

Chapter Ten

ALCOHOL AND AL CAPONE

IF IN the year 1919—when the Peace Treaty still hung in the balance, and Woodrow Wilson was chanting the praises of the League, and the Bolshevik bogey stalked across the land, and fathers and mothers were only beginning to worry about the Younger Generation—you had informed the average American citizen that prohibition was destined to furnish the most violently explosive public issue of the nineteen-twenties, he would probably have told you that you were crazy. If you had been able to sketch for him a picture of conditions as they were actually to be—rum-ships rolling in the sea outside the twelve-mile limit and transferring their cargoes of whisky by night to fast cabin cruisers, beer-running trucks being hijacked on the interurban boulevards by bandits with Thompson sub-machine guns, illicit stills turning out alcohol by the carload, the fashionable dinner party beginning with contraband cocktails as a matter of course, ladies and gentlemen undergoing scrutiny from behind the curtained grill of the speakeasy, and Alphonse Capone, multi-millionaire master of the Chicago bootleggers, driving through the streets in an armor-plated car with bullet-proof windows—the innocent citizen's jaw would have dropped. The Eighteenth Amendment had been ratified, to go into effect on January 16, 1920; and the Eighteenth Amendment, he had been assured and he firmly believed, had settled the prohibition issue. You might like it or not, but the country was going dry.

Nothing in recent American history is more extraordinary, as one looks back from the nineteen-thirties, than the

ease with which—after generations of uphill fighting by the drys—prohibition was finally written upon the statute-books. The country accepted it not only willingly, but almost absent-mindedly. When the Eighteenth Amendment came before the Senate in 1917, it was passed by a one-sided vote after only thirteen hours of debate, part of which was conducted under the ten-minute rule. When the House of Representatives accepted it a few months later, the debate upon the Amendment as a whole occupied only a single day. The state legislatures ratified it in short order; by January, 1919, some two months after the Armistice, the necessary three-quarters of the states had fallen into line and the Amendment was a part of the Constitution. (All the rest of the states but two subsequently added their ratifications—only Connecticut and Rhode Island remained outside the pale.) The Volstead Act for the enforcement of the Amendment, drafted after a pattern laid down by the Anti-Saloon League, slipped through with even greater ease and dispatch. Woodrow Wilson momentarily surprised the country by vetoing it, but it was promptly repassed over his veto. There were scattered protests—a mass-meeting in New York, a parade in Baltimore, a resolution passed by the American Federation of Labor demanding modification in order that the workman might not be deprived of his beer, a noisy demonstration before the Capitol in Washington—but so half-hearted and ineffective were the forces of the opposition and so completely did the country as a whole take for granted the inevitability of a dry régime, that few of the arguments in the press or about the dinner table raised the question whether the law would or would not prove enforceable; the burning question was what a really dry country would be like, what effect enforced national sobriety would have upon industry, the social order, and the next generation.

How did it happen? Why this overwhelming, this almost casual acceptance of a measure of such huge importance?

As Charles Merz has clearly shown in his excellent history of the first ten years of the prohibition experiment, the forces behind the Amendment were closely organized; the forces opposed to the Amendment were hardly organized at all. Until the United States entered the war, the prospect of national prohibition had seemed remote, and it is always hard to mobilize an unimaginative public against a vague threat. Furthermore, the wet leadership was discredited; for it was furnished by the dispensers of liquor, whose reputation had been unsavory and who had obstinately refused to clean house even in the face of a growing agitation for temperance:

The entrance of the United States into the war gave the dry leaders their great opportunity. The war diverted the attention of those who might have objected to the bone-dry program: with the very existence of the nation at stake, the future status of alcohol seemed a trifling matter. The war accustomed the country to drastic legislation conferring new and wide powers upon the Federal Government. It necessitated the saving of food and thus commended prohibition to the patriotic as a grain-saving measure. It turned public opinion against everything German—and many of the big brewers and distillers were of German origin. The war also brought with it a mood of Spartan idealism of which the Eighteenth Amendment was a natural expression. Everything was sacrificed to efficiency, production, and health. If a sober soldier was a good soldier and a sober factory hand was a productive factory hand, the argument for prohibition was for the moment unanswerable. Meanwhile the American people were seeing Utopian visions; if it seemed possible to them that the war should end all wars and that victory should bring a new and shining world order, how much easier to imagine that America might enter an endless era of efficient sobriety! And finally, the war made them impatient for immediate results. In 1917 and 1918, whatever

was worth doing at all was worth doing at once, regardless of red tape, counter-arguments, comfort, or convenience. The combination of these various forces was irresistible. Fervently and with headlong haste the nation took the short cut to a dry Utopia.

Almost nobody, even after the war had ended, seemed to have any idea that the Amendment would be really difficult to enforce. Certainly the first Prohibition Commissioner, John F. Kramer, displayed no doubts. "This law," he declared in a burst of somewhat Scriptural rhetoric, "will be obeyed in cities, large and small, and in villages, and where it is not obeyed it will be enforced. . . . The law says that liquor to be used as a beverage must not be manufactured. We shall see that it is not manufactured. Nor sold, nor given away, nor hauled in anything on the surface of the earth or under the earth or in the air." The Anti-Saloon League estimated that an appropriation by Congress of five million dollars a year would be ample to secure compliance with the law (including, presumably, the prevention of liquor-hauling "under the earth"). Congress voted not much more than that, heaved a long sigh of relief at having finally disposed of an inconvenient and vexatious issue, and turned to other matters of more pressing importance. The morning of January 16, 1920, arrived and the era of promised aridity began. Only gradually did the dry leaders, or Congress, or the public at large begin to perceive that the problem with which they had so light-heartedly grappled was a problem of gigantic proportions.

§ 2

Obviously the surest method of enforcement was to shut off the supply of liquor at its source. But consider what this meant.

The coast lines and land borders of the United States offered an 18,700-mile invitation to smugglers. Thousands of

druggists were permitted to sell alcohol on doctors' prescriptions, and this sale could not be controlled without close and constant inspection. Near-beer was still within the law, and the only way to manufacture near-beer was to brew real beer and then remove the alcohol from it—and it was excessively easy to fail to remove it from the entire product. The manufacture of industrial alcohol opened up inviting opportunities for diversion which could be prevented only by watchful and intelligent inspection—and after the alcohol left the plant where it was produced, there was no possible way of following it down the line from purchaser to purchaser and making sure that the ingredients which had been thoughtfully added at the behest of the Government to make it undrinkable were not extracted by ingenious chemists. Illicit distilling could be undertaken almost anywhere, even in the householder's own cellar; a commercial still could be set up for five hundred dollars which would produce fifty or a hundred highly remunerative gallons a day, and a one-gallon portable still could be bought for only six or seven dollars.

To meet all these potential threats against the Volstead Act, the Government appropriations provided a force of prohibition agents which in 1920 numbered only 1,520 men and as late as 1930 numbered only 2,836; even with the sometimes unenthusiastic aid of the Coast Guard and the Customs Service and the Immigration Service, the force was meager. Mr. Merz puts it graphically: if the whole army of agents in 1920 had been mustered along the coasts and borders—paying no attention for the moment to medicinal alcohol, breweries, industrial alcohol, or illicit stills—there would have been one man to patrol every twelve miles of beach, harbor, headland, forest, and river-front. The agents' salaries in 1920 mostly ranged between \$1,200 and \$2,000; by 1930 they had been munificently raised to range between \$2,300 and \$2,800. Anybody who believed that men em-

ployable at thirty-five or forty or fifty dollars a week would surely have the expert technical knowledge and the diligence to supervise successfully the complicated chemical operations of industrial-alcohol plants or to outwit the craftiest devices of smugglers and bootleggers, and that they would surely have the force of character to resist corruption by men whose pockets were bulging with money, would be ready to believe also in Santa Claus, perpetual motion, and pixies.

Yet even this body of prohibition agents, small and underpaid as it was in view of the size and complexity of its task and the terrific pressure of temptation, might conceivably have choked off the supply of alcohol if it had had the concerted backing of public opinion. But public opinion was changing. The war was over; by 1920 normalcy was on the way. The dry cause confronted the same emotional let-down which defeated Woodrow Wilson and hastened the Revolution in Manners and Morals. Spartan idealism was collapsing. People were tired of girding up their loins to serve noble causes. They were tired of making the United States a land fit for heroes to live in. They wanted to relax and be themselves. The change of feeling toward prohibition was bewilderingly rapid. Within a few short months it was apparent that the Volstead Act was being smashed right and left and that the formerly inconsiderable body of wet opinion was growing to sizable proportions. The law was on the statute-books, the Prohibition Bureau was busily plying its broom against the tide of alcohol, and the corner saloon had become a memory; but the liquorless millennium had nevertheless been indefinitely postponed.

§ 3

The events of the next few years present one of those paradoxes which fascinate the observer of democratic gov-

ernment. Obviously there were large sections of the country in which prohibition was not prohibiting. A rational observer would have supposed that the obvious way out of this situation would be either to double or treble or quadruple the enforcement squad or to change the law. But nothing of the sort was done. The dry leaders, being unwilling to admit that the task of mopping up the United States was bigger than they had expected, did not storm the Capitol to recommend huge increases in the appropriations for enforcement; it was easier to denounce the opponents of the law as Bolsheviks and destroyers of civilization and to hope that the tide of opinion would turn again. Congress was equally unwilling to face the music; there was a comfortable dry majority in both Houses, but it was one thing to be a dry and quite another to insist on enforcement at whatever cost and whatever inconvenience to some of one's influential constituents. The Executive was as wary of the prohibition issue as of a large stick of dynamite; the contribution of Presidents Harding and Coolidge to the problem—aside from negotiating treaties which increased the three-mile limit to twelve miles, and trying to improve the efficiency of enforcement without calling for too much money from Congress—consisted chiefly of uttering resounding platitudes on the virtues of law observance. The state governments were supposed to help the Prohibition Bureau, but by 1927 their financial contribution to the cause was about one-eighth of the sum they spent enforcing their own fish and game laws. Some legislatures withdrew their aid entirely, and even the driest states were inclined to let Uncle Sam bear the brunt of the Volstead job. Local governments were supposed to war against the speakeasy, but did it with scant relish except where local opinion was insistent. Nor could the wets, for their part, agree upon any practical program. It seemed almost hopeless to try to repeal or modify the Amendment, and for the time being they contented themselves chiefly

with loud and indignant lamentation. The law was not working as it had been intended to, but nobody seemed willing or able to do anything positive about it one way or the other.

Rum-ships plied from Bimini or Belize or St. Pierre, entering American ports under innocent disguises or transferring their cargoes to fast motor-boats which could land in any protected cove. Launches sped across the river at Detroit with good Canadian whisky aboard. Freighters brought in cases of contraband gin mixed among cases of other perfectly legal and properly labeled commodities. Liquor was hidden in freight-cars crossing the Canadian border; whole carfuls of whisky were sometimes smuggled in by judicious manipulation of seals. These diverse forms of smuggling were conducted with such success that in 1925 General Lincoln C. Andrews, Assistant Secretary of the Treasury in charge of enforcement, hazarded the statement that his agents succeeded in intercepting only about 5 per cent of the liquor smuggled into the country; and the value of the liquor which filtered in during the single year 1924 was estimated by the Department of Commerce at \$40,000,000! Beer leaked profusely from the breweries; alley breweries unknown to the dry agents flourished and coined money. The amount of industrial alcohol illegally diverted was variously estimated in the middle years of the decade at from thirteen to fifteen million gallons a year; and even in 1930, after the Government had improved its technic of dealing with this particular source of supply (by careful control of the permit system and otherwise), the Director of Prohibition admitted that the annual diversion still amounted to nine million gallons, and other estimates ran as high as fifteen. (Bear in mind that one gallon of diverted alcohol, watered down and flavored, was enough to furnish three gallons of bogus liquor, bottled with lovely Scotch

labels and described by the bootlegger at the leading citizen's door as "just off the boat.")

As for illicit distilling, as time went on this proved the most copious of all sources of supply. At the end of the decade it furnished, on the testimony of Doctor Doran of the prohibition staff, perhaps seven or eight times as much alcohol as even the process of diversion. If anything was needed to suggest how ubiquitous was the illicit still in America, the figures for the production of corn sugar provided it. Between 1919 and 1929 the output of this commodity increased *sixfold*, despite the fact that, as the Wickersham Report put it, the legitimate uses of corn sugar "are few and not easy to ascertain." Undoubtedly corn whisky was chiefly responsible for the vast increase.

This overwhelming flood of outlaw liquor introduced into the American scene a series of picturesque if unedifying phenomena: hip flasks uptilted above faces both masculine and feminine at the big football games; the speakeasy, equipped with a regular old-fashioned bar, serving cocktails made of gin turned out, perhaps, by a gang of Sicilian alky-cookers (seventy-five cents for patrons, free to the police); well-born damsels with one foot on the brass rail, tossing off Martinis; the keg of grape juice simmering hopefully in the young couple's bedroom closet, subject to periodical inspection by a young man sent from a "service station"; the business executive departing for the trade convention with two bottles of gin in his bag; the sales manager serving lavish drinks to the visiting buyer as in former days he had handed out lavish boxes of cigars; the hotel bellhop running to Room 417 with another order of ginger ale and cracked ice, provided by the management on the ironical understanding that they were "not to be mixed with spirituous liquors"; federal attorneys padlocking nightclubs and speakeasies, only to find them opening shortly at another

address under a different name; Izzy Einstein and Moe Smith, prohibition agents extraordinary, putting on a series of comic-opera disguises to effect miraculous captures of bootleggers; General Smedley Butler of the Marines advancing in military formation upon the rum-sellers of Philadelphia, and retiring in disorder after a few strenuous months with the admission that politics made it impossible to dry up the city; the Government putting wood alcohol and other poisons into industrial alcohol to prevent its diversion, and the wets thereupon charging the Government with murder; Government agents, infuriated by their failure to prevent liquor-running by polite methods, finally shooting to kill—and sometimes picking off an innocent bystander; the good ship *I'm Alone*, of Canadian registry, being pursued by a revenue boat for two and a half days and sunk at a distance of 215 miles from the American coast, to the official dismay of the Canadian Government; the federal courts jammed with prohibition cases, jurymen in wet districts refusing to pronounce bootleggers guilty, and the coin of corruption sifting through the hands of all manner of public servants.

Whatever the contribution of the prohibition régime to temperance, at least it produced intemperate propaganda and counter-propaganda. Almost any dry could tell you that prohibition was the basis of American prosperity, as attested by the mounting volume of saving-banks deposits and by what some big manufacturer had said about the men returning to work on Monday morning with clear eyes and steady hands. Or that prohibition had reduced the deaths from alcoholism, emptied the jails, and diverted the workman's dollar to the purchase of automobiles, radios, and homes. Almost any wet could tell you that prohibition had nothing to do with prosperity but had caused the crime wave, the increase of immorality and of the divorce rate,

and a disrespect for all law which imperiled the very foundations of free government. The wets said the drys fostered Bolshevism by their fanatical zeal for laws which were inevitably flouted; the drys said the wets fostered Bolshevism by their cynical lawbreaking. Even in matters of supposed fact you could find, if you only read and listened, any sort of ammunition that you wanted. One never saw drunkards on the streets any more; one saw more drunkards than ever. Drinking in the colleges was hardly a problem now; drinking in the colleges was at its worst. There was a still in every other home in the mining districts of Pennsylvania; drinking in the mining districts of Pennsylvania was a thing of the past. Cases of poverty as a result of drunkenness were only a fraction of what they used to be; the menace of drink in the slums was three times as great as in pre-Volstead days. Bishop A and Doctor B and Governor C were much encouraged by the situation; Bishop X and Doctor Y and Governor Z were appalled by it. And so the battle raged, endlessly and loudly, back and forth.

The mass of statistics dragged to light by professional drys and professional wets and hurled at the public need not detain us here. Many of them were grossly unreliable, and the use of most of them would have furnished an instructor in logic with perfect specimens of the *post hoc* fallacy. It is perhaps enough to point out a single anomaly—that with the Eighteenth Amendment and the Volstead Act in force, there should actually have been constant and vociferous argument throughout the nineteen-twenties over the question whether there was more drinking or less in the United States than before the war. Presumably there was a good deal less except among the prosperous; but the fact that it was not transparently obvious that there was less, showed how signal was the failure of the law to accomplish what almost everyone in 1919 had supposed it would accomplish.

§ 4

By 1928 the argument over prohibition had reached such intensity that it could no longer be kept out of presidential politics. Governor Smith of New York was accepted as the Democratic nominee despite his unterrified wetness, and campaigned lustily for two modifications: first, an amendment to the Volstead law giving a "scientific definition of the alcoholic content of an intoxicating beverage" (a rather large order for science), each state being allowed to fix its own standard if this did not exceed the standard fixed by Congress; and second, "an amendment in the Eighteenth Amendment which would give to each individual state itself, only after approval by a referendum popular vote of its people, the right wholly within its borders to import, manufacture, or cause to be manufactured and sell alcoholic beverages, the sale to be made only by the state itself and not for consumption in any public place." The Republican candidate, in reply, stepped somewhat definitely off the fence on the dry side. Herbert Hoover's dry declaration, to be sure, left much unsaid; he called prohibition "a great social and economic experiment, noble in motive and far-reaching in purpose," but he did not claim nobility for its results. The omission, however, was hardly noticed by an electorate which regarded indorsement of motives as virtually equivalent to indorsement of performance. Hoover was considered a dry.

The Republican candidate was elected in a landslide, and the dries took cheer. Despite the somewhat equivocal results of various state referenda and straw ballots, they had always claimed that they had a substantial majority in the country as well as in Congress; now they were sure of it. Still the result of the election left room for haunting doubts. Who could tell whether the happy warrior from the East Side had

been defeated because he was a wet, or because he was a Roman Catholic, or because he was considered a threat to the indefinite continuance of the delights of Coolidge Prosperity, or because he was a Democrat?

But Herbert Hoover had done more than endorse the motives of the prohibitionists. He had promised a study of the enforcement problem by a governmental commission. Two and a half months after his arrival at the White House, the commission, consisting of eleven members under the chairmanship of George W. Wickersham of New York, was appointed and immersed itself in its prodigious task.

By the time the Wickersham Commission emerged from the sea of fact and theory and contention in which it had been delving, and handed its report to the President, the Post-War Decade was dead and done with. Not until January, 1931, nineteen months after his appointment, did Mr. Wickersham lay the bulky findings of the eleven investigators upon the presidential desk. Yet the report calls for mention here, if only because it represented the findings of a group of intelligent and presumably impartial people with regard to one of the critical problems of the nineteen-twenties.

It was a paradoxical document. In the first place, the complete text revealed very clearly the sorry inability of the enforcement staff to dry up the country. In the second place, each of the eleven commissioners submitted a personal report giving his individual views, and only five of the eleven—a minority—favored further trial for the prohibition experiment without substantial change; four of them favored modification of the Amendment, and two were for outright repeal. But the commission *as a whole* cast its vote for further trial, contenting itself with suggesting a method of modification if time proved that the experiment was a failure. The confusing effect of the report was neatly satirized

in Flaccus's summary of it in F. P. A.'s column in the *New York World*:

Prohibition is an awful flop.
We like it.
It can't stop what it's meant to stop.
We like it.
It's left a trail of graft and slime,
It's filled our land with vice and crime,
It don't prohibit worth a dime,
Nevertheless we're for it.

Yet if the Wickersham report was confusing, this was highly appropriate; for so also was the situation with which it dealt. Although it seemed reasonably clear to an impartial observer that the country had chosen the wrong road in 1917-20, legislating with a sublime disregard for elementary chemistry—which might have taught it how easily alcohol may be manufactured—and for elementary psychology—which might have suggested that common human impulses are not easily suppressed by fiat—it was nevertheless very far from clear how the country could best extricate itself from the morass into which it had so blithely plunged. How could people who had become gin-drinkers be expected to content themselves with light wines and beers, as some of the modificationists suggested? How could any less drastic system of governmental regulation or governmental sale of liquor operate without continued transgression and corruption, now that a large element had learned how to live with impunity on the fruits of lawbreaking? To what sinister occupations might not the bootlegging gentry turn if outright repeal took their accustomed means of livelihood away from them? How could any new national policy toward alcohol be successfully put into effect when there was still violent disagreement, even among those who wanted the law changed, as to whether alcohol should be regarded as a curse, as a blessing to be used in moderation, or as a

matter of personal rather than public concern? Even if a clear majority of the American people were able to decide to their own satisfaction what was the best way out of the morass, what chance was there of putting through their program when thirteen dry states could block any change in the Amendment? No problem which had ever faced the United States had seemed more nearly insoluble.

§ 5

In 1920, when prohibition was very young, Johnny Torrio of Chicago had an inspiration. Torrio was a formidable figure in the Chicago underworld. He had discovered that there was big money in the newly outlawed liquor business. He was fired with the hope of getting control of the dispensation of booze to the whole city of Chicago. At the moment there was a great deal too much competition; but possibly a well-disciplined gang of men handy with their fists and their guns could take care of that, by intimidating rival bootleggers and persuading speakeasy proprietors that life might not be wholly comfortable for them unless they bought Torrio liquor. What Torrio needed was a lieutenant who could mobilize and lead his shock troops.

Being a graduate of the notorious Five Points gang in New York and a disciple of such genial fellows as Lefty Louie and Gyp the Blood (he himself had been questioned about the murder of Herman Rosenthal in the famous Becker case in 1912), he naturally turned to his *alma mater* for his man. He picked for the job a bullet-headed twenty-three-year-old Neapolitan roughneck of the Five Points gang, and offered him a generous income and half the profits of the bootleg trade if he would come to Chicago and take care of the competition. The young hoodlum came, established himself at Torrio's gambling-place, the Four Deuces, opened by way of plausible stage setting an innocent-looking

office which contained among its properties a family Bible, and had a set of business cards printed:

ALPHONSE CAPONE

Second Hand Furniture Dealer

2220 South Wabash Avenue

Torrio had guessed right—in fact, he had guessed right three times. The profits of bootlegging in Chicago proved to be prodigious, allowing an ample margin for the mollification of the forces of the law. The competition proved to be exacting: every now and then Torrio would discover that his rivals had approached a speakeasy proprietor with the suggestion that he buy their beer instead of the Torrio-Capone brand, and on receipt of an unfavorable answer had beaten the proprietor senseless and smashed up his place of business. But Al Capone had been an excellent choice as leader of the Torrio offensives; Capone was learning how to deal with such emergencies.

Within three years it was said that the boy from the Five Points had seven hundred men at his disposal, many of them adept in the use of the sawed-off shotgun and the Thompson sub-machine gun. As the profits from beer and “alky-cooking” (illicit distilling) rolled in, young Capone acquired more finesse—particularly finesse in the management of politics and politicians. By the middle of the decade he had gained complete control of the suburb of Cicero, had installed his own mayor in office, had posted his agents in the wide-open gambling-resorts and in each of the 161 bars, and had established his personal headquarters in the Hawthorne Hotel. He was taking in millions now. Torrio was fading into the background; Capone was becoming the Big Shot. But his conquest of power did not come without bloodshed. As the rival gangs—the O’Banions, the Gennas, the Aiello—disputed his growing domination, Chicago was afflicted with such an epidemic of killings as no civilized modern

city had ever before seen, and a new technic of wholesale murder was developed.

One of the standard methods of disposing of a rival in this warfare of the gangs was to pursue his car with a stolen automobile full of men armed with sawed-off shotguns and sub-machine guns; to draw up beside it, forcing it to the curb, open fire upon it—and then disappear into the traffic, later abandoning the stolen car at a safe distance. Another favorite method was to take the victim "for a ride": in other words, to lure him into a supposedly friendly car, shoot him at leisure, drive to some distant and deserted part of the city, and quietly throw his body overboard. Still another was to lease an apartment or a room overlooking his front door, station a couple of hired assassins at the window, and as the victim emerged from the house some sunny afternoon, to spray him with a few dozen machine-gun bullets from behind drawn curtains. But there were also more ingenious and refined methods of slaughter.

Take, for example, the killing of Dion O'Banion, leader of the gang which for a time most seriously menaced Capone's reign in Chicago. The preparation of this particular murder was reminiscent of the kiss of Judas. O'Banion was a bootlegger and a gangster by night, but a florist by day: a strange and complex character, a connoisseur of orchids and of manslaughter. One morning a sedan drew up outside his flower shop and three men got out, leaving the fourth at the wheel. The three men had apparently taken good care to win O'Banion's trust, for although he always carried three guns, now for the moment he was off his guard as he advanced among the flowers to meet his visitors. The middle man of the three cordially shook hands with O'Banion—and then held on while his two companions put six bullets into the gangster-florist. The three conspirators walked out, climbed into the sedan, and departed. They were never brought to justice, and it is not recorded that any of them

hung themselves to trees in remorse. O'Banion had a first-class funeral, gangster style: a ten-thousand dollar casket, twenty-six truckloads of flowers, and among them a basket of flowers which bore the touching inscription, "From Al."

In 1926 the O'Banions, still unrepentant despite the loss of their leader, introduced another novelty in gang warfare. In broad daylight, while the streets of Cicero were alive with traffic, they raked Al Capone's headquarters with machine-gun fire from eight touring cars. The cars proceeded down the crowded street outside the Hawthorne Hotel in solemn line, the first one firing blank cartridges to disperse the innocent citizenry and to draw the Capone forces to the doors and windows, while from the succeeding cars, which followed a block behind, flowed a steady rattle of bullets, spraying the hotel and the adjoining buildings up and down. One gunman even got out of his car, knelt carefully upon the sidewalk at the door of the Hawthorne, and played one hundred bullets into the lobby—back and forth, as one might play the hose upon one's garden. The casualties were miraculously light, and Scarface Al himself remained in safety, flat on the floor of the Hotel Hawthorne restaurant; nevertheless, the bombardment quite naturally attracted public attention. Even in a day when bullion was transported in armored cars, the transformation of a suburban street into a shooting-gallery seemed a little unorthodox.

The war continued, one gangster after another crumpling under a rain of bullets; not until St. Valentine's Day of 1929 did it reach its climax in a massacre which outdid all that had preceded it in ingenuity and brutality. At half-past ten on the morning of February 14, 1929, seven of the O'Banions were sitting in the garage which went by the name of the S. M. C. Cartage Company, on North Clark Street, waiting for a promised consignment of hijacked liquor. A Cadillac touring-car slid to the curb, and three men dressed as policemen got out, followed by two others

in civilian dress. The three supposed policemen entered the garage alone, disarmed the seven O'Banions, and told them to stand in a row against the wall. The victims readily submitted; they were used to police raids and thought nothing of them; they would get off easily enough, they expected. But thereupon the two men in civilian clothes emerged from the corridor and calmly mowed all seven O'Banions with sub-machine gun fire as they stood with hands upraised against the wall. The little drama was completed when the three supposed policemen solemnly marched the two plain-clothes killers across the sidewalk to the waiting car, and all five got in and drove off—having given to those in the wintry street a perfect tableau of an arrest satisfactorily made by the forces of the law!

These killings—together with that of "Jake" Lingle, who led a double life as reporter for the *Chicago Tribune* and as associate of gangsters, and who was shot to death in a crowded subway leading to the Illinois Central suburban railway station in 1930—were perhaps the most spectacular of the decade in Chicago. But there were over five hundred gang murders in all. Few of the murderers were apprehended; careful planning, money, influence, the intimidation of witnesses, and the refusal of any gangster to testify against any other, no matter how treacherous the murder, met that danger. The city of Chicago was giving the whole country, and indeed the whole world, an astonishing object lesson in violent and unpunished crime. How and why could such a thing happen?

To say that prohibition—or, if you prefer, the refusal of the public to abide by prohibition—caused the rise of the gangs to lawless power would be altogether too easy an explanation. There were other causes: the automobile, which made escape easy, as the officers of robbed banks had discovered; the adaptation to peace-time use of a new arsenal of handy and deadly weapons; the murderous traditions of

the Mafia, imported by Sicilian gangsters; the inclination of a wet community to wink at the by-products of a trade which provided them with beer and gin; the sheer size and unwieldiness of the modern metropolitan community, which prevented the focusing of public opinion upon any depredation which did not immediately concern the average individual citizen; and, of course, the easy-going political apathy of the times. But the immediate occasion of the rise of gangs was undoubtedly prohibition—or, to be more precise, beer-running. (Beer rather than whisky on account of its bulk; to carry on a profitable trade in beer one must transport it in trucks, and trucks are so difficult to disguise that the traffic must be protected by bribery of the prohibition staff and the police and by gunfire against bandits.) There was vast profit in the manufacture, transportation, and sale of beer. In 1927, according to Fred D. Pasley, Al Capone's biographer, federal agents estimated that the Capone gang controlled the sources of a revenue from booze of something like sixty million dollars a year, and much of this—perhaps most of it—came from beer. Fill a man's pockets with money, give him a chance at a huge profit, put him into an illegal business and thus deny him recourse to the law if he is attacked, and you have made it easy for him to bribe and shoot. There have always been gangs and gangsters in American life and doubtless always will be; there has always been corruption of city officials and doubtless always will be; yet it is ironically true, none the less, that the outburst of corruption and crime in Chicago in the nineteen-twenties was immediately occasioned by the attempt to banish the temptations of liquor from the American home.

The young thug from the Five Points, New York, had traveled fast and far since 1920. By the end of the decade he had become as widely renowned as Charles Evans Hughes or Gene Tunney. He had become an American portent. Not only did he largely control the sale of liquor to Chi-

icago's ten thousand speakeasies; he controlled the sources of supply, it was said, as far as Canada and the Florida coast. He had amassed, and concealed, a fortune the extent of which nobody knew; it was said by federal agents to amount to twenty millions. He was arrested and imprisoned once in Philadelphia for carrying a gun, but otherwise he seemed above the law. He rode about Chicago in an armored car, a traveling fortress, with another car to patrol the way ahead and a third car full of his armed henchmen following behind; he went to the theater attended by a body-guard of eighteen young men in dinner coats, with guns doubtless slung under their left armpits in approved gangster fashion; when his sister was married, thousands milled about the church in the snow, and he presented the bride with a nine-foot wedding cake and a special honeymoon car; he had a fine estate at Miami where he sometimes entertained seventy-five guests at a time; and high politicians—and even, it has been said, judges—took orders from him over the telephone from his headquarters in a downtown Chicago hotel. And still he was only thirty-two years old. What was Napoleon doing at thirty-two?

Meanwhile gang rule and gang violence were quickly penetrating other American cities. Toledo had felt them, and Detroit, and New York, and many another. Chicago was not alone. Chicago had merely led the way.

§ 6

By the middle of the decade it was apparent that the gangs were expanding their enterprises. In Mr. Pasley's analysis of the gross income of the Capone crew in 1927, as estimated by federal agents, the item of \$60,000,000 from beer and liquor, including alky-cooking, and the items of \$25,000,000 from gambling-establishments and dog-tracks, and of \$10,000,000 from vice, dance-halls, roadhouses, and other re-

sorts, were followed by this entry: Rackets, \$10,000,000. The bootlegging underworld was venturing into fresh fields and pastures new.

The word "racket," in the general sense of an occupation which produces easy money, is of venerable age: it was employed over fifty years ago in Tammany circles in New York. But it was not widely used in its present meaning until the middle nineteen-twenties, and the derived term "racketeering" did not enter the American vocabulary until the year when Sacco and Vanzetti were executed and Lindbergh flew the Atlantic and Calvin Coolidge did not choose to run—the year 1927. The name was a product of the Post-war Decade; and so was the activity to which it was attached.

Like the murderous activities of the bootlegging gangs, racketeering grew out of a complex of causes. One of these was violent labor unionism. Since the days of the Molly Maguires, organized labor had now and again fought for its rights with brass knuckles and bombs. During the Big Red Scare the labor unions had lost the backing of public opinion, and Coolidge Prosperity was making things still more difficult for them by persuading thousands of their members that a union card was not the only ticket to good fortune. More than one fighting labor leader thereupon turned once more to dynamite in the effort to maintain his job and his power. Gone was the ardent radicalism of 1919, the hope of a new industrial order; the labor leader now found himself simply a man who hoped to get his when others were getting theirs, a man tempted to smash the scab's face or to blow the roof off the anti-union factory to show that he meant business and could deliver the goods. In many cases he turned for aid to the hired thug, the killer; he protected himself from the law by bribery or at least by political influence; he connived with business men who were ready to play his game for their own protection or for profit.

These unholy alliances were now the more easily achieved because the illicit liquor trade was making the underworld rich and confident and quick on the trigger and was accustoming many politicians and business men to large-scale graft and conspiracy. Gangsters and other crafty fellows learned of the labor leader's tricks and went out to organize rackets on their own account. Thus by 1927 the city which had nourished Al Capone was nourishing also a remarkable assortment of these curious enterprises.

Some of them were labor unions perverted to criminal ends; some were merely conspiracies for extortion masquerading as labor unions; others were conspiracies masquerading as trade associations, or were combinations of these different forms. But the basic principle was fairly uniform: the racket was a scheme for collecting cash from business men to protect them from damage, and it prospered because the victim soon learned that if he did not pay, his shop would be bombed, or his trucks wrecked, or he himself might be shot in cold blood—and never a chance to appeal to the authorities for aid, because the authorities were frightened or fixed.

There was the cleaners' and dyers' racket, which collected heavy dues from the proprietors of retail cleaning shops and from master cleaners, and for a time so completely controlled the industry in Chicago that it could raise the price which the ordinary citizen paid for having his suit cleaned from \$1.25 to \$1.75. A cleaner and dyer who defied this racket might have his place of business bombed, or his delivery truck drenched with gasoline and set on fire, or he might be disciplined in a more devilish way: explosive chemicals might be sewn into the seams of trousers sent to him to be cleaned. There was the garage racket, product of the master mind of David Ablin, alias "Cockeye" Mulligan: if a garage owner chose not to join in the Mid-West Garage Association, as this enterprise was formally entitled, his garage

would be bombed, or his mechanics would be slugged, or thugs would enter at night and smash windshields or lay about among the sedans with sledge-hammers, or tires would be flattened by the expert use of an ice-pick. There was the window-washing racket; when Max Wilner, who had been a window-washing contractor in Cleveland, moved to Chicago and tried to do business there, and was told that he could not unless he bought out some contractor already established, and refused to do so, he was not merely slugged or cajoled with explosives—he was shot dead. The list of rackets and of crimes could be extended for pages; in 1929, according to the State Attorney's office, there were ninety-one rackets in Chicago, seventy-five of them in active operation, and the Employers' Association figured the total cost to the citizenry at \$136,000,000 a year.

As the favorite weapon of the bootlegging gangster was the machine gun, so the favorite weapon of the racketeer was the bomb. He could hire a bomber to do an ordinary routine job with a black-powder bomb for \$100, but a risky job with a dynamite bomb might cost him all of \$1,000. In the course of a little over fifteen months—from October 11, 1927, to January 15, 1929—no less than 157 bombs were set or exploded in the Chicago district, and according to Gordon L. Hostetter and Thomas Quinn Beesley, who made a careful compilation of these outrages in *It's a Racket*, there was no evidence that the perpetrators of *any of them* were brought to book.

A merry industry, and reasonably safe, it seemed—for the racketeers. Indeed, before the end of the decade racketeering had made such strides in Chicago that business men were turning in desperation to Al Capone for protection; Capone's henchmen were quietly attending union meetings to make sure that all proceeded according to the Big Shot's desires, and it was said that there were few more powerful figures in the councils of organized labor than the lord of

the bootleggers had come to be. Racketeering, like gang warfare, had invaded other American cities, too. New York had laughed at Chicago's lawlessness, had it? New York was acquiring a handsome crop of rackets of its own—a laundry racket, a slot-machine racket, a fish racket, a flour racket, an artichoke racket, and others too numerous to mention. In every large urban community the racketeer was now at least a potential menace. In the course of a few short years he had become a national institution.

§ 7

The prohibition problem, the gangster problem, the racket problem: as the Post-war Decade bowed itself out, all of them remained unsolved, to challenge the statesmanship of the nineteen-thirties. Still the rum-running launch slipped across the river, the alky-cooker's hidden apparatus poured forth alcohol, *entrepreneurs* of the contraband liquor industry put one another "on the spot," "typewriters" rattled in the Chicago streets, automobiles laden with roses followed the gangster to his grave, professional sluggers swung on non-union workmen, bull-necked gentlemen with shifty eyes called on the tradesman to suggest that he do business with them or they could not be responsible for what might happen, bombs reduced little shops to splintered wreckage; and tabloid-readers, poring over the stories of gangster killings, found in them adventure and splendor and romance.