Prohibition and The Local Response

During the holiday season, gatherings celebrating the approach of the New Year will undoubtedly be taking place. These get-togethers frequently include the indulgence of alcoholic beverages. It’s interesting to look back at a time when the laws regarding alcohol consumption and driving were perhaps less stringent, but the access to alcoholic beverages was illegal. That, of course, goes back to the 1920s and 1930s, a time known as the Prohibition Era.

Prohibition was a period of time in U.S. history during which the manufacture, sale, and transportation of liquor was made illegal. It lasted nearly fourteen years and could be characterized by speakeasies, bootlegging, and gangsters. It was a time in which sometimes even the average citizen broke the law.

However, there were some loopholes for people to legally drink during the Prohibition Era. The 18th Amendment did not mention the actual drinking of liquor and Prohibition went into effect a full year after the 18th Amendment's ratification. Consequently, many people bought cases of then legal alcohol and stored them for personal use. Also, the Volstead Act allowed alcohol consumption if it was prescribed by a doctor. Needless to say, many new prescriptions were written for alcohol.

Ironically, in Los Angeles a jury that had heard a bootlegging case was itself put on trial after it drank the evidence. The jurors argued in their defense that they had simply been sampling the evidence to determine whether or not it contained alcohol, which they determined it did. However, because they consumed the evidence, the defendant charged with bootlegging had to be acquitted.1 Could that constitute jury tampering by the jury?

On March 22, 1933, President Franklin Roosevelt signed into law the Cullen–Harrison Act making beer with an alcohol content of 3.2 percent (by weight) and wine of similarly low alcohol content legal. On December 5, 1933, ratification of the Twenty-first Amendment repealed the Eighteenth Amendment.

On the local scene, the legalization of alcohol sales as a result of the Cullen-Harrison Act in 1933 appeared to significantly stimulate the economy, at least initially. According to archives in the Pioneer Museum, beer arrived in Fairmont on April 7, 1933. Thirsty consumers from as far away as Bancroft, Iowa, began to gather at the Crystal Bottling Plant, one of the local delivery points, around midnight. By 4:30 a.m. a truck arrived carrying 273 cases of beer. The driver barely had time to turn off the motor before all of

1 http://prohibitionrepeal.com/history/fastfacts.asp
the truck’s contents were sold, most to private individuals with a few cases going to distant dealers in rewarding them for their trip to Fairmont.

Gus Anderson, a local agent for the Hamm’s Brewing Company on the north side also experienced a rush of activity. He said they were so busy that he couldn’t even guarantee delivery of the product to local establishments. He went on to say that since there were 100 or more people standing in line that if you wanted a case you had better “stick around” and take your chances on getting one.

The city council vote on the beer ordinance, an ordinance said to be “with teeth,” for the sale of 3.2 beer passed by a vote of four to two. One alderman who actually voted in favor of the ordinance, W. L. Nicholas, said that it is ridiculous to say that 3.2 beer is non-intoxicating. He went on to say “One quart of the stuff on an empty stomach, say about six hours after eating, will give you the peachiest jag you ever got.” That’s certainly seems to be a vivid portrayal characterizing the effects of alcohol consumption.

In order to comply with local ordinances at that time, Sunday sales were only allowed in the afternoon and establishments offering beer had to serve food in order to acquire a beer license. As a result, pool halls appear to have had to make the greatest structural modifications. In order to comply, they would need to add booths, food counters, and kitchens. One creative pool hall proprietor may have attempted to circumvent, or at least limit, his food service requirement by providing the following menu items:

- T-Bone Steak (on the hoof) $1.25
- Fried Chicken (with or without feathers) $1.50
- Egg Sandwiches (on the nest) $0.25
- Sandwiches Toasted (slightly burned) $0.15 extra

The end result of the ordinance was that Fairmont had ten cafes, four pool halls, two hotels, and several “eat shops” that became the new, as they were labeled at that time, “wet spots.” There were no more pool halls, they were all cafes.

Although prohibition outlawed the manufacture, sale, and transportation of alcohol, consumption of alcohol was not illegal. That, of course, led to a plethora of problems throughout the nation. Consequently, the affects of prohibition, and its repeal, had some impact locally as well as nationally. Nevertheless, it provided an interesting and colorful, if not infamous, time in history.

For more information on this topic, or to become a member, visit the Pioneer Museum.