fired but they took the vessel and its cargo of 6,000 beer bottles and 2,500 half pints of whiskey. They then went back to their hiding place and tried to catch another boat but this time the smaller, swifter boat outmaneuvered the lawmen as a storm came up. The agents found the same boat the next morning however, stuck in the sand and were unable to catch the men who jumped out and ran, but did take the 2 sacks of beer and 30 sacks of whiskey. The two raids together were valued at $10,000. “Get $10,000 Worth of Beer and Whisky,” \textit{Commercial Appeal}, June 30, 1918.
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safe passage of their car and boatloads of illegal alcohol, paying Taylor $2 for each case that successfully made it into Memphis thanks to his protection.\(^{205}\)

By Taylor’s own account, after he accepted the first bribe, word spread throughout the underworld that he could be bought—and for the Memphis criminal element, that was blood in the water. He soon found himself trapped in a Scylla and Charybdis dilemma of his own making: either accept the overtures of additional bootleggers, or be outed for the bribes he had already taken.\(^{206}\) As the *New York Times* explained, “acceptance was his own protection.”\(^{207}\) Yet it is wise to take Taylor’s mea culpa after the fact with a grain of salt. Thieves are usually far sorrier about arrest than sorry they stole. And the profits Tyree Taylor netted were tremendous. By his estimation, this system ran at full tilt no more than six months, but that short time netted $100,000—or adjusted for inflation, over $1.5 million.\(^{208}\)

Initially, other law enforcement officers in Memphis did not catch on to the scheme. The business of enforcing prohibition was, after all, a game of chess. Sometimes bootleggers outwitted or outran authorities; sometimes information proved

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\(^{205}\) What is less clear is whether Taylor took all cash payments—as he did with the first bribe—in person. Other sources indicate he created an alliance with one local bootlegger who became his “collector of customs.” That bootlegger would ultimately find himself similarly indicted on conspiracy to violate a federal statute. “Rum Case Informer on Way to Prison,” *Ogden Standard Examiner* (Ogden, UT), June 7, 1922.

\(^{206}\) What is less clear is whether Taylor took all cash payments—as he did with the first bribe—in person. Other sources indicate he created an alliance with one local bootlegger who became his “collector of customs.” That bootlegger would ultimately find himself similarly indicted on conspiracy to violate a federal statute. “Rum Case Informer on Way to Prison,” *Ogden Standard Examiner* (Ogden, UT), June 7, 1922.


faulty, and the traps set to catch violators were not triggered. So for a while, the successful importation of massive liquor loads fell into the “win some, lose some category.” Yet no one was this lucky, and suspicion grew as to whether the booze making it into Memphis reflected bootlegger acumen, or collusion. By 1919, rumors circulated openly that the local whiskey element had an officer of the law in their pocket, and soon Taylor’s name accompanied the scuttlebutt.

Authorities covertly assigned a man to investigate. Rather than a local officer—no doubt to protect the integrity of the investigation and ensure it actually happened—they selected an outsider: young Swarthmore College graduate and Pennsylvania native William F. Farrell. Over the coming weeks, he delved into Taylor’s comings and goings. What really broke the issue, however, was a tip to U.S. Marshal Stanley Trezevant, Taylor’s superior officer. If someone were to tap the telephone of Mrs. Harris the tipster advised, all the evidence necessary to prove Tyree Taylor’s involvement would follow. This proved accurate. With Farrell listening in, damning evidence came rolling in: negotiations over bribes, warnings about federal enforcement activities, directions, and “clearance” to Memphis bootlegging operations, from both Taylor and his wife—that is, his second wife, Mrs. Harris, who Taylor married two days after his first wife divorced him for adultery. The most ironic part was that the tipster that set these wheels in motion was C.H. “Doc” Hottum, who would soon be on trial himself.209

209 Providing insight into another one of the many importation schemes used in prohibition-era Memphis, Doc Hottum admitted on the stand during his trial that he had assisted two young veterans returning to Memphis from their service in the First World War, William Dunnivan and Carlyle Bonds, in their scheme to import in, and sell whiskey in Memphis. Both Dunnivan and Bonds later received charges for bringing one hundred cases of liquor aboard the gasoline boat “Molly” down the Mississippi River from Caruthersville, Missouri to a place new Memphis in Shelby County, Tennessee. It was unloaded on the riverbank, then driven into Memphis in automobiles, where Hottum, prosecutors alleged, found a place to hide it in the city. He had vouched for the young men, Hottum explained, by giving the whiskey seller a
Evidence accumulated in the spring of 1919, and on May 24, the U.S. Marshals suspended Taylor from his post. The underworld shifted nervously at what this might mean for them. The smart play—for all parties involved, but certainly, Tyree Taylor—would have been laying low, avoiding attention, and not giving the feds any more ammunition. That would have been the smart play. Instead, Taylor decided to follow-up his suspension by purchasing a large plantation near Imboden, Arkansas. The implausibility of a government employee buying a large, valuable tract of land on a salary of $135 a week was lost on no one.

If Taylor envisaged a quiet retirement to the country, he had another thing coming. The government continued building its case, and by August 1919, had enough evidence to summon a grand jury. On August 11, federal prosecutors indicted Taylor, forcing him to leave Arkansas and face the music in Memphis—and once there, he learned his wife was also under indictment for her participation. With a trial date set for the upcoming November term, officials released Taylor on an appearance bond with his assurance that he would return to Arkansas and send Mrs. Taylor to make bond on similar charges. Taylor agreed, left, and promptly vanished. He did not appear again in Memphis for two years.²¹⁰

²¹⁰ Taylor married his first wife, Myrtle Willis, in 1911 in his home territory of Gibson County, Tennessee. When the couple moved to Memphis for Taylor’s new position with the U.S. Marshals, however, the relationship turned rocky. In the fall of 1917, Tyree started canoodling with the landlady, Mrs. Harris. How long it took Myrtle to discover his adultery is unclear, but by December 1917, she had started divorce proceedings in Memphis courts, and moved eighty miles away to Jackson, Tennessee. It took eighteen months, but in May 1919, Judge Ross granted that divorce on the grounds of infidelity, awarded Myrtle custody of their two-year-old daughter Mary Elizabeth, and ordered Tyree to pay court costs. Taylor did not pine long. Two days after the divorce finalized, he married the “other woman”, Mrs. Harris—a timeline that became significant later at trial. As it turned out, Mrs. Harris was the woman he brought in to assist in his bribery scheme and the woman indicted alongside Taylor in 1919. Mrs. Harris Taylor later confessed to being an active participant in the bribery scheme. To understand her role is to understand how the
Like so many before and after, Taylor decided to take his chances on the lam than in the courtroom. His “jumps” spanned significant territory. From Memphis, he lit out across the Canadian border, where he spent a week in Edmonton before moving to a farm near Vanrena, Alberta from late August to early December 1919. That December Taylor decided on warmer, more permanent climes, and attempted to make his “final escape” to Cuba. He managed to get down to Key West Florida, he secured a vessel to smuggle he and his wife out, and negotiated an acceptable price. Yet the Gulf proved too rough and they could not complete the trip. His Cuban ambitions derailed, Taylor decided to head back north to a far less glamorous destination: Ohio. He got a job at a tire manufacturing company in Akron—under his own name, not an alias—stayed for a year, and then abandoned the Midwest for San Diego a year later. There he and his wife made another plan to leave the country, securing passports to Mexico, but Taylor changed his mind. He slipped back into his home state of Tennessee to spend Christmas 1920 with his parents, but only stayed a day before fleeing yet again. The couple then bounced to New Orleans, back to San Diego, from San Diego back to New Orleans—one can only imagine the enjoyment of driving from Southern California to Louisiana without air conditioning in 1920.

It was once the couple made it to New Orleans that Taylor got sloppy. After months of silence, he foolishly wrote to a friend in Jackson, Tennessee, and the Department of Justice intercepted the letter. With the knowledge that Taylor was in New Orleans, the net tightened quickly. Agents closed in to arrest the Taylors on July 11,
1921, returned him to Memphis, and courts indicted the pair by mid-July. When the
smoke cleared after his trial, he faced fines in excess of $6,000 and a seven-year prison
sentence for accepting bribes and violating his oath of office. Within a fortnight, Taylor
was donning stripes at the Atlanta penitentiary. To this point, the heat had been on
Taylor for accepting bribes, and the people who paid those bribes hoped it would stay
that way. That did not happen.

Accounts of his arrest described Taylor as “penniless and weighted with his guilt
of conscience,” visibly relieved that the escapade was over, and ready to seek
absolution for his sins by confessing everything he knew. The confessing part proved
true enough, but that timeline was not so linear. Instead, Taylor started really talking
after he received a visitor in Atlanta: Department of Justice investigator Frank L.
Garbarino. Somewhere in the course of their meetings, Taylor decided to tell Garbarino
everything: how the Memphis liquor game operated, who was paying and receiving
bribes, and the influence of those bootleggers in business and politics.

Federal investigators scrutinized that information and concluded that most of the
“graft and official rottenness” occurred before 1919. Since the statute of limitations was
three years, this meant the other city, state, and federal officers (rumors held Taylor as
just the tip of the iceberg) would escape prosecution—although it was reported later that

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211 Authorities hit Taylor with three indictments. Two ended noll prosequi, and the third—the initial
indictment he skipped town to escape in 1919—included eight charges. He pled guilty to three.
“Remarkable Career of Tyree Taylor of Memphis—His Dramatic Exposure of Ring,” New York Times,
February 26, 1922; “Sentence Ex-U.S. Marshal,” Philadelphia Public Ledger (Philadelphia, PA), July 19,
1921; United States v. Tyree Taylor #715 (1919), NAA; United States v. Tyree Taylor #716 (1921), NAA;
United States v. Tyree Taylor and Mrs. Tyree Taylor, alias Mrs. M.H. Harris #717 (1919), NAA; United
States v. Tyree Taylor #722 (1919), NAA.
the careers of most named by Taylor had ended. The law did not protect the bootleggers, and soon authorities announced the convening of a special grand jury session and the return of Tyree Taylor to testify before it. This sparked a new wave of anxiety amongst the criminal element, and for good reason. After a quick session, the grand jury issued eleven indictments naming twenty-three defendants on charges of bribery, or conspiracy to violate a federal statute. Taylor’s role did not stop at the grand jury; he would soon become the government’s star witness at trial.

According to Taylor, providing testimony was his way of earning back self-respect and the respect of others. It is worth noting, however, that he ultimately only served two of his seven-year prison sentence, so perhaps his motivation went beyond mere absolution. Whatever the case, more than a dozen of the people he named were put on trial, five between November 28 and December 3, 1921. The New Year provided no relief either, as 1922 proved just as harsh. The government’s case rested almost entirely on Taylor’s testimony, and there were concerns about how jurors would receive it. He was, after all, the officer-turned-felon at the center of the scandal. Yet that concern proved unfounded. The first trial ended after brief deliberations with a guilty verdict, and the ball kept rolling.


213 United States v. C.H. Hottum, #1201 (1922), NAA.

214 Defense attorneys tried, of course, to discredit Taylor personally, and thereby cast doubt on his testimony. Defense attorneys attempted to introduce documents related to Taylor’s first marriage to Myrtle Willis and his marriage forty-eight hours later to Mrs. M.M. Harris to achieve this end. It was believed this second marriage was not actually legal, and W.W. Boyles’ attorneys hoped to use the couple having “lived in adultery” until they fled Tennessee to portray the couple as less saint like. Judge Ross shut down this line of attack by excluding the divorce decree. United States v. C.H. Hottum, #1201 (1922), NAA.
Absolution was a powerful salve for the couple. Taylor was himself now a convicted felon—he was shuttled from the Atlanta penitentiary back to Memphis to testify—but his word was taken as gold. The same held for his wife. She started out as the “other woman,” responsible in part for the dissolution of Taylor’s first marriage, but rather than painted with the brush of scandal (defense attorneys tried, and failed, to use this tactic) she was lauded for standing by her man and was reportedly pleased with the assistance she and her husband could provide the government. “Her faithfulness to him in the days of reverse and disgrace,” the New York Times declared, “is a high example of a woman’s fidelity.” Newspapers reported Taylor equally proud of his role in convicting bootleggers and that jurors were “accepting his testimony as truth.” This ultimately prompted significant controversy and accusations of wrongdoing from Judge J.W. Ross, who instructed juries to take the Taylors at their word—and booted one juror who refused to vote for conviction.

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217 On December 1, 1921, the jury hearing the trial of accused bootlegger Walter Boyles deliberated for several hours, then returned to the court and reported that they could not agree. Judge Ross sent them back to deliberate further, they once again reported that they were unable to come to a consensus, they were yet again sent back to deliberate by Judge Ross, and when they returned for a third time and stated they were still in disagreement, Judge Ross declared a mistrial. After discharging the jury, Judge Ross asked in open court how the votes were distributed. They replied that the tally stood eleven for conviction, one for acquittal. He then instructed the holdout vote for acquittal to raise his hand, J.C. Mahannah did so, and Judge Ross then informed him that he was finished. “You are excused from further service: report to the Clerk for any money that may be due you.”

Boyles v. United States, No. 3891, 295 F. 126 (6th Circ. 1924).
Ultimately, however, the verdicts stood on appeal.\textsuperscript{218} By February 1922, the Taylors’ testimony had secured convictions against a dozen leading bootleggers in Memphis, with as many awaiting trial. The only exception was the trial of C.H. “Doc” Hottum, a boxing, business, and all-around town man.\textsuperscript{219} This exception proves rather telling, but not because Hottum was a respected man in Memphis—although that does say something about the “quality” of prohibition violators, who are often painted as simply gangsters.

\textsuperscript{218} Fleshing out these accusations against Judge Ross requires additional research. It is clear that this was a rather remarkable string of convictions on what amounts to be, at best, circumstantial evidence. Does this mean Judge Ross was somehow in on the scheme? It is difficult to say conclusively at this point. Yet the scandal of Judge Jesse Edgington—a city judge busted soliciting bribes from Memphis beer distributors a few years earlier—make it possibility worth investigating. Delving deeper into the Tyree Taylor scandal will be a primary goal of the dissertation-to-book project.

\textsuperscript{219} Doc Hottum was one of Memphis’ most colorful characters, whose biography tells enough to fill the lives of several men. After moving to the city from Detroit, Hottum made a name for himself around town when the Frisco Bridge, spanning the Mississippi River, opened in 1892. Spectators mused it would be impossible to jump off the steel structure and survive, Hottum disagreed, and proved his point by diving head-first into the water below. A college track star with some early success as a prizefighter, Hottum became known in local and national sporting circles when he began promoting marque boxing events, even taking John L. Sullivan and Jake Kilrain on a show tour in 1904. Always sharply dressed, Hottum was a man who worked hard and played harder. His toys included at one point the fastest motorboat in the world, he promoted a hot air balloon company, and even had his own airplane—which he attempted to design to land on water, but all it really did was crash several times. He promoted sporting events, especially boxing, and was known around town as a sharp-dressed, sometimes daredevil, and savvy businessman. He was a co-owner of the Memphis Excursion Company and its fleet of three steamboats (he once used a vessel to rescue stranded African Americans in Mississippi and Arkansas during a bad flood, and provided food and shelter to them in Memphis) but the restaurant and saloon business was Hottum’s bread and butter. He was a beer distributor and at one point ran the largest saloon in Memphis. For all his altruism, he was also no stranger to dangerous situations, and while he did not carry a weapon, trouble sometimes found him. In 1915, an altercation in his pool hall on Madison Avenue prompted William J. Ryan, who thought himself wronged in the situation, to fire five shots at Hottum—one hitting Doc in the leg and fatally wounding a messenger boy that was standing nearby. Eldon Roark, \textit{Memphis Bragabouts; Characters I Have Met} (New York, NY: McGraw-Hill, 1945), 37; “Doc Hottum,” \textit{Memphis Moment Podcast} http://wnofm.org/post/memphis-moment-doc-hottum; “Doc Hottum Wounded Messenger Boy Shot,” \textit{Commercial Appeal}, October 7, 1915; “Governor is Determined,” \textit{Bryan Daily Eagle and Pilot} March 2, 1914; Hottum made a name for himself as a boxing referee, and officiated some of the best known pugilists of the day. He refereed three Jack Johnson fights. Notes of the Arena,” \textit{The Wenatchee Daily World}, January 29, 1909; “Johnson is the Best of the Fighters, Says Hottum,” \textit{The Nashville Globe} January 22, 1909; “Gotch and Turk Wrestle Tonight,” \textit{Salt Lake Herald}, April 14, 1909; “Ryan a Matchmaker Now,” \textit{Bismark Daily Tribune}, January 9, 1910. “Passing of Open Saloon,” \textit{Commercial Appeal}, June 30, 1909; William Christopher Handy, \textit{Father of the Blues: An Autobiography}, 296; “River Transportation,” \textit{The Hayti Herald} November 5, 1914.
When the trials of the Memphis underworld concluded and the hype faded, Taylor began serving his sentence on July 18, 1921. Rather than return to Atlanta, however, officials sent him 1,800 miles to the opposite side of the country: McNeil Island Penitentiary in Washington State, where he traded the title U.S. Chief Deputy for Inmate #4212. The full term of his sentence would have expired on July 17, 1928, or September 14, 1926 with good behavior. Yet Taylor received parole on Thanksgiving Day 1923, just two years into the sentence.

![Taylor's Parole](Figure 9-5. Tyree Taylor. Prison records list his offense as accepting a bribe. He was thirty-five years old, 5'8" tall, and weighed 175 pounds. McNeil Island, Washington, U.S. Penitentiary, Photos and Records of Prisoners.)

Turning state’s evidence might have helped earn back some respect in the regular world, but it certainly did not earn any friends inside. Coverage of his release noted that prison life proved dangerous for him, and his safety was often at risk. The day after his parole, he was on his way back to Tennessee. Taylor’s WWII draft card—

220 “Paroled Prisoner Gone,” *Spokane Spokesman Review* (Spokane, WA), December 8, 1923.
at age fifty-five, he did not serve—noted he was living in in East Felician Parish, a northern and largely rural Louisiana county that shares a border with Mississippi. He was still married, but the next census listed no occupation, and that he did not have a telephone. Although, considering the role the telephone played in his downfall, perhaps this was purposeful.

When it came to bribery scandals, it is impossible to know the internal wrangling of corrupt police officers like Tyree Taylor. Did they perceive their actions as immoral? Was money their sole motivation? On the other hand, did the vocal disapproval of both citizens and leaders in Memphis make liquor laws seem unjust, and thus subject to a more liberal interpretation of enforcement? What is clear is that many officers lived in the same neighborhoods and towns as the people they had to arrest. If those on the front lines of prohibition enforcement did not believe in the cause, it did not bode well for the long-term success of the 18th Amendment in Memphis.
CHAPTER 10
LAST CALL FOR NO ALCOHOL: FEDERAL AND STATE REPEAL IN MEMPHIS, 1933 - 1940

“Thirty-nine. It came back to Tennessee. I know because we all went after spots for our friends of good moral character.”
— James O. Graham

I’m going down to the river by and by / Cause the river’s wet and Beale Street’s done gone dry
— W.C. Handy, “Beale Street Blues

From the mid-1920s onward, calls for repeal intensified. Dissatisfaction grew—not that it was ever absent in Memphis—as Americans increasingly agreed prohibition was impossible to enforce, turned otherwise law-abiding citizens into criminals, and came with an unjustifiably large price tag. Indeed, authorities at the local, state, and federal level were hemorrhaging money to little gain. The early 1920s were one thing, when many experienced new levels of economic prosperity, but it was quite another after stock market crashes and financial chaos that closed the decade. Attempts to make prohibition really “take” by intensifying punishments—the last attempt was the Jones Law of 1929, making violations worth five years in jail and a $10,000 fine—had done nothing to decrease the public’s desire for booze. Instead, it spawned a massive illicit market (populated with products that were dangerous and often fatal to consume), organized crime, and corruption.

Calls for change grew louder as the 1930s opened, and surveys conducted by Literary Digest offered numerical proof. In a 1922 poll, 38.5 percent of respondents

1 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 18, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).

supported prohibition, 40.1 percent favored legalizing wine and beer by modifying existing laws, and just 20.6 percent advocated wholesale repeal. When repeated in 1930, the five million votes (representing one-fifteenth of the United States’ adult population) distributed rather differently: prohibition’s approval rating fell to 30.5 percent, while support for repeal nearly doubled to 40.4 percent.³

Figure 10-1. “Prohibition Failed!” Schaffer Library of Drug Policy.

Strident prohibitionists still existed, of course, and they were horrified at the prospect of dismantling the Eighteenth Amendment. They had worked tirelessly to secure the legislation in the 1910s, but now the tables were turning. Instead of fighting for change, they were fighting against it—and this time, with dwindling, rather than increasing numbers of allies. Even teetotalers who had supported prohibition’s passage found themselves struggling to reconcile their personal beliefs with the harsh realities of

prohibition-era America. No one really knew how to solve the problem—that W.R. Hearst offered $25,000 to the best plan for repeal in 1929, essentially crowd sourcing for ideas, speaks volumes—but advocates turned into opponents as the 1930s opened.⁴ That included some high-profile defectors, like Henry Ford and John D. Rockefeller, Jr.⁵ “I was born a teetotaler; all my life I have been a teetotaler on principle,” Rockefeller explained in an open letter to Columbia University President Nicholas Murray Butler, published in the New York Times on June 6, 1932. “It is my profound conviction, however, that these benefits are more than outweighed by the evils that have developed and flourished since its adoption, evils which, unless promptly checked, are likely to lead to conditions unspeakably worse than those which prevailed before.”⁶

In many ways, the battle to end prohibition featured the same groups, beating the same drums they had to secure it. “Dry” forces comprised of evangelicals, reformers, and teetotalers, fought to maintain the Eighteenth Amendment in the name of families, women, children, public health, and social morality. “WAKE UP MEMPHIS!” declared pamphlets distributed by the Memphis Protestant Pastor’s Association in 1932. “Does it follow that the [liquor] traffic will become decent and law-abiding when legalized? When was this traffic ever law-abiding? When did it ever leave any trail behind it except a trail

⁴ Evening Independent (St. Petersburg, FL), January 1, 1929.
⁵ For more on the important role of women’s organizations in securing repeal, see Kenneth D. Rose, American Women and the Repeal of Prohibition (New York, NY: New York University Press, 1996).
of corruption?” Others acknowledged the difficulties of enforcement, but dismissed them as justification for repeal. “The country, of course, is not bone dry,” assured Prohibition Commissioner J.M. Doran in October 1929, “but gratifying progress is being made. Conditions certainly are improving. The consumption of bootleg whiskey is declining in many centers.”

Wherever those “many centers” of declining bootleg whiskey were, it certainly did not include Memphis. Unlike much of America, Tennesseans were on their twenty-first year of prohibition by 1930, and that time had only created apathy and fatigue in Memphis. Local temperance organizations remained active, of course, but it was an uphill battle against alcohol and machine politics. When the Anti-Saloon League polled congressional candidates in 1930, asking them if they would continue to support the Eighteenth Amendment if elected, both the Independent and Republican candidates answered a resounding “yes.” Yet, by the late 1920s, the Democratic Party had fused with city and county governance to form an indomitable political machine under the leadership of Boss Edward H. Crump—who incidentally, had decided to try his hand at Congress, winning that 1930 election. He simply declined to answer the Anti-Saloon League’s poll.

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7 To voice their opposition, the Memphis Protestant Pastor’s Association created pamphlets that reprinted portions of writing by Fred Eastman, a nationally known temperance advocate in 1932. Fred Eastman, “The Wet Parade,” *Christian Century* (Chicago, IL), April 27, 1932.


9 The Anti-Saloon League first received was word from machine lieutenant (and Crump’s de facto mouthpiece) Frank Rice, who said he did not know how his boss would answer. A few months later, Crump clarified his position in personal correspondence with ASL President Bishop H.M. DuBose. “All fair and thoughtful men and women agree that temperance is not now general,” Crump acknowledged, “and that liquor can still be had.” Yet while he would never advocate the return of open saloons, “I will make no iron-clad pledge, because I would keep it if I made it, and would thereby ‘gag’ and ‘hog-tie’ myself before reaching Washington,” Crump explained, “I only pledge to the people of the Tenth Congressional district of Tennessee is that I will serve them honestly, fairly, and energetically, and with a high sense of public

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The ASL was quite familiar with Crump’s “sense of public responsibility” where liquor was concerned. The group was on its second decade of pushing up against the Crump machine, to their dismay Crump won the election, and their only recourse was a salty reminder that “the League will, as always, oppose the renomination (sic) or re-election of any member of Congress who votes for wet or against dry measures.” “Dry Leaders Put Questions to Candidates,” Memphis Press-Scimitar, June 18, 1930; E.H. Crump to Bishop H.M. BuBose, September 2, 1930, Box 64, E.H. Crump Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL); Association Against the Prohibition Amendment to E.H. Crump, December 12, 1931; Henry H. Curran to E.H. Crump, December 12, 1931, Box 89, Crump Collection, MPL.
As time progressed, Boss Crump—at present, Representative Crump—received telegrams from constituents on both sides of the issue. "I do not at present know what my politics are," wrote Dr. Richard Matheson, a self-described prominent citizen with over a thousand industrial employees, in April 1932. "But I do know that I will vote at the coming election for a man for Congress who is distinctly wet and who means...to abolish a law that makes the American Nation the greatest nation of hypocrites under the sun." Those on the opposite end of the spectrum sent equally strident appeals. "I believe you will agree that the people of Tennessee would be better represented by a dry vote than by a wet vote," urged B.F. Ault, Superintendent of the Tennessee Anti-Saloon League in December 1932. Except Crump did not agree, and when a bill to repeal the Eighteenth Amendment failed by a few votes in December 1932, Crump replied to a telegram from the Methodist Ministers Association of Memphis explaining that he had, in fact, selected repeal. "I regarded my approach to this subject as being in accord with mandate of the American people as expressed in election November 1932."

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10 Dr. Matheson described himself as a prominent citizen with over a thousand industrial employees. Matheson definitely waxed poetic, but he also represented the growing number of people who valued repeal more than toeing party lines. As he declared in his letter to Crump, "I shall use every effort to elect 'wets' to Congress in this and other districts, altogether regardless of the brand of politics which they may profess. Yours in dead earnest permanently, until this consecrated mission is productive of results." Richard T. Matheson to E.H. Crump, April 2, 1932; Box 89, Crump Collection, MPL.

11 B.F. Auld to E.H. Crump, December 3, 1932; Box 89, Crump Collection, MPL.

12 The Methodist Ministers Association of Memphis was particularly concerned about a sweeping federal measure that did not require state ratification. "If such proposition is to be submitted to the states," the organization telegraphed on November 29, "we appeal to you as our representative in the Congress of the United States to use your vote and influence to the utmost to provide the legal voters of the entire nation as direct a voice in the ultimate determination of the issue as may be possible." In Crump's reply, he assured them that he intended to vote for a measure that went to the states for approval or rejection. "In other words," Crump explained, "just about the same procedure as was followed in its adoption." Methodist Ministers Association of Memphis to E.H. Crump, November 29, 1932, Box 89, Crump Collection, MPL; E.H. Crump to Methodist Ministers Association, December 5, 1932, Box 89, Crump Collection, MPL.
eighth (sic),” he explained. To another telegram from “friends of prohibition” in January 1933, Crump reaffirmed his position: “I stand squarely on the Democratic platform to repeal the Eighteenth Amendment and for beer.”

After sending that telegram, Crump waited less than a month to act. In February 1933, Congress adopted a resolution to repeal both the Eighteenth Amendment and the Volstead Act, which then went to the states for ratification. Congress added a rather unique caveat, however, by requiring each state to approve or reject the measure not in state legislatures (as was customary) but state conventions. This spoke to the still-considerable power of pro-prohibition interests. By choosing a method more akin to referendum, Congress opened the process up to regular Americans and sidestepped state legislators who were either afraid of, or on the payroll of wet forces—an interesting mix of teetotalers and bootleggers who did not want to see the golden goose disappear.

Despite concerns that state conventions might take years, the process happened quickly. Over forty states had proceedings underway by the end of February 1933, and between April and November that year, more than twenty-million Americans participated in elections to select delegates. In the meantime, President Franklin D. Roosevelt, who won the White House on a platform that included repealing the Eighteenth Amendment, asked Congress to legalize 3.2 percent beer. They readily agreed, Roosevelt signed it into law in April 1933. The ratification campaign pressed forward,

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13 E.H. Crump to Methodist Ministers Association, December 5, 1932, Box 89, Crump Collection, MPL.
14 E.H. Crump to Bruce R. Payne, January 24, 1933, Box 89, Crump Collection, MPL.
16 “Repeal Starts its Rounds of the States,” Commercial Appeal, April 5, 1933.
quickly racking up votes for repeal until Utah, the thirty-sixth state to ratify, sealed the deal in December 1933. After thirteen long years, prohibition was finally over—or at least it was over for many Americans.

Others found themselves living in states that refused to abandon prohibition entirely. After repeal, each state had the right to control alcohol as it wished, and these states chose to revert to the types of state-level regulations that predated the Eighteenth Amendment. Tennessee fell into this category. In the absence of federal legislation, the state once again fell under the statewide law of 1909. Anti-prohibitionists soon began working for repeal, and in doing so, offered markedly similar arguments to their peers who had fought against it in the first place. Prohibition was still bad for the local economy, they argued, repeal would benefit the bottom line by creating jobs, freeing up public funds currently allocated for failed enforcement, and most importantly,

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17 When Michigan voted decidedly in favor of repeal, the Commercial Appeal dubbed the “landslide” as “the beginning of the end of the disastrous attempt of government to invade the domain of personal liberty and prescribe what its citizens shall not eat or drink or howso (sic) they shall be clothed.” The paper continued, “Millions were spent and the enforcement of other laws neglected in the chase after the hip-pocket prohibition violators while the big, lawless operators made their arrangements to conduct their business without interruption,” the Commercial Appeal declared on April 5, 1933. “Thirteen years of widespread official corruption, favoritism, increasing lawlessness, gang warfare, and allied crimes are now on their way to an end. And the new era of states’ rights, personal liberty, temperance through education rather than force and tax-paying relief is on its way back.” “Repeal Starts its Rounds of the States,” Commercial Appeal, April 5, 1933.

18 Memphis businessman Robert Cohn offered a succinct overview of many local anti-prohibitionists. “This so called Prohibition has made liars, thieves, criminals and hypocrites out of the American people,” argued Memphis businessman Robert Cohn. “Our government coffers are empty, when a proper regulation of the liquor traffic could produce a wonderful revenue for Federal, State, and Municipalities,” he continued. “The American people pay a high price for their liquor so that the bootlegger can stay in business, then turn right around and pay taxes to fight the bootlegger.” What prohibition was really prohibiting was business, Cohn continued, and reintroducing beer would create jobs—and too much money was needed elsewhere to justify continuing to spend it on liquor law enforcement. “Prohibition is the enemy of morality and the breeder of lawlessness and crime,” he concluded. Robert Cohn, “What’s Wrong With America?” Robert Cohn Papers, Memphis Public Library, Memphis, Tennessee; Robert Cohn, “Away with Hypocrisy,” Collierville Herald (Collierville, TN), February 2, 1932.
send critically needed cash to state and local coffers. The state anticipated a $1 million budget deficit in 1933, and options were either a statewide sales tax hike, or legalizing (and heavily taxing) 3.2 percent beer. The latter would net $1.20 in tax revenue per barrel, an estimated $1 million every year, with the lion’s share going to cities and counties before the state, explained Finance and Taxation Commissioner Dancey Fort. “The question is,” Dancey continued, “do the people want to exempt consumers of home brew from taxation, and then tax the buyers of everything else, possibly including bread? Shall beer be free and life’s necessities be taxed?”

Both the people and the General Assembly agreed, and on April 12, 1933, Tennessee legalized 3.2 percent beer—although that decision could have come a week sooner, had enough representatives shown up to cast their votes. Unlike the 1910s when anti-prohibitionists skipped sessions to block the passage of liquor measures, however, this delay had nothing to do with philosophical differences or cheap party politics. The absentee lawmakers actually had a rather good excuse. Babe Ruth and the New York Yankees were in Nashville to play a local team, just three blocks from the statehouse.

19 The power of this point cannot be underestimated. Farmers and businesses involved in agriculture felt the constriction of the economy sooner in Memphis, but the other shoe dropped with the stock market crash in 1929. Between 1930 and 1932 unemployment rose from 4,000 to 17,000 in Memphis, while the population swelled by 40,000 as out-of-work sharecroppers and migrants from the Delta looked, unsuccessfully, for jobs in the city. Half of the city was living in substandard conditions, including seventy-seven percent of African Americans. Beverly G. Bond and Janann Sherman, Memphis in Black and White (Charleston, SC: Arcadia, 2003), 106; Roger Biles, Memphis in the Great Depression (Knoxville, TN: University of Tennessee Press, 1986), 52 – 55.

20 Of the proposed $1.20 per beer barrel tax, fifty cents to cities, and the remaining twenty cents to the state. “Beer Would Produce $1,007,277 Annually,” Commercial Appeal, April 3, 1933; “Beer in Tennessee By June 1, Objective,” Commercial Appeal, April 4, 1933.

21 “Beer or Bread?” Commercial Appeal, April 5, 1933.

22 “Babe Might Not Have Known It, But He Delayed Beer Bill,” Commercial Appeal, April 5, 1933.
This authorized the return of beer to Tennessee. Hard liquor (always ranked as the most dangerous intoxicant) remained illegal, but the law still came packed with restrictions that revealed anxieties. Requiring retail and manufacturing licenses, for example, was standard. Yet requiring all applicants and their employees (and in the case of a larger company, even stockholders) used in the manufacture, storage, and sale of beer to be American citizens was new. This spoke to the nativism that became so rampant in American society after World War I. Anti-immigrant sentiment declared foreigners a threat to jobs and workers, and perhaps no other industry or product owes its existence to people born outside the country more than American beer.23

Old fears about the relationship between saloons and public morality resurfaced, as well. The law banned the consumption of beer anywhere that interfered with schools, churches, traffic, or public health, and authorized beer sales only in establishments licensed primarily for food sales—although a “special provision” (no doubt secured by political connections) allowed beer at hotels, clubs, and lodges. The practice of sending children to fill growlers of beer with the local bartender would not make a comeback, either, as the bill expressly banned sales to minors. For Memphis, a cornerstone of its opposition to state-level prohibition was the argument that it encroached on, and then completely disregarded local sovereignty. This beer bill also appeased those concerns. County courts had the final say in approving or denying beer permits, and cities were

23 Indeed, German immigrants not only radically changed the style of beer produced in America, they also founded some of the most successful breweries of the day, and some that still exist, like the Miller Brewing Company, Joseph Schlitz Brewing Company, D.G. Yuengling & Son, and producer of the largest beer brand in the world: Anheuser-Busch. Maureen Ogle, *Ambitious Brew: The Story of American Beer* (Orlando, FL: Harcourt, 2006); Amy Mittelman, *Brewing Battles A History of American Beer* (New York, NY: Algora Pub, 2008).
free to impose additional requirements—like geographic restrictions or hours of operation, for example—to suit their needs.\textsuperscript{24}

Restrictions aside, many Tennesseans saw the legalization of beer as an exciting victory. Brewers like the Tennessee Brewing Company (one of few local booze interests to weather all of prohibition without complete collapse) announced their intention to reopen or return to Memphis, and spirits were high—and not just amongst businessmen.\textsuperscript{25} “HEARTY CONGRATULATIONS ON THE BEER BILL,” read a telegram from Ed Crump to Frank J. Rice on April 12, 1933. “LET’S HAVE A BIG BEER PICNIC THE FIRST HOT DAY IF WE THINK WE CAN GET A CROWD.”\textsuperscript{26}

If Boss Crump made “big beer picnic” plans on the same day the measure passed, it goes without saying regular Memphians were equally ready to turn up. In fact, beer’s triumphant return on May 5, 1933 looked very similar to the nights preceding big enforcement deadlines, like June 30, 1909 for the Statewide Law, and February 29, 1914 for the Nuisance Act. Except this time, the festivities had a “welcome home,” rather than “bon voyage” feeling. Memphians turned out in droves, sales were huge (beer had to actually be trucked in from other cities to meet the demand), spirits were high, and Memphians reportedly offered up toasts to the man who helped make it possible, President Roosevelt.\textsuperscript{27}

\textsuperscript{24} County authorities still had precedence over cities when it came to licensing, however. “Babe Might Not Have Known It, But He Delayed Beer Bill,” \textit{Commercial Appeal}, April 5, 1933.

\textsuperscript{25} The Joseph Schlitz Company also announced they would return to Memphis. \textit{Commercial Appeal}, April 3, 1933.

\textsuperscript{26} E.H. Crump to Frank J. Rice, April 12, 1933, Box 92, Crump Collection, MPL.

As pleased as people were to have beer, it did not take long for Tennesseans to renew their calls for a complete repeal that included hard liquor, even after the state bumped the potency of beer from 3.2 to five percent and loosened the geographic restrictions on sales in 1935.\(^{28}\) The rest of the country was dry, and Tennessee wanted to join those ranks.\(^{29}\) Memphis police reports suggested legal beer had an ameliorating effect on local drunkenness and crime rates, but if authorities hoped for a “meet in the middle” compromise that alleviated other social problems spawned by prohibition, like illicit alcohol, they were surely disappointed.\(^{30}\) Probably the only people more pleased with a continued ban on liquor than teetotalers were Memphis bootleggers. Tennesseans still wanted whiskey, so they still had a market; in fact, legalizing beer had little impact on their existing operations. Beer cost more to produce, and proved too voluminous for the trade. A pint of whiskey, for example, contains the alcohol by volume content of roughly sixteen beers—and it is far easier to hide a case of liquor bottles than a truckload of beer.

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\(^{29}\) Nationwide, distillers produced 35 million barrels of beer and 42 million gallons of hard liquor in year after repeal in 1934. With that much money on the table, local entrepreneurs wanted a piece of it. To that end, more than 250 petitions supporting repeal circulated around Memphis by workers who secured signatures in stores, offices, factories, and other businesses. The Liquor Dealers Association started closed-door meetings to get the movement started and get their forces organized, as well. Yao Foli Modey, “The Struggle over Prohibition in Memphis, 1880-1930” (Ph.D. dissertation, Memphis State University, 1983), 214; *Commercial Appeal*, March 12, 1939; “Bootlegging Thrived in ‘Dry’ Time,” *Commercial Appeal*, January 3, 2002.

\(^{30}\) Police records suggested the reintroduction of beer had an ameliorating effect on drunkenness and crime. In May 1931, for example, police made 139 liquor arrests but by 1932, that number dropped to 65, and cut in half again the following year. Court proceedings suggested a similar, albeit rather surprising trend, given the city’s history where liquor-related convictions were concerned. In the past, juries were loath to convict, yet as the *Commercial Appeal* noted in January 1935, jurors returned just ten acquittals compared to ninety-one convictions for liquor law violations. “Drunk Cases Decline Since Beer’s Return,” *Memphis Evening Appeal*, May 18, 1933; “Young Lawbreakers on Decrease Here,” *Commercial Appeal*, January 14, 1935; “Beer Dealers Renew City, State Permits,” *Memphis Press-Scimitar*, April 29, 1935.
Thus, while much of America was deescalating from its experiment with prohibition, Memphis remained in largely in the same position. The illicit manufacture, transportation, and sale of alcohol continued, and authorities fought the uphill battle of enforcement. Bootleggers kept things rolling in Memphis, now aided by the reintroduction of legal alcohol across state lines. Just as it had between 1909 and 1918, the city’s proximity to “wet” states made importing real booze a boat, car, or train ride away. Unfortunately, for prohibition-weary Tennesseans the experiment carried on for several more years. It was not until March 1939 that the state finally moved on calls for repeal by passing the Austin Liquor Act—over Governor Browning’s veto—to dissolve the thirty-year-old statewide law. This allowed each county in Tennessee to decide for itself, by public referendum, whether to allow or forbid alcohol. In other words, the exact type of local option law anti-prohibitionists argued for, and prohibitionists blocked in the early-twentieth century.

When Memphis held its referendum on May 25, 1939, it came without any of the speeches, signs, pamphlets, and general fanfare that usually accompanied voting in Memphis. It was uncharacteristically quiet—no one waited in line, poll workers spent a lot of the day sitting around—and an uncharacteristically low turnout. Less than one-

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31 Just as it had been in the 1910s, blockade-runners strived to make their caches bound for bootleggers look legitimate. Lawrence Caneperi and George Collins, for example, faced arrest and then prosecution for transporting 132 cases of alcohol into Memphis in 1935 one evening around 2 am. The defense argued that they were legally conveying the liquor interstate, between Fulton, Kentucky and Shreveport, Louisiana, and jurors acquitted them. When the C&G Liquor Company of Fulton, Kentucky filed a petition for the return of that liquor seized by the Shelby County sheriff, however, the trial judge refused. The matter went up to the Tennessee Supreme Court where justices upheld the lower decision, citing “the use of quite apparently bogus documents to support the claim of interstate shipment, and markings on the packages designating Memphis bootlegger consignees, in connection with the attested reputations of the parties, constituted material evidence.” Liquor continued to come via water, as well. Caneperi, et al. v. State of Tennessee, 169 Tenn. 472, 89 S.W. 2d 164 (S.C. TN 1935).

32 “State Legislature Votes in Whiskey,” Rogersville Review (Rogersville, TN), March 9, 1939.
third the number of voters who participated in the last gubernatorial primary showed up. Memphians were not apathetic about the issue; however, the majority agreed. Prohibition was a mess, the Crump machine wanted repeal (city-county employees even distributed cards showing where to mark the “x”) and people voted accordingly. It would be an understatement to say repeal simply “won.” In Memphis and Shelby County, 754 and 975 people voted to retain prohibition, respectively. Votes for repeal, on the other hand, clocked in at a decisive 22,249 in Shelby County and 17,988 in Memphis.

Thus, Memphis became the third large city behind Nashville and Chattanooga to legalize liquor—although this outcome hardly needed an explanation. Had the same referendum happened in 1877, 1904, 1909, 1913, 1917, or any other flashpoint in Memphis’ long, contentious relationship with prohibition, the result would have been the same. It was an unwanted law, pushed down the throat of an unwilling populace, and the vote for repeal was, in the eyes of the Press-Scimitar, a “foregone conclusion.” “Sentiment in Shelby County has been preponderantly wet for many years for the simple reason that it got tired of the antics and activities of bootleggers, and because it realized that the county was wet anyway,” added the Commercial Appeal. “In short,

36 Commercial Appeal, May 26, 1939.
what Shelby County wants, and has wanted for many years, is sure and sound control of the liquor industry with the benefits derived from such control.”\textsuperscript{39}

It remained unclear if the authorities could achieve that “sure and sound control,” but like legal beer, the Austin Liquor Act came packed with strict regulations. First, the law blocked selling alcohol by the drink, limiting trade instead to package sales (sealed, marked bottles) in a retail setting.\textsuperscript{40} Vendors could not sell booze alongside “other merchandise” like tobacco, candy, or chaser beverages, or allow customers to consume purchases on the premises—and any merchant caught with unstamped or broken-seal bottles was subject to prosecution.\textsuperscript{41} Consumers did not escape new restrictions, either. Tennesseans could not purchase alcohol on election days, Sundays, between the hours of 11:00 pm and 8:00 am, they had to be twenty-one years old, they could not buy more than three gallons at once, and if they were already drunk, they could not purchase alcohol at all.\textsuperscript{42}

If the goal was to make the post-prohibition liquor industry look nothing like its predecessor, authorities succeeded. These stipulations prevented the return of legal saloons and sales in hotels or restaurants—the three largest venues for consumption. The law also blocked delivery, curb service, and home solicitation, services offered by countless wholesalers and retailers prior to prohibition. In fact, liquor stores could not


\textsuperscript{40} “Memphis is Wet Again After 30 ’Dry’ Years,” \textit{Commercial Appeal}, July 5, 1939.


solicit business, or even advertise. Yet even more telling were the guidelines dictating who could, and could not open one of these heavily regulated liquor stores.

Given the city’s history and the profitability of alcohol, it came as no surprise that businessmen recognized the financial opportunity repeal provided. Real estate agents fielded inquests for property, and some began announcing intentions to open liquor stores before the referendum had even taken place. However, there were concerns about another group of businessmen: bootleggers. They did not simply vanish with repeal, and authorities were right to raise questions about their involvement. Some of the first habitual statewide law violators in the 1910s, and some of the most active bootleggers in the 1920s started out working in Memphis’ legal alcohol industry—and might have stayed there, had it not been for prohibition. While others moved, switched trades, or went out of business, these men transitioned into illicit alcohol, either moving weight themselves, or pulling strings from behind the curtain. What stopped them, authorities wondered, from simply shifting back across that divide?


44 By early April 1939, there were a handful of tentative agreements for liquor store locations, all hinging on the city commission’s still undetermined regulations for the operation of such businesses. “We’ve had a lot of inquiries and a lot of ‘if’ proposals, but we haven’t done anything definite yet,’ said real estate agent, John Naill, of Millard Naill & Co. “They’re all waiting to see what the city is going to do.” Downtown real estate man Norman Isenberg and Eaton Elder who noted that great interest emerged right after repeal, but the market had cooled. “We had many requests for operations immediately after repeal,” Edler explained, “but it’s against our policy to tie up any of our property on indefinite proposals. Consequently, the people are just waiting.” On April 7, 1939, plans announced for the first wholesale whiskey store in Memphis. Automobile dealer Roy W. Hartwell declared he had signed on to distribute for the Schenely Distillery Corporation in Memphis and West Tennessee under the auspices of the newly formed Hartwell Distributing Co. A week later, the first liquor store license for Shelby County, outside of Memphis, issued to John T. Williams of Collierville. Years later, James O. Graham recalled this unique financial opportunity for even those tangentially tied to the alcohol trade. “All of us in insurance were going after that insurance business in liquor stores. I was after them too.” “Liquor Store Lease Signed,” Memphis Press-Scimitar, April 4, 1939; “Whisky Firm Organized,” Commercial Appeal, April 8, 1939; “Shelby Gets 410,883 From Liquor Revenue,” Commercial Appeal, July 13, 1939; James O. Graham, interview by Charles W. Crawford, July 7, 1988, pg. 15, MSU.
In hopes of weeding out the more dangerous element, authorities jacked up licensing fees and requirements with repeal. The combined cost of state, county, and city permits stood at $750 for retailers, $1,000 for wholesalers, and $1,500 for manufacturers annually—significant hikes over pre-prohibition rates, even with inflation—and applicants had to pass a “good moral character” muster to receive certification.\(^{45}\) That included not having a felony of “moral turpitude” on their record, and most importantly of all: not having a liquor law conviction in the previous ten years.\(^{46}\)

Ethical flexibility notwithstanding, bootleggers were just like their straight-laced counterparts: capitalists. Prohibition proved there would always be a market for alcohol sales in Memphis, and if legal booze offered profit without the risk of prison or violence, forward-thinking bootleggers wanted in. These licensing requirements were a problem, however. Chances of any Memphis-based criminal flying so far under the radar to neither face arrest, nor acquire at least a rumored reputation for illicit activity in the past decade were slim.\(^{47}\) Yet just as they had between 1909 and 1917, the Memphis bootlegging fraternity found a way around this state law, too.

“Most of them had been bootleggers,” James O. Graham explained of the numerous liquor licenses that went to Jewish and particularly Italian families after 1939. “I had one friend that opened up a store,” Graham said. “I’m not going to call any names, but he was one of the biggest bootleggers in Memphis. Well, naturally, he

\(^{45}\) The state license alone was $1,000 for manufacturers, $500 for wholesalers, and $250 for retailers. “Liquor Permits Going on Sale,” Memphis Press-Scimitar, December 27, 1941.

\(^{46}\) “State Legislature Votes in Whiskey,” Rogersville Review (Rogersville, TN), March 9, 1939.

got...an upright person to get the liquor store license in his name.”

Using this sort of front man (or woman) became a popular tactic. Bootleggers used their squeaky-clean record as a cover to secure the necessary permit to open, and for their trouble, they received either a one-time payment or percentage of the business’ profit without participating in day-to-day operations. Further, this tactic circumvented the stipulation that no single person own more than one liquor store. Multiple fronts made it possible for a small minority to establish multiple businesses and thus dominate the market.

After thirty “dry” years, the legal sale of alcohol in Memphis began again on July 5, 1939 at 8:00 am. However, another problem soon eclipsed this victory: overpopulation. Based on studies of alcohol reintroduction elsewhere, researchers recommended sixty-five to seventy-five liquor stores for a city Memphis’ size. Above that threshold, it increased the incentive to cut corners, start price wars, break closing laws, and drift toward illegal activity. That recommendation went unheeded. The city’s first quota of 100 stores—the Commercial Appeal likened these to “getting a license to mine gold”—quickly went out the window, and by August 1939, Memphis had 150, triple the number of Nashville and Chattanooga.

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48 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 18 – 19, MSU.

49 James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 18 – 19, MSU.


52 Other cities had restricted the number of liquor stores in operation, but in Memphis, this approach received opposition on grounds that it would unfairly restrict trade. “Liquor Stores Abound,” Commercial Appeal, August 26, 1939.

177 (plus another 8 wholesale houses) amid concern that the city’s population could not “furnish sufficient patronage to keep them all going.”

This prompted vocal criticism from licensees who did not want newcomers flooding the market and diluting their prospects. Jake Felt of wholesaler association United Liquors said the loudest “squawk” was “coming from former bootleggers who drifted into the legitimate business with dreams of the ‘heavy sugar’ of bygone dry days.” To be fair, their concerns proved valid. Booze prices dropped fifteen percent in the first month alone as retailers struggled to attract customers amid the competition.

Figure 10-3. “Liquor Store on Cotton Row, Front Street, Memphis, 1939.” Library of Congress.

54 The Liquor Licensing Board declared it was unable to tamp down that number. If the operators met all the qualifications—proper location, clean rap sheet, check of moral character—the board could not turn them down.

“Drinkers at Hotels Like to Mix Their Own Drinks,” Memphis Press-Scimitar, October 24, 1939.


When asked how business was going, the Little Palace Liquor Store on Gayoso Street reported it was doing well, but also pointed out there were four other liquor stores within less than three blocks. The price of legal booze, thanks to taxes, was already higher than what still-operating bootleggers were selling. A pint from “boys outside the law” ran for $1.50, but cost $1.80 in a legal shop.

The continued reality of those bootleggers soon melded with perhaps the most oft-repeated point in this study: local operators finding ways to skirt the law to make a buck. In 1909, it was switching to interstate commerce to avoid state-level legislation. After state-level repeal, it was hiding alcohol to sell to bootleggers at mark-up prices. Some of that inventory went to Memphis dealers who did business outside the legal hours of operation, but the majority came from Mississippi.

Tennessee and Mississippi had somewhat similar prohibition trajectories. Both adopted statewide laws well before the federal government’s mandate in 1919 (Mississippi in 1908, and Tennessee in 1909) and chose to maintain state-level restrictions after the repeal of the Eighteenth Amendment. When Tennessee pulled the plug in 1939, however, Mississippi stayed on—its experiment with temperance, in fact, did not end until Lyndon B. Johnson was in the White House. Thus, while legal liquor winnowed down Memphis’ illicit liquor game, its Mississippi counterpart kept rolling. It

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58 Price varied by quantity, but reports held that legal alcohol, across the board, cost roughly fifteen to twenty percent more than illicit booze in the summer of 1939. “Memphians Must Pay More for Right to Drink Legally,” Commercial Appeal, June 24, 1939.

59 Unsurprisingly, when Mississippi repealed its prohibition legislation in 1966, it was the last state in the Union to do so. It is important to note that while 1939 was the major watershed in Tennessee, it would not be until 1967, thanks to constant pressure from the restaurant and hotel business, that liquor sold legally by the drink. “Bootlegging Thrived in ‘Dry’ Time,” Commercial Appeal, January 3, 2002.
needed steady liquor supplies, and for the first time in decades, Memphis was in a position to meet that demand. It proved profitable for all involved. Mississippi bootleggers were willing to pay $10 above retail per case—thus creating a powerful impetus for Memphis retailers to secretly stockpile booze—and they in turn sold pints purchased for $2 in Memphis for $3.30 after crossing state lines.\[^{60}\]

Ultimately, just as it had been in the 1910s, this was a game of cat and mouse. The authorities introduced a restriction to plug an existing loophole, liquor minds found a way around it, and the cycle repeated. Retailers hoarded liquor for Mississippi bootleggers in back rooms and under counters, so authorities introduced rules concerning merchandise display.\[^{61}\] Retailers started closing early to work around those display requirements, so the state instituted mandatory hours of operation.\[^{62}\] Sellers started manipulating market scarcity to sell certain products at higher prices, so the state created price ceilings.\[^{63}\] “The object of the new regulations is to reduce the opportunity for liquor sales thru illicit channels,” explained State Commission of Finance

\[^{60}\] This trade did not produce the astronomical profit margins of the 1920s, yet still a respectable sixty-four percent gain.

\[^{61}\] This included regulations that policed the appearance of liquor stores. Businesses could have window displays, but the law banned advertising sales or posting prices. The same went for clutter; all products had to sit on shelves or in coolers; no bottles or boxes could be stacked around the store. The sum of these efforts would make these businesses, as supervisor for the state Division of Finance and Taxation Francis C. Hudson explained, “More dignified in appearance.” Further, in 1943 guidelines stipulated all merchandise had to be on display, or merchandise on at least three-fourths of available shelving. “More Dignified Liquor Stores,” \textit{Memphis Press-Scimitar}, October 24, 1941; “Liquor Ordered Back on Shelves,” \textit{Memphis Press-Scimitar}, August 10, 1943.

\[^{62}\] Liquor stores closed their operations, citing low inventory, so in 1943, regulations stipulated that regardless of inventory status, all liquor stores had to remain open from 9:00 am to 6:00 pm. “Liquor Hours 9 to 6; Must,” \textit{Memphis Press-Scimitar}, August 18, 1943.

\[^{63}\] Sales had to adhere to new “ceiling prices” that systematized the price that could be charged for different products. Further, it was illegal for wholesalers to sell liquor to any retailer found guilty of violating any of these display requirements. “New Liquor Ceilings Outlined to Dealers,” \textit{Commercial Appeal}, August 20, 1943.
and Taxation George McCanless, but the effectiveness of those regulations proved debatable.\textsuperscript{64} To be sure, it did flush out some violators. One Beale Street liquor store, for example, closed completely when the display rule took effect. When forced to reopen to comply with the mandatory hours, it had sixty cases of whiskey for sale—booze previously earmarked for Mississippi bootleggers.\textsuperscript{65}

The circumvention of the spirit, if not the letter of the law was not limited to retailers, however. The requirement that liquor only sold in stores—not bars, restaurants, or hotels—led to some interesting workarounds.\textsuperscript{66} Waiters made liquor store runs to meet the needs of their respective tables, and restaurants declared themselves locker clubs, allowing customers to store alcohol onsite for a small fee. In fact, the number of “clubs” exploded, just as it had in the 1910s. In Nashville, one such establishment was the Automobile Club. The exceedingly stringent requirements for membership: owning an automobile, or knowing anyone who did.\textsuperscript{67} Memphis social clubs were up to their pre-prohibition tricks, as well: alcohol sales by the drink, communal stores of booze, and member slush funds.\textsuperscript{68} City authorities issued edicts to stop the practice, but whether they obeyed them is unclear; given the record of broken

\textsuperscript{64} “Liquor Ordered Back on Shelves,” \textit{Memphis Press-Scimitar}, August 10, 1943.

\textsuperscript{65} “Liquor Stores Hid Stock to Sell at Higher Prices,” \textit{Memphis Press-Scimitar}, August 23, 1943.


promises where locker clubs were concerned, that outcome was perhaps not too promising.\textsuperscript{69}

Did Memphis clean up its act simply because the state repealed prohibition legislation? No. The city’s old colors bled through, despite these seemingly aggressive restrictions and guidelines.\textsuperscript{70} It was never simply a matter of laws on paper, so removing those laws did not solve all problems—after the state legalized beer in 1933 or hard alcohol in 1940. It was not as though law enforcement did absolutely nothing in Memphis. To be sure, the city police were lapdogs of the Crump machine, and periodic bribery scandals raised serious questions about loyalties within local and federal agencies. Yet the city hosted periodic “clean-up” drives throughout state- and federal-level prohibition to stamp out lawbreaking, and many of those movements (particularly in the late 1920s and 1930s) appeared genuine. They simply could not produce permanent change.

In mid-1929, for example, federal authorities assigned more than forty prohibition agents to Memphis for a campaign that arrested eighty people in the first week alone.\textsuperscript{71} Two years later, conditions necessitated another pass at the problem, this time introduced by the highest-ranking prohibition official in the country, Prohibition Director

\textsuperscript{69} “The clubs knew the law, and they knew what the camouflage was,” declared City Commissioner Joe Boyle after the discovery of alcohol sales by the drink and communal stores of booze through member slush funds. This was, of course, illegal. “A club member may buy his bottle of liquor, keep it in his locker at the club, and have his drinks at the club,” explained Boyle, “but the club cannot be custodian of that liquor.” “Whisky Ban on All Club Bars,” \textit{Memphis Press-Scimitar}, August 6, 1943.

\textsuperscript{70} As the 1940s wore on, however, Shelby County remained the leader in the area liquor game. With the exception of two retailers in Collierville, all 181 licenses issued in Shelby County in 1941 and 1942 were Memphis-based operations. This was also still a profitable endeavor for the city; in 1942, licensing put roughly $128,000 in city coffers. “Liquor Permits Going on Sale,” \textit{Memphis Press-Scimitar}, December 27, 1941; “Fewer Liquor Stores in ’43,” \textit{Memphis Press-Scimitar}, December 31, 1942; “181 Liquor Dealers Buy 1942 Licenses,” \textit{Commercial Appeal}, January 2, 1942.

\textsuperscript{71} \textit{Reading Eagle} (Reading, PA), June 28, 1929.
Amos W.W. Woodcock, who announced cooperation between Arkansas and Tennessee prohibition agents to break up “large-scale moonshining operations” on the Mississippi River in 1931. That also failed to “take,” prompting another crusade against liquor and vice in 1933, and then again in 1935. However, the latter proved rather concerted thanks to “Sinners in Dixie,” a scathing expose from muckraker Owen P. White that *Collier’s Magazine* published in early 1935. Under the auspices of studying soil erosion, White introduced readers to the “professional sinners” running Memphis’ (not-so-under) underworld.

This was hardly the first sensationalist piece written at Memphis’ expense—*Redbook* published a similar article in 1933, lamenting drugs and alcohol in Memphis and declaring the city had more speakeasies per inhabitant than Chicago did—yet it provoked a bigger response. The *Commercial Appeal* declared the article unfair and demanded an apology from *Collier’s*, while Ralph Millet of the *Press-Scimitar* admitted the article was probably true, but pointed out it was no different from other American

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72 Prohibition Director Woodcock made numerous tours per year to survey prohibition enforcement around the country. Of his time in and around Memphis, he declared the lack of communication between Tennessee and Arkansas prohibition agents as a prime reason so much illicit liquor continued to flow into the city in 1931. “The most substantial accomplishment of this trip,” Woodcock explained to reporters, “was an arrangement for co-operation between the agents in Tennessee and Arkansas to control violations on the Mississippi. That section abounds in islands, woods, and estuaries of which moonshiners have taken advantage.” *St. Petersburg Times* (St. Petersburg, FL), August 5, 1931.


74 Memphis was not the only city examined in White’s article. He toured and reported on other Delta cities, while devoting a great deal of attention to Memphis. Owen P. White, “Sinners in Dixie,” *Collier’s*, 26 January 1935: 16, 43-44; “Came Here to Study Soil Erosion, Writes in Collier’s of Memphis’ ‘Countless Sins,’” *Memphis Press-Scimitar*, January 17, 1935.

cities. "Like trouble," Millett declared, "you can find wickedness most anywhere you look for it—unless you are broke." 

Millett’s point that the press saw the version of Memphis they wanted to see was undeniably correct. Not all of Memphis was a hellhole, by any stretch of the imagination. Yet, White was right about vice in Memphis; it was thoroughly

Figure 10-4. “30 Minutes Work, Two Hours Rest for Dice Dealer.” Commercial Appeal, March 6, 1935.

This was the crux of the issue. Journalists periodically came to Memphis looking for drama and depravity, and so they found it; had Owen White been looking for it, Millet continued, he could just as easily found a prayer meeting or good sermon. "Seriously, let's not really get agitated about the writers painting Memphis as a wicked city," Millet concluded, tongue-in-cheek. "It is now the style to tell how wicked Memphis is—and, oh, how the people like to boast how they have been to a wicked city. We have had advertising that we couldn't buy for love or money." "Wicked Memphis' Write-Ups Paint Untrue Picture But Advertise City," Memphis Press-Scimitar, January 19, 1935.

Indeed, it was not as though all citizens were disinterested. In 1934, the police took action after principals of Central High and Bellevue Junior High sent complaints about people selling liquor to their students. "There are several pretty bootleggers who have been selling to youngsters and we are out to break it up," said Sergeant A.I. Conrad. In 1935, new regulations against pinball machines thanks to protests from parent-teacher organizations in Memphis that decried the influence they were having on young people. The rules now stipulated that no money, only prizes could go to winners and that no minors could play. "And a group of P.T.A. women was the cause of it all!" noted the Memphis Press-Scimitar. Yet for all the optimism of indefinitely curbing pinball gambling in the city, that did not happen. The same held true for commercial gambling. The following year the police were still announcing drives to shutter betting, and particularly “bank nights” where businesses sold tickets for raffles. "Stop 'Legging To Schoolboys," Memphis Press-Scimitar, November 16, 1934; "These Pinball Games," Commercial Appeal,
entrenched, thriving, and everyone knew it. Further, he correctly assigned blame to public will, but more importantly, complicit local authorities.79

Memphis (and I’m not talking about black Memphis now, but white Memphis) supports a population of about seven thousand professional sinners whose sole business it is to provide everybody with a good time. They do it; they make a nice job of it, while furthermore they also do something else constructive, which is to take away from legitimate business the entire financial burden of supporting the political ring that actually runs Memphis and Shelby County, and almost runs the entire state of Tennessee...In Memphis this is such a well-known fact that no one denies it. If, for example, a man in that town who is running a hotel, a bank, a garage or a bakery is a supporter of the Democratic organization there are two things he never need worry about: One is service, the other contributions. So long as he votes right—which means in favor of a wide-open town—no business man in Memphis who needs the aid of the agencies of his local government ever calls upon it in vain. From the major of Memphis and the country judge on down, the officeholders of Shelby County are always at the beck and call of their supporters, and yet, so I was informed, as a reward for their services, never do they go to any man who is conducting a legitimate enterprise with the demand that he kick in with a contribution to defray campaign or organization expenses. This last is a privilege that is reserved exclusively for law violators, and naturally provides us with a ready explanation of why they are so numerous and so active.80

For Memphis officials, being in bed with the criminal element was one thing, but having those allegations made in a widely read magazine (while Crump was active in national politics) was not easy to ignore. As a result, orders for a new enforcement campaign came down the same week that “Sinners in Dixie” published. The “lid” dropped on gambling and alcohol (raids produced over fifty liquor-related arrests over just three days in early March 1935), and proved serious enough for some bootleggers


80 Owen P. White, “Sinners in Dixie,” Collier’s, 26 January 1935: 16, 44.
to make sales exclusively out of their automobiles—that way they could make a quick getaway should officers arrive.  One bootlegger reportedly lost $900 in merchandise in the early summer due to this unexpected crackdown. As for gamblers, the police issued a moratorium on them as well, targeting bookies, dice, horseracing betting, lottery, and policy writers in particular. For pinball and pinboard operators, the edict was clear: payoffs in prizes only, not cash. “Police Clamp That Lid Again,” Memphis Press-Scimitar, June 17, 1935; “Lid Being Enlarged to Include Bookies,” Commercial Appeal, January 20, 1935; “Police Outlaw Cash as Pin Board Prize,” Commercial Appeal, April 16, 1935.

What looked particularly authentic were changes to bail and bond requirements; to make it harder for criminals to escape prosecution by skipping town after arrest, the new guidelines declared only property, not cash money, qualified as collateral. Gangsters had money to blow, but neither they nor their bondsmen were so cavalier about losing a house or building.

For a while, this crusade put a real kibosh on illicit activity. “Memphis has become ‘lily-white’ again,” reported the Press-Scimitar on June 17. “That is, police raiding squads are harassing bootleggers, gamblers, and prostitutes and vice has retreated to the shadows of the underworld, for a time, at least.” That “at least” was important, because no one ever knew with these things whether it would last. So many times law-and-order drives were a flash in the pan, and from the outset of this 1935 drive, some anticipated that would be the case. “We’ll be back making our rounds again soon,” predicted policy writers in March 1935. “It’s just some of those things the

81 One bootlegger reportedly lost $900 in merchandise in the early summer due to this unexpected crackdown. As for gamblers, the police issued a moratorium on them as well, targeting bookies, dice, horseracing betting, lottery, and policy writers in particular. For pinball and pinboard operators, the edict was clear: payoffs in prizes only, not cash. “Police Clamp That Lid Again,” Memphis Press-Scimitar, June 17, 1935; “Lid Being Enlarged to Include Bookies,” Commercial Appeal, January 20, 1935; “Police Outlaw Cash as Pin Board Prize,” Commercial Appeal, April 16, 1935.


83 Commercial Appeal, January 21, 1935.

84 Federal authorities also proclaimed their continued commitment to enforcement, orchestrating a large operation based on three weeks of investigation that yielded forty-one warrants and more than a dozen arrests in September 1935. “These arrests are the result of an investigation made by agents on the sale of liquors here,” explained head of the Internal Revenue Department’s alcohol tax unit in Memphis, E.M. Corbett. “This is a drive to show that the government fully intends to break up the manufacture and sale of moonshine and untaxed liquors.” “Federal Raiders Stage Rum Roundup; Nab Score,” Memphis Press-Scimitar, September 30, 1935.
higherups (sic) of the police department do.” That prediction proved correct. Soon the criminal element returned to business as usual.

The Commercial Appeal summed up the perspective of many regular Memphians: “Why these ‘lids’ on vice and crime? Why are they opened now, then closed, then open again?” Throughout the 1930s, it was more of the same: big raids, big arrests, talk of authorities gaining ground, only to see the “lid” weaken, disappear, and the cycle repeated itself. In 1938, Tennessee Governor Gordon Browning even went so far as to create a new agency, the Tennessee State Police to, as he declared, “combat lawlessness in Memphis where the local authorities would do nothing about it.” Unbeknownst to the underworld, however, the days of running wide open were about to come to a screeching halt in 1940—and it had nothing to do with legislation.

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85 By the summer of 1935, however, the “lid” was still on, and gamblers were wondering how to proceed. The Collyer’s Eye and Baseball World, a sport magazine, declared Memphis and Atlanta would be cutting in on the baseball racket, but gamblers were unsure if they would be able to sell baseball pool tickets. “We may run,” said one big operator in Memphis, “but I don’t know. We can’t find out.” “Police Close Policy Houses; Gamblers Feel Pinch of Order; ‘We’ll Be Back,’ Say Writers,” Commercial Appeal, March 3, 1935; “Baseball Pool Boys Hesitate; Is Lid Still On?” Memphis Press-Scimitar, March 26, 1935.

86 Conditions necessitated yet another “close the lid” campaign in the spring of 1937, which specifically targeted social clubs like the Tennessee, Elks, University, Memphis, Colonial, Chickasaw, and Ridgeway Country Clubs. When questioned by a reporter, Commissioner Davis replied, “they don’t admit they have bars, do they?” He continued, emphasizing that the police were not screwing on a dry lid, rather, “we are only enforcing the law Clubs have no more right to sell liquor than a place on North Front or Beale—there is no more reason for them to evade the law than anyone else.” “Club Bars Dried Up in City and County,” Commercial Appeal, April 14, 1937.


CHAPTER 11
“COLD-WATER BLUES”: THE CRACKDOWN OF 1940

“He just shut it down. And nobody could do nothing. I don’t care how big you were nor how little you was or how much you meant to anybody. This town was closed and I mean it was closed.”

— Former bootlegger, Frank Liberto, 1970

“We’re just enforcing the law.”

— Commissioner Joe Boyle, 1940

Memphians in the first half of the twentieth century were not strangers to “law and order” drives. There was a long-standing precedent of such declarations, but when those campaigns came from the Memphis Police Department or the Shelby County Sheriff it was usually a pawn in a larger political game. Indeed, timing often (conveniently) coincided with election season. “The police lid was ‘on again’ this morning,” the Memphis Press-Scimitar noted on August 1, 1934. That duration “remained a mystery,” the paper added, “some thought until after tomorrow’s elections.” Typically the outcome of such pledges was more talk than action; or a burst of effort, arrests, and closings that put a temporary “lid” on vice, before allowing it to loosen and then fade out completely. The underworld knew how to ride out these temporary waves, and no doubt expected a campaign that started quietly in early 1940 to end the same

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1 Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 20, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).

2 “‘We’re Just Enforcing Laws,’ Boyle Repeats Monotonously, But It’s Doom For Evildoers,” Commercial Appeal, April 26, 1940.

3 The Shelby County Sheriff’s office did not fall into Boss Crump’s orbit until 1914. Until Crump secured control over that position, as well, there were some legitimate attempts made to root out lawbreakers and bootleggers (see chapter 6).

4 “Police Clamp Lid On; Bookies Close,” Memphis Press-Scimitar, August 1, 1934.
way: with the expectation that business would soon continue as usual. Yet this did not happen.

The first indication that this 1940 campaign might be different was how it began. It did not have the usual pomp and circumstance; there were no fist-shaking speeches from podiums or prepared statements for the press. In fact, the man whose name became synonymous with the death of vice in Memphis, Commissioner Joe Boyle, initially denied there was any concerted effort at all. After his swearing in as Fire and Police Commissioner on February 20, 1940 (replacing Clifford Davis who left to serve in the U.S. House of Representatives) Boyle began quietly issuing orders, ensuring officers carried them out, and overseeing arrests for infractions previously ignored. Each time the press asked, he gave the same reply: “we’re just enforcing the law.” Perhaps that should not have been such a ground-shaking action, but in Memphis, it was.5

In the absence of an official statement, the press suggested various reasons for this “undeclared cleanup war,” ranging from upcoming elections to the visit of Assistant Attorney General O. John Rogge, to Boyle himself.6 Boyle was well suited for the task, both in experience and temperament. Personality-wise he was a fastidious, efficient, and religious man whose nickname, “Holy Joe”—although used derisively by critics and the underworld—proved accurate.7 Those under his command quickly learned this was

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5 This line was repeated so often it became almost a slogan, and seemed to annoy some members of the press (who no doubt wanted the “scoop” if a sea change was afoot) like Commercial Appeal reporter Everett Amis. His April 26 headline was sassy, but it proved prophetic: “We’re Just Enforcing Laws, Boyle Repeats Monotonously, But It’s Doom for Evildoers.” “We’re Just Enforcing Laws, Boyle Repeats Monotonously, But It’s Doom For Evildoers,” Commercial Appeal, April 26, 1940.

6 Assistant Attorney General O. John Rogge also made a name for himself in the mid-1940s prosecuting Nazi activity in the United States.

7 “He never went to the office without stopping in the church there at Adams and Third, every morning,” explained James O. Graham. “Joe Boyle stopped in that church every morning as regular as going to work.” As George W. Lee explained, people also knew Boyle as the “bible-reading officer” because he
not just self-discipline. Boyle had zero tolerance for dereliction of duty, and within two weeks of taking the position, officers reportedly created a Confucius-inspired saying to describe it: “Cop who sit too much get Boyle on neck.”

Boyle’s resume came packed with field experience, as well. Thanks to years on the force and particularly his time as leader of the “flying squadron,” a unit tasked with rooting out all manner of vice and illicit activity ranging from bootlegging to prostitution, he had first-hand knowledge when it came to policing vice and the city’s underworld.

He reportedly had reservations about taking the commissioner post, but after starting the monumental task of shutting down vice in Memphis, Boyle proved relentless—and he did it by treating the symptoms, and the cause of the disease. A perennial problem, for example, was Memphis’ close proximity to other states, which made it easy for

would quote scripture, give morality lectures, and sing hymnals as he took an arrested man to the clink. If Boyle sang a song as he arrested someone, Lee continued, that meant he had a particularly good case against the suspect. George W. Lee, *Beale Street, Where the Blues Began* (College Park, MD: McGrath Pub. Co, 1969), 73; James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 21, Memphis During the Crump Era Collection, Oral History Research Office, Memphis State University, Memphis, Tennessee (hereinafter MSU).

8 “‘We’re Just Enforcing Laws,’ Boyle Repeats Monotonously, But It’s Doom For Evildoers,” *Commercial Appeal*, April 26, 1940.

9 This is not to be confused with another entity by the same name, the Flying Squadron of America, a non-partisan temperance organization created by former Indiana governor. This Flying Squadron traveled the country speaking on the dangers of alcohol, and even spent three days in Memphis stumping for a national prohibition amendment in 1915 and then again in 1916. Descriptions declared the Flying Squadron “the most effective field organization in the fight for rigid enforcement of the prohibition laws.” While speaking in Memphis, the organization argued that the federal government did not need liquor revenue, as opponents of prohibition argued. “Flying Squadron Leads Dry Attack,” *Commercial Appeal*, March 6, 1922; “Flying Squadron is Ready for Action,” *Commercial Appeal*, March 10, 1922; “Government Doesn’t need Liquor Revenue,” *Commercial Appeal*, March 11, 1915; “Flying Squadron is Coming to Memphis,” *Commercial Appeal*, February 22, 1915; “Flying Squadron to Aim Guns at Memphis,” *Commercial Appeal*, March 3, 1915; “Flying Squadron is Headed this Way,” *Commercial Appeal*, March 10, 1915; “Flying Squadrons to Hit Trail Today,” *Commercial Appeal*, July 31, 1916; “Dates Are Announced for Flying Squadron,” *Commercial Appeal*, July 29, 1916; “Rantings of the Flying Squadron,” *Home and State* (Westerville, OH), August 1924; “Flying Squadron in Raids on Bullet Row,” *Commercial Appeal*, June 4, 1922; McBryde v. United States, No. 4310, 7F.2d466 (6th Cir. 1925).

10 “Every Man on His Own,” *Commercial Appeal*, August 7, 1940.
criminals to escape across the Mississippi River where local authorities had no jurisdiction. Instead of fighting the same uphill battle that plagued police officials for decades Boyle went to Washington, D.C., met with intelligence and narcotics officials, and secured the deployment of federal agents from three different divisions to assist in the larger, unprecedented campaign. “I may not be able to reach them over there,” Boyle told reporters, “but they can.”

The first front opened against liquor, and under Boyle’s instruction officers filled up docket books. Yet Memphis’ underworld went well beyond alcohol, and so did Boyle’s plans. The next target was gambling. In the past, race and class marked these law and order drives (and law enforcement period in Memphis) as it proved more likely

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11 In 1935, the city tried to root out policy gambling, but had little power when it came to operators stationed in West Memphis, Arkansas, who sold tickets in Memphis and escaped back across the river. Judge Moore even boosted the fine from $15 to $25, and Police Chief Will Lee ordered charges of vagrancy added onto the gaming charges to try and dissuade these technically out-of-state violators, but criminals had geography on their side. “Judge Moore Raises Policy Writing Fines,” Commercial Appeal, June 21, 1935; “Police Press Drive on Policy Writers,” Commercial Appeal, June 22, 1935; City Court Ups Tax on Policy Writers,” Commercial Appeal, June 22, 1935.


14 Over the course of a few months the police dropped the hammer on bookies, banned baseball tickers (inning scores and stats piped in on the wire), pinball machines, and all other manner of gambling. As for pinball operators, Boyle appointed a two-man police detail to root out operators who paid winners in cash. The courts had ruled this was a game of skill, so licensing continued, but the crux was that winners received prizes, not money. Officers had to witness cash payouts personally to make an arrest, but it made headway. By late April 1940, Commissioner Boyle reported the task force had already confiscated eight machines since the drive started. Indeed, even old biddies playing bingo—a “family” gambling game—at church socials were not safe. Despite some pushback from the public, a blanket ban went into effect, and the last legal bingo happened on May 1, 1940, sponsored by the American Legion Drum and Bugle Corps. Although, records showed that these events could generate upwards of $10,000 a year in profit for churches and professional promoters, so it was perhaps a warranted move. “Bingo to be Banned in Memphis May 1,” Commercial Appeal, April 15, 1940; “Bingo!” Commercial Appeal, April 16, 1940; “Ban on Bingo Hits Church Fund Events,” Memphis Press-Scimitar, April 16, 1940; “Boyle Confirms Reports of Bingo Deadline,” Commercial Appeal, April 25, 1940; “Boyle Confirms Reports of Bingo Deadline,” Commercial Appeal, April 25, 1940; “Tightest Lid Here on Vice,” Memphis Press-Scimitar, May 7, 1940.
for working people and minorities to be in handcuffs than wealthy citizens who engaged in the same activities but used money and connections as immunity. The same held for crime bosses; they made the decisions and reaped the profits, but insulated themselves from the actual crime by having low-level workers execute tasks that risked arrest. It was good business strategy, but it meant authorities usually punished foot soldiers, not the actual sources of lawbreaking.\footnote{Everyone knew who the real kingpins in Memphis were, but in the past, no one made a move on them. Boyle had a different agenda, which his officers demonstrated by marching in the Columbian Mutual Tower building in May 1940 and arresting four of the city’s “big operators,” just twelve hours after those powerful gamblers moved into the offices.\footnote{To be sure, authorities remained realistic about the future of betting in Memphis. “Of course, we can’t stop gambling completely,” acknowledged Chief Will D. Lee, “people can bet on who can spit closest to a crack in the sidewalk.”\footnote{Still, by April 1940, cops believed they had successfully closed the majority of public gaming, and the message was starting to get through: no one was immune.\footnote{Next in the crosshairs was prostitution.}}.\footnote{Judge Bob Moore said as much in his explanation of a 1935 crackdown on policy and increase in fines from $15 to $25. “I am going to take the profit out of policy writing,” he declared. “I would like to get some of the higher-ups but most of them pay the fines for the writers anyway. If they continue to write policy I may raise the fine to $50; “City Court Ups Tax on Policy Writers,” \textit{Commercial Appeal}, June 22, 1935.}}\footnote{“Tightest Lid Here on Vice,” \textit{Memphis Press-Scimitar}, May 7, 1940.}}\footnote{“Radio Studios Only Will Get Wire Service,” \textit{Memphis Press-Scimitar}, April 4, 1940.}}\footnote{The undiscerning nature of this 1940 crackdown came as a shock to some. “During previous shutdowns bottled liquor was plentiful. Today, however, not even bottled liquor may be purchased in the ‘liquor rooms’ of local clubs,” the \textit{Commercial Appeal} noted on July 9, 1939. “Since the ‘word went down,’ clubs are giving every indication that the order is final.” That frustrated organizations that had grown accustomed to immunity. We can’t even hold Federal licenses now because they are evidence of an intention to sell liquor,” explained one manager. “I hope we will get something done within the next two weeks.” “Swank Bars Now Are Dry Since City Has Gone Wet,” \textit{Commercial Appeal}, July 9, 1939.}}
As a confidential informant told the *Commercial Appeal* in late April 1940, there were two main reasons for this particular crackdown. First, he explained, to “eliminate a vicious, shameful form of graft.” Memphis never had an official, legally recognized “red-light district,” but prostitution was a cornerstone of the underworld. So entrenched was prostitution, in fact, that several of the city’s large brothels were reportedly part of a large syndicate operating in Memphis, but also Atlanta, Nashville, New Orleans, and Birmingham. Franchising prostitution was no different from the systemization of booze between different cities and regions, and like the city’s illicit liquor trade, it continued because of payoffs. Said plainly, staying in business required greasing palms. Prostitutes directed a cut of their profits to employers (be it a madam, pimp, landlady, or the “circuit”), bellboys and doormen who acted as conduits between the women and the “Johns,” and of course, the police—and everyone had to be paid off on the regular.

The second justification for dropping the hammer on prostitution was public health, and specifically curbing venereal disease. It might seem counterproductive, then, that this clean-up campaign also included arresting people selling contraceptives on the street. In fact, this illustrates perhaps the most foundational aspect of the entire campaign: cutting out the cancer, not treating the symptoms. If prostitution ended, this (flawed) logic held, the social problems that accompanied it would end, as well.


20 Memphis attracted young women from the hinterlands to participate in sex work. “Some of them didn’t even live here. They just came in for the weekends,” explained James O. Graham, who worked for the city’s health department and tested prostitutes for venereal disease. “I know there was one down on Vance, had four girls out of there at one time. They all came from up in Missouri, around Steele or Sikeston Missouri or somewhere up there…I said, ‘what’s your address,’ and they gave it. And I said ‘what are you doing here?’ And they said, “we just came down Saturday to make a few bucks.”’ James O. Graham, interview by Charles W. Crawford, June 9, 1988, pg. 16, MSU.

On Tuesday, April 24, police began informing whorehouses that the end was upon them. This “complete and unexpected ban” came with a timeline. Proprietors had a few days’ grace period to shutter their operations, sell off any property or furniture, and get their affairs in order. Then, they not only had to close, they had to leave Memphis permanently. Special details, police warned, would specifically check to make sure each establishment was complying.22

As spring turned into summer, the campaign continued to gain ground. Its unprecedented nature was not lost on the press—the campaign was even the subject of a Time magazine piece in early June 1940. Being a rough and tumble river town was central to the city’s historical identity—and vice had been central to earning that reputation—but “like turning off a faucet that has been dripping steadily for more than a century,” noted the Press-Scimitar, “Commissioner Joe Boyle has cut off vice.”23 Twenty-one houses of ill repute—including nineteen “big ones”—closed in just two weeks thanks to Boyle’s orders.24 Estimates held that ninety percent of prostitutes had ceased business and already left Memphis. Bookies had stopped taking bets, bingo games canceled, and the ban against gambling devices had put the kibosh on pinball and slot machines. Authorities seized discovered gambling devices, charged responsible parties, and donated the monies associated with them to the health department’s fund to distribute milk to needy children. Sine businesses even applauded the positive impact the campaign was having on their bottom line, like a liquor-store

22 “Police Will Close Disorderly Houses,” Commercial Appeal, April 25, 1940.
23 “Tightest Lid Here on Vice,” Memphis Press-Scimitar, May 7, 1940.
owner who noted that his Saturday sales had increased by $50 thanks to Boyle’s crackdown on illegal Sunday sales.25

The concerns that this would be a fleeting campaign or mere lip service proved unfounded. As bootlegger Frank Liberto told historians interviewing him in 1970, “He just shut it down. And nobody could do nothing. I don’t care how big you were nor how little you was (sic) or how much you meant to anybody. This town was closed and I mean it was closed.”26 This was not limited to simply the criminal element, though; Boyle was equally serious about cleaning house internally, and the result was a big shakeup in the police department. Boyle eliminated the vice- and liquor-specific raiding task forces (declaring they were superfluous, and the Commercial Appeal agreed), and introduced a “rearmament” program.27 This included the purchase of ammunition, gas masks, gas projective shells, short-range gas cartridges, hand grenades, pistol flares, a new shooting range at the Shelby County Penal Farm, and supplementing the department’s existing stock of six Thompson submachine guns with ten more—although the initial request was for twenty.28 When asked why the stockpiling was necessary, “To meet any emergency that might arise in Memphis,” was Commissioner Joe Boyle’s terse reply.29 Although it remains unclear if Boyle was equally concerned that Memphis

25 “It’s all been stopped now, even the corn liquor selling,” explained the liquor storeowner, “except down on Beale Street, and police are trying to stop that.” “Tightest Lid Here on Vice,” Memphis Press-Scimitar, May 7, 1940.

26 Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 20, MPL.

27 “Every Man on His Own,” Commercial Appeal, August 7, 1940.


29 “City Prepares For Emergency,” Memphis Press-Scimitar, June 11, 1940.
cops were the worst paid in the state and the ratio of citizens to officers was 1,000 to one.

There were also new expectations for the business of policing. For one, each of the 365 people employed by the Memphis Police Department, from detectives down to mechanics, was now on call, twenty-four hours a day. Work would still be done primarily in eight-hour shifts, but now every man was subject to duty, and had to be reachable at all times—if a cop wanted to go fishing, for example, he had to notify his superior officer at least twelve hours in advance, identify the lake he’d be visiting, and how he could be contacted. “We want to know where to get them in event of trouble,” Joe Boyle said. When pressed to explain what that “trouble” could be, Boyle said that he said that meant war conditions, riots, or potential labor unrest. “We’ve got few enough men on the force,” Boyle said, and added that he himself was subject to twenty-four-hour call, so there was no reason his men should not be as well.

Boyle was also serious about the conduct of individual officers, and made it clear from the outset that he would not be shy about doling out punishments for those who crossed the line—and he had the power to do it. From to 1934, a civil service system selected, and in the event of accusations of malfeasance, protected Memphis

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33 “Police on Emergency Duty Call—24 Hours a Day,” Memphis Press-Scimitar, October 14, 1940.
Police Department officers and provided accused with the right to trial and appeal. Yet in February 1935, the General Assembly passed a bill that abolished the civil service law in favor of a “merit system” that gave the commissioner final say on firing officers, and eliminated the earlier right to appeal dismissal. The switch intended to make it more difficult for criminals to buy officers, and to make it easier to root out bad apples inside the department. Although laudable in its intentions, historian Wayne Dowdy explains, it also politicized the business of policing and made one’s political affiliation a serious liability. If an officer did not support the Crump machine and its slate of candidates, they would probably find themselves out of a job—and the mid-1930s was not a good time to be unemployed in America.

In any event, Boyle put this power to use almost immediately when he became commissioner in 1940. Some incidents were small, like the officer suspended for being discourteous during a traffic stop, or the patrolman who said “damn” during the investigation of a car accident. Some found themselves guilty by association, like Captain Joe Brown of the Memphis Fire Department. His thirteen-year career as a firefighter ended in May 1940 not due to his actions, but those of his wife, charged with operating a whores house in Memphis. Other situations proved more significant, and ultimately cut big swaths through the ranks of municipal employees.

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34 “Policy Racket Dead; Eyes Go Across River,” Memphis Press-Scimitar, March 5, 1935.

35 “Suspended Officer Restored By Boyle,” Memphis Press-Scimitar, December 6, 1940.

36 “Cross is Suspended and Almond is Fired in New Police Shift,” Commercial Appeal, November 23, 1940.

37 “Fire Captain is Discharged for Vice Link,” Memphis Press-Scimitar, May 2, 1940.
The first of these came on May 24 it was discovered that two “hotels”—or more aptly put, brothels masquerading as hotels—on Main Street had reopened in defiance of police orders. The blame for this fell to three veterans: Captain Lee Boyles, Sergeant B.P. Chatham, and Sergeant A.M. Perry, officers who had been on the force for 26, 18, and 11 years, respectively. The hatchet first fell on Captain Lee Boyle, for “scheming and giving contrary orders behind my back,” Commissioner Joe Boyle explained.38 When asked to compile a comprehensive list of all the brothels and prostitutes in Memphis, Captain Boyles’ first submission listed only twelve establishments. When ordered again to complete the task, the list expanded to just thirty-three, leaving off some well-known individuals. “One operator who opened up later, whose name was never on any of Captain Boyles’ lists,” Commissioner Boyle explained, “said the captain had told her to store her furniture and everything would be all right for her shortly.”39 For this subterfuge, Captain Boyle was fired outright while Sergeants Chatham and Perry were suspended, pending investigation.

If Commissioner Boyle wanted to announce his presence with authority, kicking these particular men out was a good choice. Boyles and Chatham were the two men who comprised the so-called “vice squad” or “purity squad.” That is, the unit tasked with policing houses of ill repute and curbing prostitution in the city.40 Suspending Sergeant Perry was also significant, although for different reasons. In Memphis, who you knew was often a critically important factor that could grease otherwise locked wheels and ensure wrist-slaps for significant infractions. This would apparently not be the case with

38 “Boyles Accused of Scheming and Giving Contrary Orders,” Commercial Appeal, July 14, 1940.
39 “Boyles Accused of Scheming and Giving Contrary Orders,” Commercial Appeal, July 14, 1940.
Commissioner Boyle. Perry was not just well connected; he was the son-in-law of Police Chief Will D. Lee. Yet being married to the boss’ daughter did not save him. While Chatham received reinstatement after the investigation indicated he was not responsible for the re-openings, both Perry and Boyles lost their positions on the force.41

The next shake-up came in August 1940, and it netted even bigger fish: Police Chief Will D. Lee, Chief Inspector Clegg Richards (the son of a former police chief and brother of a criminal court judge42), and Captain Frank Glisson, head of the Homicide Bureau, who all hit with thirty days, unpaid suspensions. This incident arose from the questionable release of Leonard “Race Riot” Knight from police custody, despite his having shot fellow African American James Ivery Smith—that release, and decision to not file charges, being facilitated, according to Knight’s mother, by the $200 bribe she gave Captain Glisson.43 The punishment against Chief Lee and Chief Inspector Richards resulted from their failure to report the situation to Boyle, or properly investigate the bribery allegations.44

41 “Second Officer Fired in City Vice Cleanup,” Commercial Appeal, June 20, 1940; “Suspended Man Fired by Boyle,” Memphis Press-Scimitar June 20, 1940.


43 “City Commission’s Statement on Suspension of Policemen,” Commercial Appeal, August 6, 1940.

44 “Police Veterans Figure in Shakeup of the Force,” Memphis Press-Scimitar, August 6, 1940; “City Commission’s Statement on Suspension of Policemen,” Commercial Appeal, August 6, 1940; “Regrettable But Necessary,” Commercial Appeal, August 6, 1940; “Every Man on His Own,” Commercial Appeal, August 7, 1940.
For Richards and Glisson, the suspensions would end and they would return to duty, albeit demoted in rank—and Richards would resign just days after reinstatement. For Lee, the outcome was retirement, although he was quick to note he had decided to retire (for health reasons) nine months earlier, but had stayed on at the request of Commissioner Cliff Davis. In any event, Lee was easily the highest-ranking person implicated in the Boyle campaign. A thirty-year police veteran, he joined the force in 1910, made captain in 1920, and chief in 1928. “I’ve done the best that I could,” Lee told reporters on August 28, 1940. “I tried to do a good job; I tried to help the boys when they were down and out.” His successor was acting chief, Carroll Seabrook.

There was some criticism of this new crackdown; mostly concerning this guillotine, no-tolerance policy towards law enforcement officers—officers essentially told to execute an aboutface from previous enforcement schemes: before they needed to turn a blind eye, now they could not miss a thing. “The same political machine that now sponsors Boyle sponsored a predecessor who allowed these things to go on and everybody knew it,” the Press-Scimitar argued in August 1940. “What was a poor policeman to do? He would only have invited himself out of a job if he had tried to clamp down.” Now the situation reversed. Failure to enforce the letter of the law could be a career killer, even if the man in question had served on the force for decades. “No man

47 “City Commissioners Give Seabrook Place as Chief of Police,” Commercial Appeal, September 4, 1940.
48 “After 17 Years,” Memphis Press-Scimitar, September 23, 1940.
49 “Justice for Policemen,” Memphis Press-Scimitar, August 7, 1940.
should be permanently dismissed just because he has erred,” the Press-Scimitar argued. “He should be permanently dismissed only if it is apparent that he is not capable of being a good officer.”

The campaign continued despite such criticism, for both vice and the police department. For the latter, there seemed to be new emphasis on front-end screening for law enforcement. When eighteen new men joined the (almost perennially understaffed\footnote{Based on the city’s population and size in 1935, for example, each of the Memphis Police Department’s 113 uniformed men was responsible for 45.64 square miles and 2,131 people. As the \textit{Commercial Appeal} noted, the city had grown in both areas while police personnel had actually dropped over the past decade. \textit{Commercial Appeal}, March 14, 1935.} force in October 1940, reports noted that “nine-tenths” were high school graduates and some had two years of college education.\footnote{“19 New Men on Police Force,” \textit{Memphis Press-Scimitar}, October 5, 1940.} The following month, another shake-up from Boyle resulted in the suspension of veterans Captain John P. Cross and Sergeant Robert D. Almond “for the good of the department,” Chief Seabrook stated.\footnote{“Cross is Suspended and Almond is Fired in New Police Shift,” \textit{Commercial Appeal}, November 23, 1940.} It came out in the wash that Captain Cross—a respected officer, once voted the most popular officer on the force, who oversaw the collection of gifts for 500 needy families at Christmas—lost his job after covering for a sergeant who was late to work. “Like most of us, Cross was human, prone to error, but his friends feel it is quite a price to be fired after 20 years of service for one mistake,” noted Paul Fairleigh of the Press-Scimitar on December 5, 1940.\footnote{Several months later Captain Cross earned reinstatement, but the willingness to terminate such a well-known, entrenched officer for the offense of covering a subordinate being late to work demonstrates the zero tolerance policy Boyle’s campaign operated under. “Captain Cross Famous For His Generous Heart,” \textit{Memphis Press-Scimitar}, December 5, 1940; “Police Capt. Cross is Fired By Boyle,” \textit{Memphis Press-Scimitar}, December 4, 1940; “Cross Denies He Disobeyed Police Orders,” \textit{Memphis Press-Scimitar}, August 7, 1940.}
As the year ended, the campaign was still chugging along. Boyle announced that his crackdown would expand to include people carrying long-blade knives, and narrow to address geographic trouble spots, particularly on Beale Street.55 “The emergency room at John Gaston Hospital on Saturday nights looks like a slaughter house it is so full of wounded negroes,” Commissioner Boyle declared. “We are going to put a stop to this knife-carrying and cuttings.” They accomplished that goal—and, it seems, repeatedly violated the Fourth Amendment—with unannounced stop-and-frisk operations. “Everybody stand up against the wall,” police shouted as they entered establishments like bars, restaurants, and cafes, before searching everyone and arresting violators—or at least those who did not dump their weapons when they saw cops walk in. “You could hear the knives and pistols hitting the floor,” explained retired chief of detectives W.P. Huston in 1970. “Mostly knives, because the people were afraid to carry pistols in those days.” Being caught with a knife longer than two-and-a-half inches was worth a fine of $51.56

When the crime statistics compiled for the year 1940, there was an unsurprising uptick in arrests, but also an increase in convictions.57 It also became increasingly clear that while the campaign reflected Joe Boyle’s commitment to law and order, there were larger internal and external forces at work. “I think the Navy coming here, plus

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56 Legal knife length was 2 ½ inches; anything over that brought a fine of $51. “In ’20s, ’30s, City Had Bloody Name,” Memphis Press-Scimitar, December 23, 1970; “Memphis Police Court Circle,” Memphis World, February 9, 1932.

57 “Shelby Records Show Crime Had Big Year in 1940,” Memphis Press-Scimitar, February 20, 1941.
complaints from the citizens and the churches, probably caused Mr. Boyle to take action," mused James O. Graham years later.\(^{58}\) As it turned out, Mr. Graham was correct. With trouble overseas and the United States’ involvement in World War II looming on the horizon, the federal government wanted to see the city cleaned up in advance of training camps and the potential influx of soldiers into the area.\(^{59}\) Uncle Sam got his wish.

The “gravy train” that accompanied vice ended under Boyle’s tenure—at least in Memphis proper. Far from seeing the error of their ways, the purveyors of vice that bowed out of the city at Boyle’s invitation simply changed locations. Across state lines, vice found a more hospitable climate. This had been a readymade solution to Memphis’ periodic law-and-order drives for decades. When the state passed its first statewide prohibition law in 1909, some simply packed up and moved nearby, but technically out of the state. The same thing happened during the 1935 crackdown; policy games simply moved across the river.\(^{60}\) The only thing different in 1940 was that this time, was that it seemed to be permanent.

For members of the underworld, Boyle had a clear message: get out, and stay out.\(^{61}\) His message to city cops proved equally transparent, which the Press-Scimitar succinctly explained in retrospect: “run every prostitute, gambler and bandit out of town, or get fired.”\(^{62}\) Boyle’s men were reportedly “100 percent behind him.” “As long as he

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\(^{58}\) James O. Graham, interview by Charles W. Crawford, July 14, 1988, pg. 15, MSU.


\(^{60}\) “Policy Racket Dead; Eyes Go Across River,” *Memphis Press-Scimitar*, March 5, 1935.


lets us know what he wants done,” remarked an officer in April 1940, “we’ll do it.”63 Within five weeks, Boyle made good on that zero-tolerance policy. In the past, law enforcement in Memphis came loaded with caveats. Wealth, power, connections, and contributions to the Crump machine were all factors that indelibly shaped one’s interaction with the police—if that interaction happened at all. In 1940, however, all bets were off. “He just shut it down. And nobody could do nothing,” explained former bootlegger Frank Liberto. “I don’t care how big you were nor how little you was or how much you meant to anybody. This town was closed and I mean it was closed.”64

Veteran officers had been implicated during the Bellomini scandal a few years prior, but this time the hammer dropped, and stayed down. Action against illicit liquor certainly waxed and waned, but in theory, had not stopped since 1909. In 1940 it was different. This time it was enforcement, with feeling. The targets were large and small. Bootleggers on the river, dealers slinging drugs on the corner, liquor stores violating closing laws, streetwalkers plying their trade, and people selling contraceptives on the street were equally at risk.65 Purveyors of vice did not simply abandon the trade however. They moved across state lines. Soon cars streamed out of Memphis, Mississippi bound,” explained historian Shields McIlwaine, “where Sheriff Baxter protected them.”66

63 “‘We’re Just Enforcing Laws,’ Boyle Repeats Monotonously, But It’s Doom For Evildoers,” Commercial Appeal, April 26, 1940.

64 Frank Liberto, interview by Margaret McKee, September 5, 1973, pg. 20, MPL.

65 “Police Will Close Disorderly Houses,” Commercial Appeal, April 25, 1940.

At the end of the day, why did this crackdown happen? First, the federal government played an important role. With World War II looming on the horizon and Memphis earmarked for a nearby training center amid the larger military build-up, Uncle Sam wanted the red-light district and vice cleaned out before an influx of soldiers.67 Second, by 1938, the machine’s control of black votes had become so egregious that the state crime commission began to investigate and threats were made to bring state national guardsmen into prevent voter fraud by the Crump machine. This was enough to stop blatant manipulation of black votes, and instead transferred pressure onto the white wards to secure victory. Yet there was a larger conversation happening in Tennessee about the poll tax generally.68 When machine leaders realized the organization could not easily sustain power without their traditional strategies (read: fraud and intimidation), it made vice and the underworld less an asset and more a liability. The legalization of liquor in 1939, which eliminated many of Crump’s ward bosses, underscored this reality.

As a result, Crump authorized a legitimate clean-up effort, and handed those reins to new police commissioner Joe Boyle—who, for doing this duty, became forever known as “Holy Joe” Boyle. It is important to note, however, that this could not have happened without Boss Crump’s say-so. Boyle led the charge, but as the Press-Scimitar alluded in their description of Boyle, he was “as independent as a hog on Mr.


68 The poll tax vexed would-be reformers and stifled change. In the 1930s and 1940s, the Tennessee Press Association led the fight to repeal the poll tax. In 1941, the Shelby County delegation, under the influence of Edward H. Crump, successfully fought back a legislative attempt to repeal the poll tax. Two years later the legislators rescinded the tax, only to have their action declared unconstitutional by the Tennessee Supreme Court. Lawmakers finally removed provisions for the poll tax at the 1953 constitutional convention.
Crump’s ice can be.”"69 Indeed, Crump’s motivation in 1940 was no different than his motivation to bring the Shelby County Sheriff’s Office under machine control in 1914: a pragmatic assessment of current conditions, and what it would take to maintain power. Outside pressure like that from the federal government was high, but complaints of corruption and accusations of malfeasant ties to Memphis’ criminal element had plagued his organization for years. Crump acted in 1940 because it was the smartest move to play.70

For the underworld, “last call” started with the official shutdown order on April 23, 1940. The brothels on Mulberry, Vance Avenue, and South Main Street were closed—a turn of events that troubled local working girls and madams, who assured that they had just paid their poll taxes and political “contributions” to stay in business.71 W.C. Handy became synonymous with his now-classic song, “Memphis Blues.” It turns out he was correct, that “Mr. Crump don’t ‘low no easy riders here,” although it took more than twenty-five years to become reality.72

69 In fact, Boyle had already proven his mettle with Crump. The two met when Boyle was just twenty-one, working in his father’s grocery store. He expressed interest in politics, so Crump started him in the county clerk’s office, and over the next two decades, he worked a variety of city positions. After becoming Commissioner of Finance in 1936 (a position that made just $5,000), and collecting $3 million in back taxes without stealing any of it—that being an accomplishment of note in Memphis politics—Crump moved him to Commissioner of Public Safety. “Boyle’s Cleanup of Vice Wins National Attention,” Memphis Press-Scimitar, June 6, 1940.


71 Memphis Press-Scimitar, June 6, 1940.

72 Crump left his position as county treasurer in 1924. As Jonathan Daniels of the Saturday Evening Post quipped, this was the moment where he “retired from office-holding and devoted himself to running the officeholders.” That was certainly true, but Crump set his eyes on Congress in the late 1920s, serving two terms in the House also went into the insurance business with former prohi agent Stanley Trezevant, and business was good. Headquarters were in Memphis with new branches opened in St. Louis, Little Rock, and Pittsburg. Crump was elected to the U.S. House of Representatives where he served two terms from 1929 to 1934. He backed FDR and the New Deal, voting for every piece of legislation in the first 100 days, and FDR reciprocated. Over $15 million was spent in Shelby County by the federal government on
“If ever there was a good time, so help me God, there was good times on Beale. But the good times are gone for good.”

— Musician Booker White

“As history keeps telling us—but do we ever listen?—the road to hell is paved with good intentions.”

— Edward Behr, Prohibition: Thirteen Years That Changed America

The absence of these places reverberated through Memphis, and particularly Beale Street. “Beale Street started passing away when the gambling places were closed,” explained George W. Lee in 1973. “Gambling places were the nostrils from which Beale Street breathed. And when the gambling, the lid was tightened down on the gambling places, the color and romance and interest in Beale Street faded.”

welfare and relief programming, as well as another $6.4 million on construction for public buildings and infrastructure. More than $8 million from the Public Works Administration funneled into Memphis. This built the John Gaston Hospital, dorms at the University of Tennessee medical school, improved infrastructure (streets, sewers, drainage), and a few public schools. In 1936 he was appointed to Democratic National Committee in “recognition of his importance to the emerging New Deal coalition.” Crump ran and was elected mayor of Memphis again in 1939, but executed his 1915 razzle-dazzle once again, serving he only a few minutes before resigning in favor of Congressman Walter Chandler. Crump only ran so Chandler could remain in Washington to vote for FDR’s neutrality legislation. This was supposed to be the mayoral moment of Watkins Overton (great-great-grandson of city founder John Overton), who Crump had handpicked to be mayor—and who Crump had even described as the best mayor in Memphis history. Then he turned on him, ran for mayor, and won. Crump’s term lasted an entire 24 hours. He took his oath of office aboard a train that was board for the Sugar Bowl in New Orleans. After his swearing in, Crump tossed his resignation to the city attorney who was standing on the platform, who in turn stepped aside for Walter Chandler, the man Crump decided he wanted as mayor and orchestrated the whole scheme to put in office. Jonathan Daniels, “He Suits Memphis,” Saturday Evening Post, June 10, 1939, 48; Beverly G. Bond and Janann Sherman, Memphis in Black and White (Charleston, SC: Arcadia Publishing, 2003), 110; Wilbur R. Miller, The Social History of Crime and Punishment in America An Encyclopedia (Thousand Oaks, CA: Sage Publications, 2012), 1096; Intro to Crump Collection, 1 – 4; Linton Weeks, Memphis, A Folk History (Little Rock, AR: Parkhurst, 1982), 120.


75 George W. Lee, interview by Margaret McKee and Fred Chisenhall, August 3, 1973, pg. 10, Everett Cook Oral History Collection, Memphis Public Library, Memphis, Tennessee (hereinafter MPL).
Time, poverty, and neglect continued Boyle’s mission. The Housing Authority did one better in the 1960s, tearing down some of the most iconic (albeit increasingly, if not already decrepit) buildings in the name of progress. For the old-timers who remembered Beale in all its glory, it was a sad sight to see. George W. Lee declared in 1969 Beale could be a thriving locus of musical heritage that attracted visitors on par with Bourbon Street in New Orleans—provided this opportunity was not stunted by prejudice. “If the future of Beale Street remains on the drawing board, static and lifeless, when history speaks, it will say: the glory that was Greece, the grandeur that was Rome, the blues that was Beale.”76

The years passed, and in 1976, so did “Lieutenant Lee.” As for his prediction of Beale, it is harder to say. The crumbling, abandoned buildings with boarded up windows are gone. There is still a stretch of bars and restaurants to turn up when the sun goes down, but the street (narrowed to only a few blocks) has lost a degree of authenticity. McKee and Chisenhall argue that, ironically, integration hastened Beale’s decline. As the Civil Rights Movement opened up new places for African Americans, both literally and figuratively, people could go elsewhere and they did. “When integration came, the Beale Streeters went everywhere and it kilt this place,” Robert Henry declared.77

Tennessee’s conflicted history with alcohol control is hardly a vestige of the past, either. In 2015, the state’s ninety-five counties break down into three categories: dry, limited, and wet. Twenty-six counties are completely dry. Sixty-six others are “limited” counties, where alcohol is restricted geographically or by category. Besides being the


77 McKee, Beale Black & Blue, 7.
most numerous, this group eliminates all doubt that Tennesseans are just as ambivalent today on how to best deal with alcohol as they were a century ago. Nearly a dozen of those counties allow liquor-by-the-drink (in bars, saloons, restaurants) but ban package sales, while at least fifteen others have the exact opposite system, allowing liquor stores but prohibiting the sale of individual drinks. Even more interesting are the continuation of nineteenth-century and prohibition-era trends. Like, for example, the urban and rural divide that proved so central in the pre-1909 fight over securing statewide prohibition. Even today, the Tennessee countryside and small towns are far more likely to favor restrictions than their metropolitan counterparts are.

If there are “lessons” to be learned from prohibition, it seems America has been rather slow on the uptake. This was an effort to check individual behavior through law, and it did not work. That is because—as American history has shown us repeatedly—it does not work. The lessons of prohibition arguably boil down to two truths. First, it is exceptionally difficult to “fix” individual behavior through legislation, and second, if that behavior involves a mutually beneficial exchange—that can continue profitably despite criminalization—it is impossible. These are lessons we have largely failed to heed. The “War on Drugs” offers the most obvious contemporary comparison, although the forward march to decriminalize recreational marijuana use arguably emphasizes a third lesson from prohibition, that economic downturn is the Achilles heel of morality-driven reform. Had the Great Depression not hit American pocketbooks like a sledgehammer, perhaps the Volstead Act would have lasted beyond in 1933. Had the Great Recession not had a similar effect in 2008, perhaps states like Colorado and Oregon would still be fighting for green laws. It is easy to get things wrong. The business of history does require, after all,
a certain amount of presumption—although usually cloaked in the far more palatable
word of “analysis.” Still, to underestimate the force of the past upon the present is
ignorant. In fact, it is the worst kind of ignorance.

Figure 12-1. “There’s a Reason!” Commercial Appeal, June 30, 1916.
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BIOGRAPHICAL SKETCH

Jennifer A. Lyon was born in Emporia, Kansas. She earned a Bachelor of Science degree in history and political science at Kansas State University, graduating magna cum laude in December 2006. After a year deferment to travel, Lyon entered the Ph.D. program at the University of Florida in 2008. There she earned a Master of Arts degree in American history in 2010, and doctorate in 2016. She currently works as a social media manager at Colonial Williamsburg in Williamsburg, Virginia.