Title: The Bullitt Lecture in American History presents Daniel Okrent

Speaker 1:

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Chris Higashi:

Good evening. I'm Chris Higashi, program manager of the Washington Center for the Book at the Seattle Public Library. Welcome to the Central Library, and thanks for joining us for the library's 2012 A. Scott Bullitt Lecture in American History, and this evening with Daniel Okrent, who's here to talk with us about his book, Last Call: The Rise and Fall of Prohibition. As part of our relationship with KUOW, we do look for those opportunities to bring together both of our audiences, KUOW listeners and people who attend library events. So to that end, Daniel Okrent appeared this morning on weekday with Steve Scher. And tonight, we're very pleased to welcome Steve Scher to the library to continue the conversation with Mr. Okrent.

So Steve Scher's been with the station for more than two decades. He's talked with poets, presidents, senators, journalists, and many, many authors whom we've also had here at the library. So tonight's format on your way in, you should have been offered a card on which to write a question. We will collect those throughout the program and deliver them to the stage. Just raise your hand if you've got a card and we'll pass them to the aisles. And if you didn't get a card, you can raise your hand and ask for one of those too. So now I want to ask you to join and welcome historian and journalist Daniel Okrent to the Seattle Public Library. But first, you're going to wish him a happy birthday. Today's his birthday. And Steve Scher is going to more fully introduce our special guest. Thanks.

Steve Scher:

Thank you, Chris. Good to see you folks. Thanks for coming out. Glasses of... Oh yeah, I'm not stealing that joke.

Daniel Okrent:

You just did.

Steve Scher:

Oh, damn it. Well, who didn't think it? Who didn't look at that and think it? As you know, this is going to

be on KUOW again as a program, so I hope you'll tell your friends. This morning, we took a broad view, so I thought today we could just dig down a little bit in some of the specifics. And in my research and in yours, looking at this book, Washington State had already been on the way to outlawing liquor well before the prohibition amendment went into effect. The territorial legislature proposed a measure in 1855, but that was defeated. Then a woman's suffrage law was passed in 1883 and almost immediately many female voters proceeded to support prohibition, something you write about in your book. And that led them to lose the vote three times, losing it, getting it back, losing it before they secured it in 1910.

And in a way, that foretells the tale we learned in last call. So Daniel Okrent was the New York Times first public editor coming in the wake of the Jason Blair issues. He has been a veteran in many media. He ran Time Magazine's internet efforts. Did we call it internet?

Daniel Okrent:

Yes.

Steve Scher:

Internet efforts in the late 1990s. I didn't know if we had the internets back in the 1990s.

Daniel Okrent:

It's an amazing thing. Yeah.

Steve Scher:

He's been a veteran as an editor. He's in book publishing. He was editor at Kanoff and Viking and Harcourt. And in magazines, New England Monthly, Chief Editor of the Monthly Life as well. Last call, the rise and fall of prohibition explores the forces that led to prohibition and some of the unintended consequences of its passage. So it's good to talk to you again.

Daniel Okrent:

Thank you very much.

Steve Scher:

And happy birthday.

Daniel Okrent:

And thank you very much for that too.

Steve Scher:

And I was a little surprised to find out that 1855, there was already way out west this effort to ban liquor, but I guess that goes in with the history of the effort. Let's start with that. The history of the program.

Daniel Okrent:

Well, the place that you start really is how much Americans drank in the 19th century. In 1830, which is either the worst or the best moment, depending on your attitude toward heavy drinking. The average American drank 7.2 gallons of pure alcohol a year, which is the equivalent of 95ths of 80 proof liquor,

1.8 bottles per week for every American over the age of 15. And if you consider that a lot of people didn't drink at all, those who drank really, really, really drank. And overwhelmingly, they were men. The saloon was a male only institution. Men would go there, not only to drink, but to escape their lives. The consequence of their heavy drinking there was that they might drink away the mortgage money or they would drink away the... Or they would inebriate themselves to a degree that they couldn't make it to work the next day and they'd lose their jobs.

They'd come home, they'd hit their wives, they'd mistreat the children. And it was a really rotten social situation. Of course, women in that part of our history had virtually no legal rights, no rights of property, no rights to divorce. And it was a home problem. The Women's Christian Temperance Union, one of the first truly successful and large widely based prohibition organization called their movement home protection. It was to protect women and children from the drunkenness of their husbands. Susan B. Anthony began her career in public life as a temperance worker. She really thought that this was a terrible social circumstance.

This school teacher from upstate New York, she went to a convention of the New York State Sons of Temperance and got up to speak and was told by the chair of the convention that the sisters were there to listen, not to speak. And she realized that if she were going to have any kind of effect on the horrible social problems that came from alcohol, she would have to get the vote for women, and she thus devoted the rest of her long life to that. And that was a very common phenomenon. And as you mentioned, as suffrage came to various states, the first thing that women would do in most states on getting the suffrage would be to try to pass some form of, if not prohibition legislation, at least temperance legislation.

Steve Scher:

And it brought not just... Strange coalitions came to be. And you mentioned the wobblies being part of the world.

Daniel Okrent:

The most extraordinary is so different from today when the country seems divided in half and people are on one side with a whole bunch of issues tying them together or on the other side. The Prohibition Coalition stretched from the Ku Klux Klan at the far right, which they saw liquor as the tool of the Italian, Irish, and German immigrants who were taking over the political organizations in the major cities of the East and the upper Midwest. And as they saw more of these foreigners coming into Congress, the KKK saw that liquor was a tool that the borrowing liquor could be used against them because liquor was important in their lives. And so many of the political organizations were based around taverns. The Kennedy family, Patrick Kennedy, the president's grandfather, he was a tavern owner in the Haymarket District of Boston and became a ward leader as a result of that.

So they had the KKK here. You had the women's suffrage movement. The suffrage movement and the prohibition movement were twinned. They began around the same time and they entered the Constitution in one year of one another. In the middle, you had the Progressive Party. 17 of the 18 members of the Progressive Party in Congress in 1916 voted for the Prohibition Amendment. The progressives saw prohibition as a way to improve the lot of the working classes of people, the immigrants who were living in ghettos. They saw the negative effects on health. Then there was the corporate establishment, particularly in factories where Mondays were lost to men who got drunk on

Sundays. And at the far left, as you mentioned, the wobblies from this part of the world, the industrial workers of the world, the most radical labor organization in American history.

And they supported prohibition because they believed that liquor was a tool being used by the plutocrats, by the lumber barrens, particularly to keep the working man down, to keep him drugged. In 1919, the Tacoma Central Labor Council actually issued a statement that attributed the success of the Russian Revolution to the fact that vodka had been banned by the czar in 19... You can imagine how effective banning vodka was in Russia. In 1914, the czar, they put in a prohibition on the state produced vodka because they needed to feed the army for World War I. Tacoma Central Labor Council said that the revolution was a success because the proletariat was no longer in the fog of drunkenness. So KKK, to this end, it was like no other movement that we've ever known.

Steve Scher:

Who spoke in favor of liquor?

Daniel Okrent:

Well, that's the problem. When you have something, you don't think that somebody's going to take it away from you. As one person, one commentator at the time said, while the drys were busy organizing, the wets were busy drinking.

Steve Scher:

And I'll use that as a cue. Excuse me. Wow, good stuff.

Daniel Okrent:

So really, the only organized opposition was the liquor distillers and the brewers, particularly the brewers who were enormously powerful, great wealth. It was the fifth-largest industry in the country and invested capital in a number of people employed in it, if you include the peripheral industries. And they knew that prohibition was... This was the death sentence for them. They also saw, the brewers did, that the people who were most likely to vote for prohibition were the women. So in every state, as statewide suffrage became an issue, the brewers were the ones who fought it most posiperously, thus guaranteeing that when women got the vote, they would indeed vote to shut down the breweries. So it was a terrible backfire for them.

Steve Scher:

When did it start gaining momentum in America? The idea of prohibition?

Daniel Okrent:

Well, in fact, the 19th century idea was temperance. Let's get people to drink less. Let's maybe get them to... On a local option basis, we can have a dry town here, and if there's a wet town over there, we'll let all the people who want to drink go over there. The movement toward actual prohibition, constitutional prohibition, begins to accelerate in the early part of the 20th century and then really doesn't move until April of 1913. I'm going to have to backtrack a bit to explain why April 1913. Until the adoption of the 16th Amendment authorizing an income tax, the primary source of domestic revenue for the federal government was the excise tax on alcohol. This goes back to the time of the Whiskey

Rebellion in Western Pennsylvania in the late 18th century. The Civil War, Lincoln brought back alcohol taxes to finance the Civil War.

They stayed in place. As much as 40% of the federal government's internal revenue came from the tax on alcohol, the prohibitionists knew that there was no way they could possibly have prohibition unless there were some form of replacement for that revenue that came from the bottle of beer or from the keg of whiskey. So they supported, usually secretly, the effort of the Western populists and the Eastern progressives to bring about an income tax. April 1913, the income taxes finally authorized and then only then the Anti-Saloon League, which was the leading political organization fighting for prohibition, only then did they say, now we can get a constitutional amendment. We have replaced the dependency, the government's own drunken dependency upon liquor taxes.

Steve Scher:

So this was an effort that had started 1890s. They had started thinking about this and calculating this much earlier.

Daniel Okrent:

Not the prohibition amendment. I mean, it was seen as a state by state matter, either it was first town by town and then state by state. And you have various states in the country. North Dakota enters the Union with prohibition in its state constitution. Kansas has a prohibitory law put in place in the 1880s. In Washington, the really severe one doesn't come until 1916, but the idea of federally mandated, and by constitutional amendment, not by act of Congress, they saw that if it were just an act of Congress, then the next Congress could undo it.

But you've put it into the Constitution, the impossibility of taking it out. There had never been a constitutional amendment that had been repealed. The idea didn't really exist in the body politics. So once in the Constitution, it was like being in the 10 commandments. It would be there forever. So this idea of constitutional prohibition, of putting it in the Constitution at the same... Making it equal in its import in our law to freedom of religion or the abolition of slavery. These were all at the same level of legal influence in our country. That was a late idea.

Steve Scher:

So who were the national politicians who were supporting prohibition at this point?

Daniel Okrent:

Well, probably the best known was William Jennings Bryan, who failed three times running for president, but succeeded in getting the amendment into the Constitution. Brian, of course, was the most noted orator of his time. The leader of the Western forces, he was intimately involved in all the reform amendments that passed in that period. Income tax, direct election of senators, the Women's Suffrage Amendment, and prohibition. They were all of a package. And Brian, in fact, when Brian became Secretary of State under Woodrow Wilson, at diplomatic dinners, he served grape juice, which you can imagine what the French ambassador had to say about it.

Steve Scher:

And who was Wayne Wheeler?

Daniel Okrent:

Wayne Wheeler, who is a totally forgotten figure now in American history. He was forgotten almost the moment the prohibition was over. He was the genius that made it happen. He was a small town boy from Ohio, went to Oberlin College and there heard a minister named Howard Hyde Russell give a speech about what we must do to get rid of the liquor problem. And he immediately signed up, went to law school, continued while in law school, agitating for temperance. And what he saw was that political influence was what was necessary. He and Russell believed that the Anti-Saloon League, which Russell founded, existed to exact political retribution, that was Russell's phrase, on those politicians who would not support prohibition. So they focused on one issue. Unlike the Women's Christian Temperance Union, which cared about child labor laws, which cared about education, which cared about health, the ASL, Anti-Saloon League only cared about prohibition and they would choose whether to support a politician entirely on his position on prohibition. So they did not need majorities.

In any given district, if you have a close election, a reasonably close election where one guy is guaranteed 45%, and I'm using guy because this was before 1920 and it was all guys. One is going to get 45%, the other one's going to get 47%. Well, if you can control seven or 8% of the population and absolutely guarantee that you can deliver them to this candidate, you will elect a congressman. When he elected the dry Congress of 1916 that finally approved the prohibition amendment by two-thirds majorities in each house, he then continued to rule over them. He was described by the New York World newspaper as the man who could make the Senate of the United States sit up and beg. Wheeler would sit in the gallery, in the Senate or in the house when there was a debate relating to one of his issues. And like a Roman council, he wouldn't actually put the thumb up or thumb down, but he'd let it be known how his people were expected to vote and they would vote with him. He was the most powerful unelected official in the country.

Steve Scher:

So somebody like Grover Norquist follows in his DNA getting the pledge, getting the pledge from Congressman.

Daniel Okrent:

No, I think that Norquist is similar in the sense that he got the pledge. What Norquist doesn't have is the massive political organization behind him. He has money, I guess, more than anything else. The organization that I think is most like the ASL is the NRA in its focus on one issue only. And they don't care about any other issue at all. They don't care about abortion. They don't care about Afghanistan. They don't care about taxes. They just have their position on guns. And they also, this is also very similar to the ASL. If the NRA finds itself confronted with an election where both candidates support their agenda, they will inevitably endorse the Democrat because they believe they must have influence in both parties. And this was something else that the ASL did. It was largely, except in the South, the prohibition movement was supported by Republicans largely, but the ASL very carefully... In fact, Bishop James Cannon, the Methodist Bishop from Virginia was the delegate to the Democrats to make certain that they would stay in line as well.

Steve Scher:

All right. So we get prohibition.

Daniel Okrent:

We sure do.

Steve Scher:

And what are the last few states to ratify the amendment?

Daniel Okrent:

Well, it eventually gets ratified by 46 of the 48 states. Connecticut and Rhode Island never ratified. They still, of course, had to live under the law, but the more Catholic the voting population, the less likely it would pass. New Jersey, only one house of the legislature passed up until 1922, until after. But all the other states, it was a rush. It was extraordinary how fast it occurred. It was in the space of 11 months from the time that it was submitted to the state that everybody passed it. The only amendment, well, there was one other, but one amendment that went even faster was the repeal amendment 14 years later.

Steve Scher:

Did it go so fast because they had organized and had in place their support?

Daniel Okrent:

Yeah, because their first effort had been to elect state legislatures. Because they had been working on a state by state basis for state laws, there were many dry legislatures. And the other thing we have to remember is that this is all 40 years before Baker v. Carr and the other Supreme Court decisions that created one man, one vote, so that the legislatures were very badly imbalanced. So in New York state, for instance, a representative from upstate New York represented 1/7 as many people as one from the Lower East Side of Manhattan. He represented apples and fields of corn, but they had an equal vote in the legislature. So the ASL's power in the legislatures was way out of proportion to what it was even in Congress.

Steve Scher:

What were the first things that happened when prohibition goes into effect?

Daniel Okrent:

The very first thing that happened, people getting arrested for trying to break the law. The lawbreaking began really that night. It was January 16th, 1920. It's what happened right beforehand. I begin the book describing the streets of San Francisco, which was a very wet town on January 15th. One of the peculiarities of the Volstead Act, which had many peculiarities, the Volstead Act was the Enforcement Act that made the Constitutional Amendment actually gave it teeth and gave it organization. One of the stipulations was that any alcoholic beverages, intoxicating beverages that you owned and had in your own home at January 16th, 1920 at midnight, you were allowed to keep and to drink and to share with guests to your home. So this, of course, who did this benefit? The wealthy. Those who could afford to buy a lot and those who had houses large enough to store it.

And in the Pacific Heights section of San Francisco, the traffic jams on January 15th, the people moving the liquor into their houses, getting as much as they could before the law was in effect, was impossible. Mary Pickford's mother in Los Angeles, she bought the entire contents of a Los Angeles liquor store and had it installed in the basement of her home in Beverly Hills. And this happened across

the country, the Yale Club. There was an interesting series of lawsuits about whether your home extended to your private club. And in some cases, courts who were friendly, judges who belonged to private clubs found that they did. The Yale Club in New York stocked up and never ran out for the whole 14 years.

Steve Scher:

No kidding. And then the other peculiarity was that if you were a pharmacist, you could give prescriptions?

Daniel Okrent:

Well, you can't say the other peculiarity because there were so many damn peculiarities.

Steve Scher:

Another.

Daniel Okrent:

There were three major loopholes, and one of them was medicinal liquor. And this is of course very familiar to any of us who've ever been on Venice Beach in Los Angeles. And you see physicians with signs that say prescriptions $100 for marijuana. This had its antecedent in the period of prohibition. In 1917, the American Medical Association House of Delegates voted unanimously to support a resolution that said that alcohol had no role in the treatment of medical problems. However, there was this loophole in the Volstead Act, and by 1922, the doctors of America began to see it a little bit differently. And they conducted what they called a plebiscite of the entire membership and asked whether physicians of America, "Do you think, do you need to use alcohol in your practice?" And they came back with 27 different ailments that could be aided by the use of alcohol and they ranged from snake bite and influenza to cancer and diabetes and my very favorite, old age, which on my 64th birthday is very meaningful to me.

The routine was you would go to your physician for $3 in the cities, $2 in the small towns, you'd buy a prescription, take it to the pharmacy. And you could get one pint of whiskey every 10 days. And so you needed a lot of people in your family to get sick if you were the primary drinker. In the early days, you would get it in a brown medicinal vial. Within a couple of years, it came with brand names on the bottle. And I have on the desk in my study at home, I have a bottle of Jim Beam for medicinal purposes only. And it was only one of many, many brands. There was a very, very big business in this. One of the great geniuses of the medicinal liquor business was a man named George Remus who moved his... He was a lawyer and a pharmacist who moved from Chicago to Cincinnati.

He moved to Cincinnati because he figured that 80% of the bonded whiskey in the United States was within 200 miles of Cincinnati or 300 miles. And he bought the Jack Daniels distillery in St. Louis. The Jack Daniels distillery was in St. Louis because Tennessee had gone dry in 1908. And he bought its entire content and he started something called the Kentucky Drug Company so that he could move this into trade. And then he would have his own men hijack his own trucks to move it out of the medicinal trade and into the party trade.

Steve Scher:

Did he last very long?

Daniel Okrent:

No, he got involved in an absolutely incredible, complicated lawsuit. When he went away to jail for the first time, his wife had an affair with the FBI agent who put him there. And he came out. We can get distracted with George Remus's stories. He ended up living upstairs from a flophouse in Paducah, Kentucky, but he was very, very rich. At one New Year's Eve party, he gave all the women diamond broaches and all the men Pontiacs.

Steve Scher:

He was Oprah. How widespread were the medicinal prescriptions? Do we know how many people got there?

Daniel Okrent:

We don't know. Well, I don't know how many, but it was all over the country. It was a very common... It was the most common way of legally getting your hands on alcohol. It was constrained only by this 10-day period that you had to... There's a photograph in the book of the registry kept by a doctor in Providence, Rhode Island. And down the side it says their names and the size of the prescription and what was prescribed, and then the reasons for the prescription. And it says at the top of the page, debility, ditto mark, ditto mark, ditto mark, ditto mark, ditto mark, lot grip, debility, ditto mark, ditto mark, ditto mark, ditto mark, ditto mark, down the page.

Steve Scher:

What was the other? What's the third big peculiarity?

Daniel Okrent:

Well, we got two other loopholes. There are 18. The second loophole, the second most interesting loophole was the religious loophole. First, it must be understood that the prohibition movement was overwhelmingly a Protestant movement. In fact, there were prohibition movements and prohibitory laws in much of the Protestant world between 1900 and 1920. In Canada and the Scandinavian countries, the creation of the closing hours of bars in the UK, that all was part of this Protestant worldwide fever involving alcohol. So in the writing of the Volstead Act, in both in a way to appease the Catholics and the Jews who opposed it, but also to acknowledge that Catholics and Jews had used wine in their religious services, there was an exception made for sacramental wines. There was a man in California, in Rutherford, California named Georges de Latour, who a Frenchman immigrated here in the late 19th century and started what became known as Beaulieu Vineyards, still one of the dominant vineyards in the Napa Valley.

And he had been in the business of providing altar wines, sacramental wines to Catholic dioceses across the country before prohibition. So he already had a network in place. When prohibition arrived, he got the first permit, California Permit 1A, to continue to make sacramental wines and continued to distribute it across the country. By 1922, he published a brochure that went out to churches across the country in which he offered his sacramental wine in 10 different great varietals. And you could get Sacramento Cabernet Franc, Merlot, even Sherry was a very interesting way of looking at the use of sacramental wine. He also built at his beautiful estate in Rutherford, California, which is still in the family. He built guest houses for visiting members of the clergy who could come and taste the wine.

He built an altar on the porch underneath the sycamore trees, overlooking the vineyard where the visiting clergy could actually take communion while they were in this paradise and how could they not

like it. When Winston Churchill visited there, and you can imagine what Winston Churchill thought about prohibition, Churchill called it an affront to the entire history of mankind. In the guest book at Beaulieu, Churchill who was traveling with his son, Randolph, was very happy to get there and he had a couple of very nice nights and he wrote, "Never has Christ come to the aid of Bacchus in such a wonderful way." The third one enabled you to make your own at home. And you were allowed to make as much as 200 gallons a year of wine for your family's use only.

Steve Scher:

Just wine.

Daniel Okrent:

Yeah. Well, it was interpreted to later allow beer as well, and then different jurisdictions to distill. It was rarely distilled. It's a much more complicated procedure. It's very easy to make wine, very easy to make beer. The Anheuser-Busch company sold malt extract throughout prohibition, which was totally legal. It was unfermented malt, and then you would take it home, add water, add yeast, put it in the closet, and you had beer. Several days later, near the end of prohibition, there were a few firms who manufactured what were called wine bricks. It was the dried skins and stems and seeds, and what was left over, then dehydrated, packed in paper, was the size of a building brick, and it said on the label, it said, "Do not add five quarts of water and put in your closet for six weeks, or it'll turn to wine." But the largest share of the wine making business was people who knew how to make wine who did it at home.

When prohibition was about to arrive in California, in the Napa Valley and Sonoma, various other places, the vineyard owners were tearing out their grapes and putting in apricots and plums and various other things, but an extraordinary thing happened at the first harvest after prohibition in 1920 when grapes at the San Francisco rail yard went for prices that no one had ever seen before, 10 times as much as they'd ever gone for. By the middle of prohibition, as many as 70,000 freight cars a year were leaving San Francisco for the big cities of the East and the Midwest.

In New York, actually in New Jersey, the Jersey City rail yards, the Pennsylvanian railroad doubled the size of the railroad simply to handle the incoming grape traffic. The outdoor market of Patty's market, a produce market that ran for 10 blocks on Manhattan's West Side. In October, you couldn't buy anything but grapes. There was such demand for it. And it was said that you could go into the... During the time of the grape pressing, you could go into Italian neighborhoods of some cities and you could get drunk simply by inhaling. It was such a huge business.

Steve Scher:

And anybody could do it. Anybody could do it. You didn't have to get a-

Daniel Okrent:

You couldn't sell it. You couldn't give it away to your friends, but unless you have an extremely large family, you had plenty leftover with that 200-

Steve Scher:

And people could come into your house and have a party with you because that was legal.

Daniel Okrent:

I also left out the other side of the religious exception. It was easy to control it or at least to see how it worked in the Catholic Church because everything went through the diocese, through the Archbishop. It was called an ecclesiastical approbation that somebody who was selling sacramental wine had to get from the church. Among Jews where there was no hierarchy, the way that it was distributed was through the rabbi. And if you would be a member of a congregation and you would get a license from your rabbi to buy a certain quantity. And it was 10 gallons a year at the max, and then it was cut substantially back to that about halfway through prohibition.

And one of the reasons why it was cut back was because of the scandals that ensued. Congregation Talmud Torah in the Boyle Heights section of Los Angeles on January 1st, 1920, before prohibition had 100 families in it, and a year later it had a thousand families in it. And the rabbi Benjamin Gardner, who presided over this congregation when he was arrested for the third time, said he was quoted in Los Angeles Times and saying, "I couldn't help but my congregation, they're just clamoring for wine, wine, and more wine." And he didn't mention, nor did the reporter perhaps know that he was also wholesaling to three other congregations. This became-

Steve Scher:

Legally? Legally?

Daniel Okrent:

No. No.

Steve Scher:

Just making sure.

Daniel Okrent:

Well, I guess his wholesale... The crime that was committed would be when the rabbi gave a permit to somebody who didn't merit a permit or gave the second permit to somebody who should only have one permit. But anybody could say he was a rabbi. And this all caused huge... This was, as it was said in my Jewish household, bad for the Jews, because it was in the newspapers every day about rabbis getting arrested. And when in New York in 1924 and 1925, the rabbis arrested had names like McGuire and Halloran. That's when even the rabbis said, "This is bad for the Jews." And the reform rabbis went to Congress and said, "We don't need to have fermented wine. We could do it with grape juice." The Orthodox rabbis who were making a living off of it flipped out and they had this huge doctrinal war as a result.

Steve Scher:

Is there a reason then why we saw so many Jewish mobsters because of that connection or not?

Daniel Okrent:

No, I don't think so. I think that we saw so many Jewish mobsters, Italian mobsters, Irish mobsters, because they were immigrant groups. They were at the bottom of the social ladder. And while somebody else could go to school and then go to college and go to law school and make a career for them at Meyer Lansky at 17 could become a mobster and become very rich very quickly.

Steve Scher:

So we're laughing about all these peculiarities of the law, but one of the main points of the book is that it changed the way we viewed the law in America. Undermined it.

Daniel Okrent:

I mean, even as early as 1922 in the big cities, prohibition really wasn't being much... It didn't have much effect. Everything we know from television and from movies of seeing the guy with the pee poll and the password, that was over by 1923. In New York, in San Francisco, in New Orleans... In New Orleans, my God, they drank in New Orleans. If you wanted to drink, you walked into a bar in order to drink. I mean, it was very much out in the open. So here we have in the Constitution a stricture that says that you cannot legally sell, manufacture, transport intoxicating beverages. And everybody's seeing it happen in front of them while the cop on the street walks by. So you can imagine what this does for respect for law and order. You cease to believe that the law matters at all.

And when the repeal movement begins to gather steam at the end of the decade, this is one of the things that is cited most strongly. Just as women played a key role in bringing prohibition in, women played a major role in ending it. Pauline Sabin, who was the New York socialite heiress to the Morton Salt Fortune who led the Women's Organization for National Prohibition Reform, the Women's Repeal Movement, she said what she hated most about it was seeing how her own sons thought that the law was laughed, thought it was a joke, couldn't take it seriously any longer. The other many, many aspects of law enforcement affected by it, but probably the key one was the creation of the national criminal syndicate. There had always been criminal activity, criminal gangs in every city, usually in one neighborhood controlling the drug traffic and prostitution and gambling, but they had no reason to go beyond that one district.

But then in prohibition, you have gigantic truckloads of physical goods that need to be moved from one place to another. So the mob in Chicago, to get their liquor from Canada, needed the mob in Detroit to help get it there. And the mob in Philadelphia didn't want to get into shooting wars with the mob in New York over who was going to be selling the liquor that was being moved into New Jersey. So in Atlantic City in 1929, mobsters from six cities came together and they created what became the crime syndicate. They divided up territory. They set prices. They created an internal judicial system. They met again with representatives from 21 cities in Chicago a few years later. And the legacy of that, of course, was organized crime on a national scale for decades upon decades.

Steve Scher:

Did they look at it and say, "Look, just as with alcohol, we can expand in drugs, in prostitution."?

Daniel Okrent:

Well, I think what happened largely, certainly there was some of that going, but when repeal came, they were out of business. So they had to find other businesses to go into. And there were a variety of things that they did go into. Moe Dalitz of the Cleveland mob and Bugsy Siegel from New York, they founded Las Vegas. They took the money they had made as bootleggers. They went out to the desert. The Nevada legislature was very easy to buy and they could get whatever they wanted and they created the gambling mecca that it became.

On the legitimate side, the newspaper and magazine distribution business in this country for decades was run by former bootleggers because what did you need? You needed trucks, drivers, and routes. So the same truck that was driving, delivering beer could now be dropping off the Chicago Tribune at various newsstands. And this was the case as late as 1990, the families that were in that business. And then there were those others who did move into drugs and into labor racketeering and a variety of other loadsome activities.

Steve Scher:

When we watch Boardwalk Empire on HBO, are we seeing a fairly accurate portrayal of the mobster's understanding of their place in the hierarchy?

Daniel Okrent:

I think so. I think that the creators of that show really did their homework. Of course, I can also say I know they read my book, but that was very late in their production of the show. I mean, there are aspects of the show that are off. They invent some stories that could not have taken place, but in that sense, the interconnection between political establishment and the criminal establishment and the general atmospherics is very accurate, I think.

Steve Scher:

Well, we see an incredible corruption in law enforcement.

Daniel Okrent:

Well, it was heaven for corrupt cops. The police commissioner in Chicago said his own force, he thought that 70% of it was on the take. His own force. To become a federal prohibition agent, it was a job that paid the modern day equivalent of 25 or $26,000 a year. And every time there was a vacancy, there would be hundreds of applicants because to become a prohibition agent was to be able to put your hand out and have it greased on a daily basis with very large sums of money. I'll stay away from you in exchange for this. It was a terrific business.

It also was outside of civil service, so it became a political payoff. In fact, Senator Wesley Jones of Washington State was one of the leading dries in the Senate, and he built his political organization by handing out these jobs in Washington to prohibition agents. On the other hand, there were only 27 prohibition agents covering the entire state of Washington. Can you imagine? 400 miles of Canadian border and all that coastline, even if they were honest, which they were not, even if they were trained, which they were not, they wouldn't have been able to stop it.

Steve Scher:

All right. Let's take a little interlude and go to Washington State and Ray Olmstead. How does he rank in your-

Daniel Okrent:

Roy Olmstead.

Steve Scher:

Roy.

Daniel Okrent:

Roy Olmstead.

Daniel Okrent:

Roy Olmstead, the good bootlegger. He's really one of my favorite characters in the saga and in my book. Roy Olmstead, many of you probably know about him. He was the boy lieutenant, the youngest lieutenant of the Seattle Police Force, 1920. In March of 1920, he's arrested bringing in a large shipment of liquor from Vancouver. And when the papers reported on it, they report not only on who he was and how much he had and his henchman had with them, but also the brand names of the liquor they were bringing in. This led immediately to 11 leading citizens of Seattle, bankrolling him in the bootlegging business. He sold half the business, half the profits went to his backers who put up the money, and the other half went to him. And he developed, because it was done with the leading citizens of Seattle, he developed an incredibly efficient, honest, clean game.

His men didn't carry guns. They didn't trade in counterfeit liquor where it was really swilled that had some coloring added to it, and then a counterfeit label put on it. He made his customers extremely happy and had a business that thrived until his phone was wiretapped in 1926. And what became one of the most important criminal cases in American history, Olmstead v. United States. It was the first wiretapping that was challenged in court. The Olmstead's lawyers argued this was a private communication. It was a violation of the Fourth Amendment [inaudible 00:41:14] against unreasonable search and seizure. The government argued that speaking on a telephone was the same as speaking on an open street, therefore we were allowed to do it.

It went to the Supreme Court in 1927 or '28, I think the court found by a five to four majority that it was legal to conduct such a wiretap, a profound change in Fourth Amendment law. Interestingly, as an aside, in the minority decision written by Justice Louis Brandeis, he cited an implicit right to privacy that existed in the Constitution, and he described it as "the right to be let alone" which are exactly the same words used by Justice Potter Stewart in the majority opinion in Roe v. Wade, that the idea of privacy that was first articulated by Brandeis in the Olmstead case ended up being the defining fact of Roe v. Wade.

Steve Scher:

But what impact do you think that ruling prohibition had on our sense of, well, on democracy as it went down 40, 50, 60 years later?

Daniel Okrent:

Well, the scary reality of it is that prohibition was adopted by Democratic means by votes of individuals voting for congressmen, senators, state legislators who put it into effect and they could get approved in 36 of the 48 state legislature. Imagine today, what could we get two thirds of the House, two thirds of the Senate and 36 legislatures to agree on? We can get them to agree that Monday follows Sunday. But here, this incredibly controversial, this either take your, pick either intrusion or involvement or protection of individual, in the life of the individual was passed by Democratic means. So the lesson for democracy, I guess, is that democracies can do some pretty stupid things. And in this case, the democracy was smart enough to undo it as well.

Steve Scher:

Well, I guess you've talked about this, and I'm sure there are questions in here about this. So the government needed money. One of the things that pushed the prohibition off was government needed money.

Daniel Okrent:

As I said, the taxes brought it in. It was the tax policy that also ended prohibition. 1929, the market crashes, the depression ensues, unemployment goes up to as high as 25%. In the four years following the market crash, federal income tax collections are down by 33%. There are no capital gains taxes collected at all. No one had a capital gain. In that period, the government is running on fumes. Even the Hoover government, a very conservative government that didn't believe in spending money, they didn't know where they were going to get the money to pay the light bill. And someone says, "I've got an idea. Remember those liquor bottles that all had tax stamps on them?" And then the rush to bring back to end prohibition. Not only did it bring back the tax revenue that the government needed. First year after prohibition was over, the first year, 9% of all federal revenue, both external and internal revenue came from the liquor taxes.

Steve Scher:

9%.

Daniel Okrent:

9% that very first year. The other thing it did, it was a great jobs program. I mean, think of the size of the liquor industry and the beer industry. The beer industry is not just the brewery workers, but it's also the people who make the cars, the trucks that's delivered in. It's the cork manufacturers, the bottle manufacturers, the barrel manufacturers. And the enormous industry was suddenly brought back to life filled with jobs. It was a very important part of the recovery.

Steve Scher:

Did the bootleggers oppose it?

Daniel Okrent:

Oh, the bootleggers loved prohibition.

Steve Scher:

So did they oppose the repeal?

Daniel Okrent:

Yes, they opposed the repeal. Now, it's very hard to find a check made out to a dry politician and signed Alphonse Capone. However, particularly in Illinois, there is some existing evidence, there's some very persuasive evidence of the general mode of the bootleggers. They would support legislative dries and executive wets, legislative dries to keep the law in place.

But mayors and governors, they wanted to be wet who didn't enforce the law particularly. So that kept them. They had this fantastic business, which was totally untaxed and they were free to work on their own. The phrase at the time is that there were only two groups as a whole that supported prohibition, Baptist and bootleggers. And in fact, the modern analog to it is very clear in the California balloting of a

few years ago when the marijuana measure was on the ballot. The most ardent opponents of the legalization of marijuana were the illegal marijuana growers who would have put them out of business.

Steve Scher:

If you could have lived one day during prohibition except the last day, which would you choose?

Daniel Okrent:

The second to last day. That's an interesting question. I mean, part of me, and this I guess is just about who I am, there were aspects of prohibition that were spectacular. I mean, it's what brought jazz into American life. The saloon was a male only drinking institution. The speakeasy was very different. Once you have thrown away that tradition by eliminating the saloon, then what comes up is new, we're going to change the way we behave. And men and women drink together in public for the first time. The wealthy had always been drinking in hotel restaurants, but for the average American, for the poor American, men drank in the saloon. Women drank if they drank at home. They would get, in fact, carry buckets away from the saloon in some places.

But prohibition brought men and women drinking together. When you have men and women drinking together, what's the next thing you have is music. What was the music at the time? Jazz, it was an outlaw music. It spreads across the country. The American Nightclub and Cabaret is born. This was great. I would have loved to have been at the Kentucky Club in the East '50s in Manhattan when Duke Ellington's Orchestra was playing there in 1926. So I'll take that day, I guess.

Steve Scher:

Sure. Yeah. So the peak of the speakeasies were in the early '20s?

Daniel Okrent:

No, it starts in the '20s and it just grows and grows and grows. It's important to know it was never against the law, against federal law to drink. The purchaser was not at any risk. And when you see films of the cops coming in and raiding the place and rounding up the guests, it's totally wrong historically. The first time that happens is in New York at the Hollywood Club in 1930, 10 years into prohibition. The patrons arrested for the first time. It was the bartenders who were arrested and the waiters who were arrested. We have a very distorted view because of what Hollywood has given us on how it worked. The speakeasy business began on January 17th, 1920, and only expanded and accelerated over the-

Steve Scher:

So the secrecy of it is what?

Daniel Okrent:

The secret... Well, in parts of the country, I'm sure that in many smaller towns and in particularly Bible Belt areas, it would have had to remain rather more secret than it was. In the big cities, it simply was not. It simply was not. The famous prohibition agent, Izzy Einstein, he would go from city to city and he always timed himself to see how long it would take him to buy his first bottle of liquor under disguise. New Orleans, it was 45 seconds. It was offered to him by the cab driver who picked him up at the train station.

Steve Scher:

He had it. Cab driver had it.

Daniel Okrent:

And it was everywhere.

Steve Scher:

And New Orleans was the party town for that?

Daniel Okrent:

Well, yeah. I mean, to be wet, it would be a combination of being on the coast or on the Canadian border and the heavily Catholic population. The wettest cities would have been Boston, New York, Baltimore, New Orleans, Detroit, Chicago, San Francisco. I think Detroit was the wettest. In the words of the editor of the Detroit Free Press in 1927, he said, "If you want to get a drink in Detroit, you have to walk into a bar and shout really loudly so the bartender can hear you that you want to drink." And right there on the Canadian border, large immigrant population, very easy to get liquor. In fact, the Detroit Board of Commerce, the business group, noted that in the late 20s that the illegal liquor business was the third-largest industry in the state of Michigan, preceded only by the automobile industry and the chemical industry.

Steve Scher:

So the economy of Detroit was decent then for all those three industries.

Daniel Okrent:

Yep. Absolutely.

Steve Scher:

A revolution can be defined as a change in the status quo. Was prohibition the biggest Cultural Revolution in America in the 20th century?

Daniel Okrent:

I guess it depends on how you define Cultural Revolution. I mean, instinctively, I would say that the biggest cultural change was the civil rights movement. But if you think about the way we behave, if you take social, cultural to mean how we behave in our private lives, I would say that it probably was. I mentioned men and women drinking together, but also the entire style of music and of dress. A lot of these things would have happened anyway. I think a lot of the Roaring '20s roared because of the reaction to the end of World War I, not to the end, to the fact of World War I, but it was fueled by alcohol and made it even more so. It was a social leveler. The Amsterdam news in Harlem said that prohibition had been a very positive effect for race relations because of the Black and tan bars where white people and Black people socialized together. That never existed in the country before then.

Steve Scher:

That's interesting.

Daniel Okrent:
I think it's all interesting, isn't it?

Steve Scher:
It is. It is.

Daniel Okrent:
It is all interesting.

Steve Scher:
Did the noble experiment reform the country in any way? Well, so you just named one. Did people drink less after prohibition?

Daniel Okrent:
They did. It's hard to know. And this is an interesting story and I've told it twice in Seattle already as I have many of these other stories, so I apologize if you've heard it before. It's hard to know exactly how much people drank during prohibition because before and after we know from the tax stamps, we know that when a certain amount of liquor leaves the Jack Daniels distillery, there's a federal revenue agent there who asserts how much is there who attests to it, and there is a tax paid, as it leaves bond. So before and after, we know how much people were drinking or at least of legal alcohol. During, there are no tax stamps. It doesn't exist. There's no way of measuring. There's no official measurement. So the historical demographers, among other things, they've turned to cirrhosis as a trailing indicator. And it's fascinating, both in the large numbers that were published by the government, but also if you... I picked three hospitals.

I just tested the theory there, and it was true in... Well, one of them didn't have the records, but in the other two, cirrhosis is a trailing indicator. It comes five to seven years after extreme heavy drinking. And you see cirrhosis emissions in American hospitals going like this, and then in 1926, it starts to dive and it continues to dive and doesn't come back until 1939, which is six years after repeal. But by the best estimates, drinking went down about 30% on a per capita basis. And it didn't get back to the pre-prohibition levels until 1973. What brought it back in 1973 was the wine cooler, Bartles & Jaymes. It was suddenly opened up, not that it was so heavily alcoholic, but it created millions of new drinkers, people who didn't... It tasted like soda pop. And then it went down a little bit in the '80s and '90s and it's come back up. And we're right now at about the same level as it was in '73 or maybe a little bit ahead of it.

Steve Scher:
Are we drinking the same amount that we were drinking in the 1830s?

Daniel Okrent:
No, we're not anywhere near that.

Steve Scher:
So it's much lower than that.

Daniel Okrent:

That's the other way of illustrating how much people drank in the 1830s. It's nearly three times as much as we drank today. They were really drinking. Now, one of the reasons they were drinking, in addition to all the reasons that everybody who drinks drinks, was the quality of water was so questionable. George Washington in 1775, he decreed a ration of four ounces of rum every day for every member of the Continental Army. And that stayed in place until the 1835, 1836. One of the reasons being that hydration was critical and the water supply was poisonous. It was toxic. He carried typhus and dysentery and various other diseases. So there was a form of justification for the distillation of liquor.

Steve Scher:

What happened to the big brewers during the prohibition?

Daniel Okrent:

Well, a lot of them disappeared. The number of brewers really plummeted. The very big brewers survived by being wise and also by being patient. Leopold Schmidt, the founder of Olympia. Olympia, is that what your local big was called?

Steve Scher:

Yeah.

Daniel Okrent:

It was. Was. He said that prohibition is like a disease. We have to let it run its course. And he managed to let it run its course as many others did. Anheuser-Busch. Anheuser-Busch had always done everything. They built their own refrigerated trucks. They made their own bottles. They were in a fully integrated operation. They moved into other refrigerated goods like ice cream. They had a very big business in ice cream. They had a business in cheese. They did near beer. They did soda pop. And then they did the malt extract, which was the perfectly legal substance that you could take home, add yeast and water to and turn into beer. You had to be big to survive. And it was the beginning of the radical shrinkage of the American brewing industry, which has us today that if you don't count the microbreweries, there are only two breweries left in this country. It's really pretty extraordinary.

Steve Scher:

And they're owned by Europeans.

Daniel Okrent:

Yeah.

Steve Scher:

Why did you write this book? Was it something personal or was it just you needed a topic?

Daniel Okrent:

Well, it was something personal and I needed a topic. No, it's a job like any other job. The important thing is to pick something that you don't get bored with working on it for five years and you don't know what that subject is going to be. And believe me, not only did I never get bored on this one, I'm still not

bored by it. And everything you've heard me say, I've said many times before. I picked this topic. It came out of my previous book, which was a history that was set in New York in the '20s and '30s. It was about Rockefeller Center, how Rockefeller Center came to be. And to build Rockefeller Center, the Rockefeller family had to acquire the rights to 228 brownstones in Mid-Manhattan between 48th and 51st Street, 5th Avenue to 6th Avenue. And they hired their agents. They sent their agents out to negotiate with the owners of the ground leases and on all 228 buildings.

And as I went through the municipal records tracking what happened at each one of these buildings, you see, this one went for $2,100, $2,400, $1,950, $75,000, $2,200, $1,600, $65,000. So I had these addresses that were totally anomalous thinking, "Wow, those must have been beautiful palatial buildings or there must have been department stores." No, they were all speakeasies. Every one of those are speakeasies. And it demonstrated that the speakeasy owners had more political clout than the Rockefeller family, than the richest family in the world that happened to be New York based. And making this discovery, I said, "God, prohibition, that's really weird." Prohibition, prohibit... That's really weird. What the hell was that all about? How did it happen?

I mean, really, the minute you stop to think about it, how could you not want to write a book about it? It is such an anomaly in the American experience and it lasted 14 years. I spoke to a group of school teachers last week, American history teachers, high school history teachers. And in the textbooks, it's a sentence, maybe a paragraph. In some textbooks, it's not there at all. It's just, well, that was some kind of a mistake. We went right past that. Well, yes, it was a mistake, but it was a mistake that was deeply ingrained in the American experience and came out of the nature of the American society, the demographics and sociology and the nature of the political system, deeply entwined.

Steve Scher:

Are you still learning things? Are there new facts that have come out that aren't even-

Daniel Okrent:

That's the hardest thing about finishing a book is you have to say you're done at some point. And it's usually arbitrary. Okay, I'm done because my wife will leave me if I don't say that I'm done. And then you send it off to the printer and then you stumble across something. You find a scrap of paper on your desk or an article in the newspaper or somebody sends you a letter. "Oh no, I didn't have that." And then you try to squeeze it into the paperback, but then your publisher finally says, "You finished that book three years ago. Start another one, please." But it never stops. I'm sure.

Well, already since I've been in Seattle for 48 hours, somebody gave me a really interesting story that I wish I had had for the book. I mean, I have to check out and see if it's exactly as... Many stories get passed along that turn out on further investigation not to be as beautiful as they are when they're told you, but I am learning things every week something comes up. I'm still learning things about Rockefeller Center, and I finished that book in 2001.

Steve Scher:

By the way, do you know that Amazon wants to build a big complex in downtown Seattle on the edge, and that's their model?

Daniel Okrent:

Well, if that's their model, then they've got to start behaving very differently. I mean, the Rockefellers are the most charitable family in American history. I gather the Bezos family is not.

Steve Scher:

Not yet, anyways. Let's see what they feel about having it splashed on the front page for the next four days. So what are the parallels between prohibition of alcohol and what you see evolving with marijuana legislation? We're going to be voting on legalization.

Daniel Okrent:

Well, there are obvious parallels, the fact, particularly the financial ones that... And I can say that even as late as beginning my book tour when the book was published in 2010, I didn't have an opinion on this. I just didn't think about it. I was compelled to I have an opinion because people would ask me about it. And so I'm not making this statement from a point of view of partisanship. I don't really care that much about it, but there's no question that the marijuana laws as they currently exist, they enrich criminal enterprises, they deprive the government of tax revenue, and they put an unregulated and potentially dangerous product on the market.

The regulation of alcohol that comes in 1933 with repeal is in fact, it's the thing that the temperance forces could only have dreamt about. It became much harder to get a drink once it was legal than it was when it was illegal. When it was illegal, if you owned a bar, a speakeasy, or a secret package store, you didn't worry about age limits or selling on Sunday or staying open past 2:00 AM or being near a church or being near a school. You would sell to anyone at any time. But once you have a license that enables you to keep this business going, you would better follow the law. And the regulatory laws that came in on a state by state basis really controlled liquor in a way that it had never been controlled before.

And I think that might be the case with marijuana. The one illustration of this that was pointed out to me by a law enforcement official is that in many states, there's no law against driving while stoned. It's well intoxicated. Now, in many states it's been changed to while impaired, but in some states it's well intoxicated. If the law were also well stoned, if marijuana were legal, you can guarantee that every squad car would have a breathalyzer that would check for THC content as well as for alcohol content. But because it doesn't exist, we don't acknowledge it under the law. We aren't doing that kind of enforcement.

Steve Scher:

A jobs bill. Okay. Two last things. When you did the Ken Burns shows, which was more fun, prohibition or baseball.

Daniel Okrent:

I don't know about the doing, but afterward. I weighed 45 pounds less in baseball, so I really love that one. I weighed 45 pounds less than I was 20 years younger, so that's my favorite, looking back. I was heavily involved in both of them. The current one though, I wouldn't say that Ken's film is based on my book. It was certainly inspired by my book. Ken acknowledges that. And as I was writing it, I was delivering... As I finished chapters, I would send them to Ken's screenwriter, Jeff Ward. So I was deeply involved in the conception in it from the very beginning. Not that there aren't some things in it that I disagree with, but I feel my imprint there. And baseball, I was just another talking head, a slim and young talking head by the talking.

Steve Scher:

What do you disagree with? What do you disagree with from prohibition?

Daniel Okrent:

Well, we have differing views on, for instance, Mabel Walker Willebrandt, the assistant attorney general in charge of enforcement, whom he thinks was a monster and I think was a hero. And I think that he had some... I don't want to... This is being taped.

Steve Scher:

You can just frame this by saying, I love the man. He's brilliant.

Daniel Okrent:

I love the man. He's brilliant. And look, it's six hours and 20 minutes of television, and six hours and 17 minutes of it is absolutely great with me. It's inevitable that there would be things that we would have some differences about.

Steve Scher:

All right. Any baseball predictions for this season? I'm saving this question for last.

Daniel Okrent:

Okay. Yes. I think that the Seattle Mariners will finish the season.

Steve Scher:

You helped invent rotisserie baseball. Do you still play?

Daniel Okrent:

Yeah, I'm embarrassed by that.

Steve Scher:

Do you have any Mariners on your team?

Daniel Okrent:

I play National League. Out of that one.

Steve Scher:

That was convenient.

Daniel Okrent:

I do think that we're going to be surprised with the 30-year-old Ichiro.

Steve Scher:

38-year-old Ichiro.

Daniel Okrent:

38-year-old Ichiro is going to turn out to be a little bit of a power hitter that we've never seen before. I think that he will respond to the position in the batting order, and that'll be exciting to watch. It would have been more exciting had it been six years ago.

Steve Scher:

He'll be sending flyballs into the outfield to drive me into second and third.

Daniel Okrent:

That's right.

Steve Scher:

I predict. My expertise in baseball. All right, Daniel Okrent, thank you very much.

Daniel Okrent:

Thank you.

Speaker 1:

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