

*Brewing Trouble:
Federal, State, and Private Authority
in Pennsylvania Prohibition
Enforcement under Gifford Pinchot,
1923–27*

FOR MANY AMERICANS in the 1920s, the adoption of national prohibition marked an experiment in government. To some, the public commitment to outlaw the traffic in alcoholic drinks was an intrusive and futile attempt to interfere with local conditions, customs, and the individual liberty of American citizens. Others considered the growth in public responsibility mandated by the Eighteenth Amendment to be a necessary step toward reform and efficiency. At the state level, national prohibition represented a further administrative challenge. State governments were expected to cooperate with federal enforcement agents and to construct state-level enforcement mechanisms that would support and augment national efforts while customizing enforcement to local circumstances. Rarely in the early twentieth century did public policy traverse so dangerously the intersections between local, state, and national sovereignty and collide so dramatically with popular resistance. State-level prohibition enforcement in the 1920s prompted innovations in public-policy administration and outlined the limitations of government authority in the institutional network of modernizing America.

The course of national prohibition in Pennsylvania, which ratified the Eighteenth Amendment in 1919, was particularly tumultuous. In defiance of a national policy intended to abolish saloons and the drinking culture that accompanied them, Pennsylvania maintained licensed saloons

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until 1923. Efforts by federal prohibition agents to carry out their duties met blunt opposition from many elected officials, especially in Pittsburgh and Philadelphia. "Let the federal men raid," argued the top police official in Pittsburgh in 1928, as he refused to allow city police to assist dry agents. "It's their business to enforce the prohibition law. It's all they've got to do." Desperate to control the unregulated traffic in illegal liquor in Philadelphia, Mayor Freeland Kendrick plucked Brigadier General Smedley Butler from the Marine Corps and appointed him police chief of Philadelphia. Between 1924 and 1926, when he was fired and returned to the military's less complicated chain of command, Butler led the police in a bruising but unsuccessful campaign to bring the city's illegal alcohol producers and sellers to heel.¹

Despite these expressions of wet intransigence against prohibition, Pennsylvanians elected a committed prohibitionist, Gifford Pinchot, as governor in 1922. During a long public career, Pinchot had displayed a deep devotion to public service as well as unquenchable political ambition. These attributes combined with his religiously inspired enthusiasm and moral temperament bordering on prudishness to make the new governor a fierce champion of prohibition enforcement. Although Pinchot rarely attended church services in his adult life, the one-time Sunday school teacher retained a strong respect and affection for Christian institutions as well as a tendency to detect moral error in the politics and behavior of his opponents. Similarly, although Pinchot had occasionally served alcohol when social protocol required it, he had long regarded indulgence in strong drink as a moral failing. As a young man visiting Germany, he considered his hosts to be "in that retrograde condition where a man's chief duty in society lies in the willingness to drink all he can get." In Pennsylvania, Pinchot worked closely with the Woman's Christian Temperance Union (WCTU), a dedicated body of dry activists, and was a trustee of the Anti-Saloon League (ASL), representing the Episcopal Church.²

Supported by well-organized if outnumbered dry sentiment, Pinchot initiated a bold attempt to construct a real enforcement regime in

¹ Julien Comte, "Let the Federal Men Raid: Bootlegging and Prohibition Enforcement in Pittsburgh," *Pennsylvania History* 77 (2010): 174; Paul Frazier, "Prohibition Philadelphia: Bootleg Liquor and the Failure of Enforcement" (PhD diss., University at Albany, State University of New York, 2001), 149–63. While limited in their scope, the studies by Comte and Frazier are the best available analyses of prohibition enforcement in Pennsylvania.

² M. Nelson McGeary, *Gifford Pinchot: Forester-Politician* (Princeton, NJ, 1960), 12–13, 244–45, 324–26 (quotation, 245); Ernest H. Cherrington, comp. and ed., *The Anti-Saloon League Year Book, 1925* (Westerville, OH, 1925), 200.

Pennsylvania. His efforts challenged lines of administrative authority and blurred the distinction between public policy and private advocacy. Rather than aligning state efforts with officers of the federal Prohibition Unit, Pinchot denounced the corruption and incompetence of federal agents and engaged in a self-righteous and damaging feud with Prohibition Director Roy V. Haynes and Treasury Secretary Andrew W. Mellon, the cabinet official entrusted with prohibition enforcement and one of the most powerful men in Pennsylvania. Shaking off federal prohibition authorities, Pinchot put his faith in the Pennsylvania justice department, the Pennsylvania state police, and a mysterious collection of undercover agents. Much of the work of these public authorities was financed not by state resources but by funds privately raised by WCTU women, who refused to allow the hostile state legislature to gut Pinchot's enforcement plan. Prohibition enforcement in Pennsylvania between 1923 and 1927 undercut national authority by means of state assertiveness and, at the state level, mixed enhanced government authority with private funding and supervision of state policy. The administrative lessons of prohibition-policy enforcement, like that of the reform itself, were complex and contradictory.

"I am going to enforce the prohibition law," Pinchot announced in 1923. "This is the first honest-to-God attempt made in this state to do so." A talented administrator and reformer who somehow combined the qualities of charisma and officiousness, Pinchot had taken advantage of disorganization in the conservative, wet Pennsylvania Republican machine following the death of the dominant state boss Boies Penrose to win election as governor the previous November. Committed to tax reform and administrative efficiency among other policies, Pinchot nevertheless put a special moralistic emphasis on prohibition enforcement, which sparked enthusiasm from dry supporters, many of them women. "I regard the present flagrant failure to enforce the Volstead law as a blot on the good name of Pennsylvania and the United States," he stated once in office. Casting the issue in the Progressive language of democracy and morality, Pinchot insisted that "if allowed to continue [defiance of prohibition] will amount to a serious charge against the fitness of our people for genuine self-government." Displaying the bluntness and willingness to criticize superiors in government that had marked his career as forestry head in the Taft administration, the new governor blamed state officials and, especially, the federal Prohibition Unit for the corrupt and inept practices that, in the estimation of the *New York Times*, had turned the commonwealth

into “one of the wettest States in the Union.” “I intend to use the State Constabulary to enforce this law,” Pinchot announced. “I do not intend to co-ordinate the State and Federal forces.”³

Until this point, Pennsylvania had resisted the wave of dry sentiment that crested in 1919 with the adoption of national prohibition. Although the 1874 Women’s Crusade against saloons that gave rise to the Woman’s Christian Temperance Union had Pennsylvania roots, and although the state contained an aggressive branch of the Anti-Saloon League, the commonwealth’s immigrants, factory operatives, coal miners, city dwellers, and politicians overwhelmingly preferred to preserve legal and open access to alcoholic beverages and to defend the businesses that produced and sold them. Correspondingly, as states to the south and west restricted liquor sales and enacted state prohibition statutes, Pennsylvania legislators joined their neighbors in the wet Northeast and acted to control misbehavior in the drink trade through high licenses. Proponents argued that high liquor licenses, some costing as much as \$1,000, would force objectionable dives out of business and provide revenue to state and local government. Since the 1887 enactment of its high-license law, the Keystone State had been the nation’s model of the high-license alternative to prohibition as a form of liquor regulation.⁴

Surprisingly, the Pennsylvania system of regulated liquor manufacture and licensed saloons remained largely intact during the early years of national prohibition. The Eighteenth Amendment barred the manufacture, sale, and transportation for sale of intoxicating beverages—with exemptions for religious and industrial use—and stipulated that concurrent state legislation be enacted to enforce the ban. The Volstead Act of 1919 adopted the severe standard of 0.5 percent alcohol content as the baseline for defining a drink as intoxicating. When the measure went into operation in January 1920, states began to pass companion enforcement laws that closed saloons, breweries, and distilleries. Pennsylvania, however, failed to enact a tough enforcement law. Instead, while acknowledging that alcoholic beverages were illegal, the state retained its license system and, with it, its saloons. Spurning dry pressure to outlaw barrooms, the legislature adopted the Woner Act in 1921, which continued to issue licenses to saloons, fully fitted out as in preprohibition days with bars, brass rails, and

³“Pinchot Tells How He Expects to Make Wet Pennsylvania Dry,” *New York Times*, Mar. 4, 1923, 1.

⁴Ernest H. Cherrington, comp. and ed., *The Anti-Saloon League Year Book, 1921* (Westerville, OH, 1921), 276–78.

fixtures but now supposedly restricted to selling near beer. For their part, many breweries and distilleries took advantage of laxity and corruption in federal prohibition enforcement to obtain permits that allowed them to continue their businesses. In 1923, forty-four distilleries and seventy-two breweries in Pennsylvania operated under the protection of federal licenses. Breweries without federal permits carried on under cover of making near beer for licensed saloons. Prohibitionists complained that saloons could not afford licenses unless they sold actual beer and spirits, so that the state remained wide open in defiance of the Constitution and state law.⁵

Despite continued agitation by the Pennsylvania branches of the WCTU and the ASL, liquor flowed without much hindrance in the Keystone State. Pennsylvanians drank denatured industrial alcohol diverted from its intended use, cleared of its adulterants (most of which could be easily removed), cut, colored, labeled, and sold as whiskey. Fully alcoholic beer was shipped to saloons before the process of rendering it into near beer was completed, or near beer was boosted with alcohol to make it potent (if not altogether potable) for those seeking an alcoholic kick. At the time Pinchot took office in 1923, as his chief prohibition enforcement officer described it:

no other state in the Union so combined within its borders the three great sources of illegal drink, as did Pennsylvania. More whiskey was stored in the Pittsburgh Revenue District . . . than was stored in any state of the Union except Kentucky; more denatured alcohol was produced and removed for use in the Philadelphia District alone than in any state of the Union except Maryland and Louisiana; and more beer and cereal beverages were produced in the Pennsylvania breweries than in any other state of the Union except New York.⁶

Moreover, the incoming governor charged, officials of the United States Prohibition Unit had issued permits to fraudulent companies that operated as bootleggers under the pretense of making hair tonics, toiletries, or tobacco sprays. In Pittsburgh, federal authorities allowed criminals to remove whiskey from government warehouses. Saloonkeepers and boot-

⁵Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800–1933* (Chicago, 1998), 147–52; Cherrington, *Anti-Saloon League Year Book, 1921*, 278; “Shut Off the Liquor Flood at Its Source, Says Pinchot,” *New York Times*, Nov. 4, 1923, XX1.

⁶William Burnet Wright Jr., *Four Years of Law Enforcement in Pennsylvania: Report to Governor Pinchot* (Harrisburg, PA, 1926), 4, box 651, folder Wright, W. B., Gifford Pinchot Papers, Manuscript Division, Library of Congress, Washington, DC (hereafter Pinchot Papers).

leggers were tipped off before federal raids. Most dishearteningly, William McConnell, the federal prohibition director, stepped down in 1922 amid accusations that he had conspired with bootleggers. Pinchot dramatically charged that “the Pennsylvania State police are compelled to wage a guerrilla warfare against liquor fortifications that are maintained under the protection of Federal permits.”⁷

Once in office, Pinchot moved to establish a genuine enforcement mechanism in Pennsylvania, proposing bills to create a state-level equivalent to the national Volstead Act and to tighten state policing of breweries and distilleries. In an illustration of the severe restrictions facing liquor-law enforcement in Pennsylvania, Pinchot only managed to get the enforcement bill, known as the Snyder–Armstrong Act, out of the wet legislature. Concerned about patronage and appointments, the state machine acknowledged the governor’s commitment to prohibition enforcement by allowing the Snyder–Armstrong bill to become law on March 27, 1923. But even in this case, Pinchot personally had to lobby wavering representatives to obtain by two votes the necessary majority in the lower house of the legislature. Operating in an environment hostile to prohibition, dry Pennsylvanians would have to make the most out of this victory.⁸

Pinchot’s state enforcement law eliminated saloon licenses and brought Pennsylvania requirements in line with enforcement standards in most other states. The measure outlawed the manufacture, sale, possession, and movement within, into, or out of the state of alcohol for beverage purposes. Stocks of liquor purchased before enactment of the law remained legal for home use, and breweries could still produce real beer as part of the process of making legal near beer. Enforcement officers, drawn from the ranks of the state police, received broad search and seizure powers. Most importantly, the state justice department was empowered to close establishments that violated the law on the grounds that they represented common nuisances. This injunction measure, by which state authorities could padlock a business for up to a year, was a crucial enforcement weapon that neither state nor federal officers had yet made use of in Pennsylvania. This was the enforcement law “with teeth in it” that Pinchot had wanted to redeem his pledge to “drive saloons out of the State.” But Pinchot desired one more enforcement feature. “I have my own plans which are more extensive than

⁷“Shut Off the Liquor Flood at Its Source,” XX1.

⁸McGeary, *Pinchot*, 304; “Pinchot Tells How He Expects to Make Wet Pennsylvania Dry,” 1; “Pinchot’s Dry Bill Wins in Pennsylvania,” *New York Times*, Mar. 28, 1923, 3.

the employment of the State police," the governor had revealed as the bill moved through the legislature. That special plan involved the employment of "a special body of men to devote themselves entirely to searching for the violators of the prohibition law." These special agents would be supported by a \$250,000 appropriation to the attorney general's office, which accompanied the Snyder-Armstrong bill. In June, however, Pennsylvania legislators left the \$250,000 appropriation out of the enforcement law. Public funds would not support the full range of Pinchot's plan for prohibition enforcement. Instead, private interests would step in and undertake a quasi-public role in state policy.⁹

After Pennsylvania lawmakers refused to allot the \$250,000 specified for enforcement in the Snyder-Armstrong Act, the women of the Pennsylvania Woman's Christian Temperance Union pledged to raise the sum. The organization's president, Ella M. George of Beaver Falls, had negotiated Pennsylvania's unruly struggles over liquor control as head of the WCTU since 1907. In contrast to her grandmotherly appearance, George possessed organizational acumen and strong political instincts. She increased the membership of the state WCTU from 17,000 to 47,000 by the mid-1920s, establishing the Pennsylvania contingent as one of the largest branches of the national union. In 1919, she pushed the state legislature to declare Frances Willard Day in the public schools, on which date Pennsylvania school children received temperance lessons in honor of the WCTU's charismatic late nineteenth-century leader. With George's encouragement, the state WCTU vigorously backed Pinchot's gubernatorial campaign. As the legislature tried to pull the teeth from Pinchot's enforcement plan in 1923, women from WCTU locals urged George to step forward and support the governor.¹⁰

Spurred on by the WCTU rank and file, George worked out a procedure with Pinchot and Attorney General George W. Woodruff to funnel voluntary contributions into state prohibition enforcement. Dry women and their supporters paid into a fund that, under the trusteeship of Woodruff

⁹"Pinchot Tells How He Expects to Make Wet Pennsylvania Dry," 1 ("own plans," "special body"); "Dry Law 'With Teeth' Proposed by Pinchot," *New York Times*, Feb. 6, 1923, 23; Major Lynn G. Adams, "The Police Officer's Difficulties in Enforcing Liquor Laws," *Annals of the American Academy of Political and Social Science* 109, *Prohibition and Its Enforcement* (1923): 199; Wright, *Four Years of Law Enforcement*, 4; "Pinchot's Dry Bill Wins in Pennsylvania," 3 ("drive saloons out"); "Pennsylvania House Hits 'Dry' Enforcement by Leaving Pinchot Without Funds for Work" *New York Times*, June 15, 1923, 1.

¹⁰*History, Pennsylvania Woman's Christian Temperance Union* (Quincy, PA, 1937), 27, 249.

and Pinchot's hand-picked special counsel William Burnet Wright Jr., directed money in support of specific law-enforcement operations. In mid-June 1923, Woodruff ruled that Pinchot had the "clear legal right" to accept voluntary funds to aid state enforcement efforts. Buoyed by four one-dollar contributions and \$1,000 from prohibitionist State Senator T. Lawrence Eyre of West Chester, the Law Enforcement Revolving Fund, as it was known formally, began to build. Although promised subscriptions from "monied men" failed to materialize, WCTU locals poured money into the fund. Allegheny County women raised more than \$11,300 in 1923 alone. Other large contributions included \$10,000 from Philadelphia County unions and \$6,000 from the Blair County WCTU. By 1926, White Ribboners in Chester County added nearly \$5,000 to the fund. WCTU women in Dauphin, Clearfield, and Westmoreland Counties raised between \$1,900 and \$2,400 in their respective jurisdictions.¹¹

Beyond mixing private funding with public responsibility, Pinchot followed a lifelong pattern as he entrusted prohibition enforcement in Pennsylvania to a corps of loyal subordinates bound to the governor by personal relationships and shared backgrounds. Attorney General Woodruff's close friendship with Pinchot extended back to college days at Yale and their membership in the secret Skull and Bones society. "I can think of no man of more admirable character than George Woodruff," Pinchot recalled near the end of his life. Woodruff first made a name for himself as a Yale football star and, after graduation in 1889, as an innovative college football coach. But by 1901, he joined Pinchot in the United States Forest Service; he later followed him into the National Conservation Association and again served Pinchot loyally on the Pennsylvania Forestry Commission. By the time he took up prohibition enforcement duties as state attorney general in 1923, Woodruff's association with Pinchot had stretched to nearly four decades. Wright, who directly managed enforcement activities, was a newer member to the Pinchot team, but he possessed a background that gained him easy access to insider status in the governor's administration. The son of a prominent Presbyterian minister from Buffalo, Wright entered Yale when Pinchot and Woodruff were seniors. He belonged to the same fraternity, Psi Upsilon, as the other two men and served as manager of the Yale football team at the time that

¹¹ "1,000 for Pinchot Fund," *New York Times*, June 19, 1923, 4; Ella M. George to William B. Wright, Feb. 7, 1924, box 1590, folder 33, Pinchot Papers; *History, Pennsylvania WCTU*, 12, 39, 83, 112, 249, 354.

Woodruff coached Penn. Wright took up law and, during the First World War, practiced moral police work as a major in the enforcement division of the army's Sanitary Corps. Displaying a moralistic and religious intensity close to that of Pinchot himself, Wright combated social pathologies and misbehavior after the war as secretary of the Baltimore Alliance, a reformist voluntary association dedicated to moral improvement. Recognizing Wright's affinity with his own views and background, Pinchot selected the crusading lawyer as his special counsel for prohibition enforcement.¹²

In addition to friends and familiars, Pinchot drew on the resources of his own family to solidify his alliance with women and drys in support of stepped-up prohibition enforcement. Cornelia Pinchot, the governor's energetic and reform-minded wife, continued the prominent role she had played in the gubernatorial campaign, during which candidate Pinchot had used her as part of his strategy of courteous attentiveness to newly enfranchised Pennsylvania women. During the campaign, both Pinchots had stressed women's particular awareness of issues concerning efficiency and economy that faced the state. Speaking before women's clubs and dry groups after Pinchot took office, Cornelia Pinchot further emphasized women's special interest in prohibition. She went so far as to advocate appointing women as federal and state enforcement agents, since women "would be more honest in the matter of prohibition enforcement." Although women did not join the official enforcement service, many Pennsylvania women, especially those in the WCTU, carried out in an informal way Mrs. Pinchot's admonition that women should "get the information [concerning lawbreakers] and . . . see to it that no outside influences operate against the carrying out of the law."¹³

On August 1, 1923, the WCTU commenced operations by releasing \$4,000 to Wright and Woodruff. As enforcement operations used up each \$4,000 remittance, usually after about five weeks, a renewed request for money, accompanied by receipts and an expenditures report, was relayed by Philadelphia banker Charles J. Rhoades (who, at Pinchot's request, acted as treasurer of the fund) to WCTU treasurer Leah Cobb Marion. Meanwhile, WCTU president Ella George periodically sent appeals to the

¹² Gifford Pinchot, *Breaking New Ground* (New York, 1947), 302–4 (quotation, 302); McGeary, *Pinchot*, 46, 199, 275; *Bulletin of Yale University: Obituary Record of Graduates of Yale University Deceased during the Year 1946–1947* (New Haven, CT, 1948), 27.

¹³ "Pinchot Tells How He Expects to Make Wet Pennsylvania Dry," 1 (both quotations); McGeary, *Pinchot*, 279, 281. See also, "Mrs. Pinchot Charges Dry Law Corruption," *New York Times*, Nov. 21, 1924, 21.

WCTU rank and file for additional donations to the fund, often pairing the request with prominently displayed reports on state successes in prohibition enforcement provided by Pinchot or Wright. In all, the WCTU made thirty-six payments to the state before the fund was exhausted on March 10, 1927, two months after Pinchot left office. Between 1923 and 1927, Pennsylvania state authorities spent \$138,580.68 raised by the WCTU for prohibition enforcement.¹⁴

To some extent, the WCTU's engagement in Pennsylvania prohibition enforcement fit into a broader 1920s pattern of voluntary action by dry citizens' groups to reinforce the weak arm of formal law enforcement. The federal Prohibition Unit was notoriously understaffed by a thin corps of poorly paid agents. Honest and efficient officers were undermined by colleagues who took money from bootleggers, others who terrorized ordinary civilians with rough questioning and ill-disciplined gunfire, and some who were simply overwhelmed by the gargantuan task before them. State-level enforcement was spotty, even though the Eighteenth Amendment envisioned "concurrent" enforcement by federal, state, and local authorities. Most states, including Pennsylvania, provided minimal funding, if any, for enforcement of the state dry laws that were passed to accompany the Volstead Act.¹⁵

Given the obvious shortcomings of formal law enforcement, dry groups committed to prohibition reform acted in their local communities as supplemental enforcement agents. They hired detectives to investigate illegal barrooms or drugstore sales of alcohol, joined with sympathetic sheriffs or police to raid whiskey makers or illegal nightspots, alerted lawmen to the production, movement, and sale of alcohol, and generally agitated for enforcement of antiliquor laws. In many states, the revived Ku Klux Klan (KKK) took on the role of an informal police force to crack down on dry-law violations. Sometimes these voluntary efforts blended into quasi-public service, as in Indiana, where an old constabulary law became the basis for the Horse Thief Detective Association, a Klan-dominated band of private citizens deputized and sometimes armed by legitimate law enforcement to participate in raids on illegal liquor producers and sellers.¹⁶

¹⁴ "Trustee's Report of Disbursement of W.C.T.U. Law Enforcement Money," *Wellsboro (PA) Agitator*, May 25, 1927, 7; George W. Woodruff to Mrs. Leah Cobb Marion, May 6, 1926, box 1590, folder WCTU General; and George to Wright, Dec. 18, 1924, and, appended to letter, "copy of letters sent out local and county unions. Ella M. George," box 1590, folder 33, both in Pinchot Papers.

¹⁵ Pegram, *Battling Demon Rum*, 157–61.

¹⁶ Thomas R. Pegram, *One Hundred Percent American: The Rebirth and Decline of the Ku Klux Klan in the 1920s* (Lanham, MD, 2011), 119–47.

Similar initiatives were noticeable in Prohibition-era Pennsylvania. A citizen's group calling itself the Law Enforcement League of Pennsylvania organized secretly to gather evidence that would "quietly and effectively assist . . . the authorized officers of the law . . . in the prosecution of all [prohibition] violators." The league identified wet or corrupt public officials, used private investigators to uncover the relationship between bootleggers and police officials who offered them protection, and named the major liquor and beer distributors in northeastern Pennsylvania. Members of the Men's Federated Bible Classes in the northwestern corner of the state also employed private detectives to make illegal liquor buys from shady druggists. These amateur lawmen spent more than \$1,500 to investigate and prosecute lawbreakers. The Kleagle of the Lancaster County KKK in 1925 offered Pinchot the services of his "secret committee" that was poised to obtain evidence on forty local places that were illegally selling liquor. Another Klan official in Scranton complained to the attorney general that timid Wyoming County lawmen and prosecutors had knuckled under to pressure from a defiant local brewer. The hooded representative requested state authorities to step in and reverse the failure of local law enforcement. Across the commonwealth, bands of private citizens slipped into the role of semipublic investigators or prosecutors to alternately support or upbraid the efforts of legitimate authorities tasked with enforcement of prohibition.¹⁷

WCTU women joined other private citizens in identifying prohibition-law violators, encouraging vigorous local enforcement of the liquor ban, and, sometimes, directly aiding enforcement. White Ribboners in Susquehanna County hired an attorney in 1922 to defeat applications for retail licenses by twenty-six former saloonkeepers seeking to set up fronts for illegal liquor sales. In 1924, county WCTU women donated \$300 for law enforcement at the request of the beleaguered district attorney. Local unions in Westmoreland County pooled their money to provide a car for underfunded dry officers in Pittsburgh. Rebecca Rhoads, the "fearless" head of the Centre County WCTU, once drove all night to Washington,

¹⁷ Law Enforcement League of Pennsylvania to Gifford Pinchot, Feb. 17, 1931, box 650, folder Prohibition Enforcement; Willis K. Crosby to Wright, Mar. 14, 1925, box 1598, folder General Correspondence C; Kleagle, Lancaster County, Knights of the Ku Klux Klan to Governor Pinchot, May 13, 1925, box 1599, folder Governor's Office K; Paul A. Helfer, Field Representative, Ku Klux Klan to Attorney-General Woodward, Feb. 10, 1926, box 1592, folder Correspondence belonging to Mr. Graham, all Pinchot Papers.

DC, in order to procure “men to put over raids that the local police could not or would not carry out.”¹⁸

WCTU women’s cooperation with state and local authorities, even in its most enthusiastic manifestations, matched the efforts of other private groups, such as the Anti-Saloon League and local dry associations. But the WCTU fund surpassed other dry voluntary associations in making the Pennsylvania WCTU a primary agent of law enforcement in the Keystone State. Dry women supplied the money that allowed Pinchot to pursue his enforcement strategy. The governor’s two chief lieutenants in charge of Pennsylvania prohibition enforcement, Special Counsel William Burnet Wright Jr. and Special Deputy Attorney General Louis E. Graham, owed their jobs to the arrangement crafted between Pinchot and the WCTU. According to the deal, the administration and the WCTU each chose an official to enforce the state prohibition law using the WCTU fund. Pinchot named Wright as his personal representative, and the WCTU selected Graham. The WCTU fund supplied Wright’s \$6,000 annual salary (raised to \$8,000 in 1926) and Graham’s \$5,000 pay. In addition, WCTU money supported Graham’s assistant, Deputy Attorney General William F. Knauer. A handful of special undercover operatives working under Wright’s direction were also paid by the WCTU fund.¹⁹

The officials in charge of day-to-day prohibition enforcement under the auspices of state government in Pennsylvania were thus hybrids empowered with public authority yet still beholden to a collection of private citizens. Wright was not sworn in as an official state employee, although he acted as the state’s top prohibition enforcement policymaker. Wright worked closely with Attorney General Woodruff, superintendent of state police Major Lynn G. Adams, and district attorneys and city solicitors across the commonwealth. He was one of the most important public officials in Pennsylvania, even though his position was that of a special counsel to Pinchot paid by private funds. Although Wright enjoyed the confidence of the governor, he was still subject to criticism from his WCTU benefactors. In 1924, an impatient George reminded Wright:

¹⁸ *History, Pennsylvania WCTU*, 62 (quotation), 290, 354.

¹⁹ “Pinchot Paid Aids from W.C.T.U. Fund, Senators Are Told,” *New York Times*, June 21, 1926, 1; “Drys Bought Liquor with W.C.T.U. Funds, Pinchot Aid Admits,” *New York Times*, June 29, 1926, 1, 2; “North Dakota Fund Raised to Oust Nye, Senators Are Told,” *New York Times*, June 30, 1926, 1, 2.

I really feel, and so do the other [WCTU] officers, that at least twice a month, we ought to have a resume of the accomplishments of [the prohibition] department. . . . The women . . . do not feel that they have had the recognition from Harrisburg that they should have. I know that you are very busy men but without the sinews of war you cannot accomplish very much, and the W.C.T.U. volunteered to supply those sinews.²⁰

Special Deputy Attorney General Graham, who did receive a state commission, had been a district attorney in western Pennsylvania, but he also acted in the state service as an agent of Pinchot and the WCTU. Not only was he nominated for his office by Ella George and paid from the WCTU fund, Graham frequently consulted with George and gave her detailed reports on enforcement operations. As he carried out his duties, the deputy attorney general was attentive to concerns raised by the dry women. His correspondence with George at times reached a level of candor that marked the WCTU president as a policy insider. In a 1925 exchange, for instance, Graham shared political intelligence with George, requested that she “keep [her] ear to the ground” in anticipation of attacks against a sympathetic judge, and revealed news of upcoming state police raids (an unusual security breach) and a contemplated veto by Pinchot.²¹

Yet Graham was not a private WCTU operative but a public figure of notable authority. He prosecuted the injunction cases that were at the heart of Pinchot’s prohibition strategy and which embodied the most critical state power authorized in the Snyder–Armstrong law. In county courts across the state and before Pennsylvania’s supreme court, Graham represented the attorney general while not on the official state payroll. As in most aspects of Pinchot’s prohibition enforcement regime, public responsibility was interlaced with private initiative. At George’s request, private attorneys she had recruited to assist Graham in injunction proceedings were also paid out of the WCTU fund.²² The private investigators operating under the WCTU fund resembled the numerous private enforcement bands that populated the fragmented public-private landscape of 1920s prohibition enforcement, but, unlike truly private detectives, these agents carried out directives originating in the governor’s office.

The blending of public and private authority in Pennsylvania prohibition enforcement gave dry women in the commonwealth access to power

²⁰ George to Wright, June 9, 1924, box 1590, folder 33, Pinchot Papers.

²¹ Louis E. Graham to George, May 5, 1925, box 1590, folder 33, Pinchot Papers.

²² George to Wright, Apr. 11, 1924, box 1590, folder 33, Pinchot Papers.

beyond that of other powerful dry associations. The Anti-Saloon League and its state affiliates penetrated the political power structure of 1920s America by controlling elections and overawing prohibition officials, and in some areas the Klan dominated local governance as a shadowy informal power, but no other interest group matched the Pennsylvania WCTU's absorption into the legal mechanism of state law enforcement.

There were, nevertheless, limits to WCTU influence over Pinchot's prohibition forces, just as state officials were hamstrung by Pennsylvania's constitutional division of powers. Scarce resources, more than WCTU pressure, dictated state enforcement priorities. Pinchot, Woodruff, and Wright had at their disposal a maximum of 270 state police to conduct raids and undercover operations. In addition, Wright's handful of secret agents quietly surveyed conditions in saloons, breweries, and the huge traffic in diverted industrial alcohol centered in Philadelphia. Graham and Knauer prosecuted cases for the state, but Pinchot's enforcement agents were dependent on the goodwill and cooperation of district attorneys, city solicitors, judges, and other local officials. The governor lacked authority to discipline or remove local officials who refused to enforce the state prohibition law; under the state constitution, that power rested with the legislature, which required a nearly impossible-to-obtain two-thirds vote of the Senate to dismiss an official for cause.²³ Action against breweries and denatured alcohol producers required assistance from federal prohibition authorities—and this, Pinchot complained, was at best uneven. Consequently, state authorities focused their efforts on particular targets: first, the saloons operating in the anthracite coal counties, second, saloons in Philadelphia and Pittsburgh. As injunction proceedings closed or harassed illegal retail sellers, state officials then took on breweries that continued to manufacture “high-powered” beer (that is, beer containing alcohol over the limits set by the national Volstead Act) and worked to limit the diversion of industrial alcohol through dummy companies into the thirsty market for illegal booze.²⁴

Targeted enforcement and an inability to force compliance from recalcitrant local officeholders left many WCTU loyalists complaining that the state mechanism they had financed failed to clean up drinking in

²³ Pinchot to Rev. John Henry Daugherty, May 28, 1925, box 1598, folder Governor's Office D, Pinchot Papers.

²⁴ Wright, *Four Years of Law Enforcement*, 13–18; Wright to George, July 15, 1924, box 1590, folder 33, Pinchot Papers.

their communities. Despite the pleas of Mrs. Seely, head of the Montour County WCTU, wide open conditions persisted in Danville. Wright's private agent, who made undercover visits to the town, remarked in 1923, "I was reminded of former times, I found drunken men in the saloons, saw them on the street, and the conditions in the barrooms was like before prohibition times." Despite heightened attention from authorities, there was only marginal improvement in Danville over the following two years. Pressing the state police superintendent for action, WCTU president Ella George acidly noted: "women are just like men. When they pay out money for a certain thing, they are disappointed if they do not get it." A Lackawanna County WCTU fundraiser complained to Pinchot that raising additional money for enforcement was difficult when "we see so little effects from it any where, for you can buy drink in almost any place you buy candy." State police and justice department officials fielded insistent requests from WCTU activists to take action against particular violators, the women often reinforcing their demands by noting the locality's contribution to the Law Enforcement Revolving Fund.²⁵

WCTU sponsorship of prohibition enforcement involved the dry women in personnel as well as policy matters. At the outset of Graham's tenure in 1923, George reminded the new state official that he needed to establish his credibility with the dry women who provided his salary. With the assurance of a seasoned power broker, George informed Wright that she expected "the man whom the dry forces recommend" to be appointed as assistant district attorney in Graham's former jurisdiction, Beaver County. "As soon as the appointment were made," George bluntly told Graham, she would "wire [Wright] that I still had confidence in Mr. Graham."²⁶ The right man was quickly appointed, prompting George to report: "that puts Louis Graham in good standing with us." George also felt free to weigh in on Pinchot's appointments, expressing the "hope that the Governor's eyes may be opened and that he may see the necessity of gathering around him his own true friends," rather than letting politics inform his patronage choices.²⁷

²⁵ George to Major Lynn G. Adams, Nov. 28, 1924, box 1597, folder Complaints—Misc.; report, Danville, Pa., June 9, 1923, 2, box 1592, folder Towns—D; Mrs. Bertha Snedeker to Pinchot, Jan. 21, 1925, box 1599, folder Governor's Office S; John N. English to Adams, Nov. 7, 1923, box 1597, folder Complaints—Misc., all Pinchot Papers.

²⁶ George to Wright, Dec. 6, 1923, box 1590, folder 33, Pinchot Papers.

²⁷ George to Wright, Dec. 10, 1923, and George to Wright, Apr. 25, 1924, both box 1590, folder 33, Pinchot Papers.

Even when state officials did not meet WCTU hiring demands, they expended considerable effort in vetting candidates. One such case in 1924 involved Arthur E. Kemmerling, a hard-nosed former federal prohibition agent much admired by WCTU officials and their dry allies for his incorruptibility and aptitude for “strong arm” measures against wet law-breakers. Ella George joined representatives of the Anti-Saloon League, the Federated Temperance Committee of Allegheny County, and other prominent dries in urging Special Counsel Wright to add Kemmerling to his prohibition enforcement squad. Wright and his staff, however, acted cautiously. Kemmerling had been suspended from the federal Prohibition Unit in 1922 for padding his expenses, although he claimed that he had been “framed” because of his effective enforcement of the law against politically protected wets. While discreet inquiries into Kemmerling’s background circulated among state enforcement officials, the former agent regularly updated Graham on the results of his freelance investigations of dry-law violations.²⁸

Ultimately, state officials had to lay aside the WCTU’s enthusiasm for Kemmerling in order to preserve operational efficiency in antiliquor investigations. Kemmerling’s boss in the federal prohibition service, now in state enforcement, reported that Kemmerling had been a “fearless” agent, but that he was too “Wild Western” in his penchant for gunfights and newspaper headlines. In an assessment that underscored Pinchot’s dedication to careful police work, John N. English summed up the agent as a “raider,” but not a dependable investigator. Kemmerling was too careless about reports, expenses, and his personal associations (he had once motored with a notorious Philadelphia “Politician-Bandit”). Wright’s office and the Pennsylvania state police would only employ “level headed” agents. A year later, Kemmerling was buying illegal liquor from local druggists as an independent undercover sleuth for an Oil City temperance group, but he was not hired by Pennsylvania enforcement authorities.²⁹

²⁸ B. S. Scott to Wright, May 2, 1924, box 1597, folder Applicants for Positions (“strong arm”); George to Wright, Apr. 11, 1924, box 1590, folder 33; untitled list of federal officers, Oct. 26, 1923, 10, box 1589, folder 29 Federal Prohibition Officers, all Pinchot Papers; “Kemmerling Asked to Answer Charges,” *Pittsburgh Press*, Feb. 1, 1922, 23 (“framed”); Wright to Graham, June 4, 1924, box 1598, folder Graham, L. E., Pinchot Papers; A. E. Kemmerling to Pinchot, May 3, 1924, J. F. Hartman to Wright, Apr. 9, 1924, Kemmerling to Graham, Mar. 31, 1924, Apr. 1, 1924, Apr. 5, 1924, Apr. 8, 1924, all in box 1597, folder Applicants for Positions, Pinchot Papers.

²⁹ English to Major Wright, July 7, 1924, box 1598, folder English, John N.; Willis K. Crosby to Wright, Mar. 21, 1925, box 1598, folder General Correspondence C, both Pinchot Papers.

In addition to the strain caused by WCTU efforts to place their favorites in Pinchot's prohibition service, undercover operations themselves required methods that ran counter to WCTU moral strictures. The most potentially explosive of these involved the use of women by state police and special agents in order to gain access to saloons and restaurants and purchase illegal liquor. Early in 1924, a man named John Nelson alerted the editor of the *Pennsylvania Bulletin*, the official newsletter of the commonwealth's WCTU, that state police used the WCTU fund to drink in saloons without obtaining any evidence useful for prosecution of liquor vendors (all of which disappeared "under their gun belts") and that the officers were "taking girls into rum holes." Either innocent young women were being corrupted with WCTU-raised money, the correspondent claimed, or else dry women reformers were purchasing prostitutes for state police officers.³⁰

The WCTU's George dismissed the letter as a sly bit of "wet' propaganda" aimed at disrupting women's commitment to effective prohibition enforcement. Sizing up the realities of policing, George accepted that undercover policemen were forced to drink illegal alcohol as part of their criminal investigations. She pointed out, however, that the state police were not compensated from the WCTU fund and expressed doubt that officers of the law were accompanied by women into illegal liquor dens.³¹ Nevertheless, the charges caused unease within the WCTU. A. Virginia Grosh, editor of the *Pennsylvania Bulletin*, expressed the personal view that "the W.C.T.U. cannot sanction the payment of our money for the purposes" alleged by Nelson.³²

George may have succeeded in tamping down outrage over the charges among the WCTU rank and file, but her confident assertions concerning the use of the WCTU fund were misplaced. In fact, Pennsylvania state police and Wright's special dry agents employed women as part of their investigations, in both cases using money tied to the WCTU fund. For instance, Private Norman E. Annich, one of the state police officers who regularly made undercover liquor purchases, reported in August 1924 that, "in company with a female companion," he purchased whiskey at

³⁰ John L. Nelson to Editor W.C.T.U. *Bulletin*, Jan. 2, 1924, box 1597, folder 21 Conferences—Law Enforcement, Pinchot Papers.

³¹ George to Wright, Jan. 10, 1924, box 1590, folder 33, Pinchot Papers.

³² A. V. Grosh, comment on back of Nelson to Editor, Jan. 2, 1924, box 1597, folder 21 Conferences—Law Enforcement, Pinchot Papers.

the Allison Park Hotel in Pittsburgh. One night earlier, he and another officer spent the evening drinking and dancing with two women whom he described as “a couple of rounders . . . that can drink whiskey like water.” Indeed, the women drank so much that Annich nearly exhausted the \$100 dispensed to him by Graham for illegal liquor buys. Graham worked directly with the WCTU fund, which may have been the source for Annich’s undercover drinking money.³³

Even more candid than Annich was the undercover agent, probably Ralph F. Kneeland, who reported on Philadelphia drinking spots in 1923. The WCTU fund paid Kneeland and a handful of other special operatives working under Special Counsel Wright. Kneeland was the primary agent who surveyed saloon conditions in the state, writing dozens of reports detailing the quality, availability, and price of illegal liquor, as well as documenting the pessimistic attitudes of saloonkeepers and the shifting folkways of surreptitious drinking as Pinchot’s antiliquor offensive intensified. Wright took special care to hide the identity of his prize agent, going so far as to insist in open Senate hearings that the investigator be known only as “Mr. X.” Even in his private correspondence with Wright, Kneeland modestly disguised his name as “Ralph Kay.”³⁴

Although committed to prohibition as a moral reform, Kneeland trafficked in vice in order to gain the confidence of liquor-law violators. He boldly reported that on September 20 and 21, 1923, he visited several liquor-serving cafes in the company of one or more prostitutes. The first woman, “who had accosted [Kneeland] on the southeast corner of 13th and Chestnut streets,” was used to gain access to the Ladies Restaurant, upstairs at Soulla’s Cafe, and the Venetian Cafe. The following afternoon and evening, he visited two similar establishments with a prostitute named Miss Beckman, for whom Kneeland provided a New York City address and telephone number in his confidential report.³⁵ None of the top prohibition officials in Pennsylvania, including Pinchot, revealed to the WCTU

³³ Norman E. Annich to Samuel W. Gearhart, Aug. 20 and Aug. 21, 1924, box 1591, folder 69 State Police Miscellaneous, Pinchot Papers.

³⁴ On Kneeland, see Wright, *Four Years of Law Enforcement*, 20; “Drys Bought Liquor with W.C.T.U. Funds, Pinchot Aid Admits,” *New York Times*, June 29, 1926, 1, 2; “North Dakota Fund Raised to Oust Nye, Senators Are Told,” *New York Times*, June 30, 1926, 2 (“Mr. X”); “Ralph” to Wright, Aug. 3, 1925, and “KAY” to Wright, Aug. 14, 1925, box 1595, folder Miscellaneous, Pinchot Papers.

³⁵ Reports, Cafe, Sept. 20–21, 1923: Soulla’s Cafe, Sept. 20, Venetian Cafe, Sept. 20, Zeiss Hotel Cafe, Sept. 21, Burke’s Cafe, Sept. 21, box 1601, folder Report to Governor by State Investigators Relative to Philadelphia County, Pinchot Papers.

the use of prostitutes in undercover liquor investigations directly subsidized by the WCTU fund.

Impatience and occasional tension marked the relationship between Pinchot's enforcement mechanism and the WCTU women who urged it on. State authorities, however, encountered more serious obstacles in their dealings with local officeholders and the federal prohibition administration in Pennsylvania. In the latter case, Pinchot's tendency to pursue public, intensely personal quarrels with highly placed officials generated a backlash that damaged the governor's political fortunes and distracted attention from law enforcement. But the more immediate daily challenges of enforcement played out at the local level.

For state enforcement to work, cooperation from city, town, and county officials was vital. Under Pennsylvania law, local authorities had the right in many instances to refuse assistance from the state attorney general's office and could block effective action by the state police. Wright and Pinchot fielded streams of complaints from local dries that judges, district attorneys, mayors, sheriffs, or police chiefs in their communities refused to enforce the state prohibition law, but they were forced to offer the unsatisfactory advice that local citizens would have to pressure their community leaders or vote bad officials out of office, since state authorities could not interfere with local governance.³⁶

In areas where sympathy toward open saloons and functioning breweries prevailed, prosecutions were especially difficult. In criminal cases, grand juries refused to indict liquor sellers, or judges imposed small fines that allowed convicted violators to resume their illegal activities. State police superintendent Lynn Adams complained that grand jurors in Schuylkill County refused to indict defendants in nearly fifty liquor cases, despite testimony of state police officers who made undercover purchases and confirmation from chemists that the drinks contained illegal amounts of alcohol. Between June and August 1924, eight consecutive state police reports detailing liquor violations in Luzerne County saloons were ignored by the grand jury. Other violators pled guilty and usually received \$100 fines. Defense attorneys in injunction cases in Delaware County questioned whether undercover officers could identify intoxicating drinks and, if they had familiarity with the properties of liquor, questioned whether their indulgence in drink while on duty had impaired their judgment. Pressured

³⁶Wright to Mrs. Mabel E. Dallas, County Pres. WCTU Sugargrove, PA, Feb. 11, 1925, box 1598, folder Governor's Office D, Pinchot Papers.

by local opinion, city solicitors in Reading, Wilkes-Barre, and South Bethlehem refused to join the attorney general's prosecution team as the state pursued injunction proceedings against lawbreaking saloons. John H. Bigelow, Hazleton's city solicitor, not only rebuffed Graham's office but acted as attorney for some of the accused saloonkeepers.³⁷

In some instances, local legal authorities took action against the state police. Juries in Northampton County in 1925 acquitted alleged liquor dealers arrested by the state police and required the force to pay court costs. The local district attorney, an alleged wet, refused to absorb the costs unless the prohibition enforcers consulted him before launching operations. In Luzerne, Schuylkill, Lancaster, Chester, and Elk Counties, courts acting at the behest of brewers granted injunctions blocking state police from inspecting their plants. In two of the counties, Chester and Elk, local authorities indicted state police officers on criminal charges. Graham's office was forced to expend resources to defend the commonwealth's lawmen.³⁸

Tension between state police and local police and civic officials remained high in many communities, despite Pinchot's effort to solicit cooperation from local officials. The governor himself set an edgy tone when he remarked before a law enforcement conference of mayors in May 1924, "there are cities in Pennsylvania in which the State Police have never been able to make a successful raid when the local police knew that the raid was planned." In 1923, an informant from York warned that state officers planning operations in that city "must keep absolutely away from the [York] police and police authorities, as they are unquestionably not only protecting the bootleggers but in some instances are bootleggers themselves." A survey of conditions in York revealed the need for such caution. City police officer George S. Carpenter, the report alleged, "sells liquor while in uniform," and Mayor E. S. Hugentugler frequented an "extensive dealer in bootleg whiskey." Another prominent York bootlegger collected money for the mayor's reelection, supposedly because the lawbreaking businessman

³⁷ Adams, "Police Officer's Difficulties in Enforcing Liquor Laws," 197; reports, Troop B, State Police, box 1603, subject file—Luzerne, Hazleton, first folder; In the Court of Common Pleas of Delaware County, Pennsylvania, *Pennsylvania v. Thomas Lindsay and James Hyman and Helen Propper*, No. 893, June Term, 1925, July 21, 1925, transcript, 17–19, 30–33, 52–54, box 1578, folder Chester, Premises: 3rd and Market Sts., Pinchot Papers; Wright, *Four Years of Law Enforcement*, 15; John H. Bigelow to George W. Woodruff, Mar. 14, 1925, box 1603, General Folder/Hazleton, Pinchot Papers.

³⁸ Ellen L. Seip to Wright, May 18, 1925, and attached clipping, box 1590, folder WCTU General; Graham to George, Dec. 15, 1925, box 1590, folder 33, both in Pinchot Papers.

had “nothing to fear” from the head of city government. For their part, city officials complained that the state police unfairly maligned city police and treated local officials disdainfully. Lancaster mayor Frank Musser charged in the presence of Pinchot that the local state police commander had refused to meet with him and failed to cooperate with Lancaster police, a force that Pinchot considered corrupt. Dubois mayor J. J. Pentz reported that the failure of the state constabulary to trust his small force slowed effective cooperation against liquor-law violators. The strongly prohibitionist mayor of Connellsville, Charles C. Mitchell, wanted his police chief to enforce the law without interference. “I do not want the State Police in my city,” he told Pinchot, “because in all the towns of Lackawanna where they get the State Police in, [local residents] have become bitter.”³⁹

Pinchot’s prohibition force nevertheless pushed past these hard feelings and began to work with willing local officials to dismantle much of the trade in beer and whiskey that had persisted in Pennsylvania. In addition to the law-enforcement conference that drew the mayors from twenty-seven medium-sized Pennsylvania cities to Harrisburg, Pinchot also hosted a meeting of district attorneys representing about two-thirds of the counties in the commonwealth in August 1924. Although unanimity of opinion in these meetings remained elusive (for instance, Mayor Daniel Hart of Wilkes-Barre suggested that the “solution of this [prohibition] problem is good beer . . . with foam on it two inches thick”), they did highlight a shared commitment to bring about better enforcement of the state prohibition law.⁴⁰

The injunction feature of the Snyder-Armstrong law became the most effective device to force saloons and breweries out of business. Unlike criminal proceedings that involved juries and local district attorneys, injunction hearings took place directly before judges in equity courts and could be argued by representatives of the state attorney general’s office. If evidence showed that saloonkeepers or brewers had violated state law by selling or transporting illegal alcohol, then the judge was empowered to

³⁹ Minutes of Governor’s Prohibition Enforcement Conference, 4 (“cities in Pennsylvania”), 12–19, 47, 61–62 (“I do not want”), box 1597, folder 21 Conferences Law Enforcement; English to Adams, Nov. 24, 1923, and attached memorandum, box 1597, folder Complaints—York, Pinchot Papers (Hugentugler received higher marks from Wright’s undercover agent. See report Nov. 22, 1923, 1, box 1595, folder Towns: T–Y, Pinchot Papers).

⁴⁰ Minutes of Governor’s Prohibition Enforcement Conference, 55–56 (quotation); Conference of District Attorneys of Pennsylvania in Governor’s Office on Friday, Aug. 22, 1924, box 1600, folder Conferences—District Attorneys, Pinchot Papers.

declare the business a public nuisance and close it for a month up to a full year. Follow-up investigations frequently led to court orders that saloons sell equipment and fixtures if violations continued.

Pinchot's enforcement team was well suited to the requirements of the so-called padlock law. Wright's WCTU-funded secret operatives surveyed saloon conditions in over 230 cities and towns. State police, who would later appear as witnesses in court, made undercover purchases of liquor in the worst places. Graham or his assistant Knauer, often supported by local district attorneys and solicitors, prosecuted the cases. The pivotal action took place in the wet bastion of Pittsburgh. Graham first established the right of the Pennsylvania attorney general to represent the United States in federal court cases in Pennsylvania. Next he secured fifty-three injunctions from the Allegheny County Court of Common Pleas to padlock lawbreaking saloons in the Pittsburgh area. Saloon operators appealed the cases and, in 1926, the state supreme court upheld Graham's use of the Snyder-Armstrong padlock authority. Even though the Allegheny County court failed to order the sheriff to actually padlock the cited saloons, twenty-three of them closed their doors. In the meantime, judges in other targeted counties also issued injunctions. Only Lancaster County judges refused to issue injunctions against illegal saloons. Although breweries and federally protected distillers of denatured alcohol proved more difficult to close, direct action by state police shut down many of the non-permit breweries that had channeled good beer into Pennsylvania's saloons. An undercover investigation by WCTU-funded undercover agent J. A. Tatro detailed the extent of fraud in the production and distribution of denatured alcohol. The revelations of this state inquiry stimulated a 1925 United States grand jury probe into Philadelphia's vast market in counterfeit whiskey that closed some of the many avenues to illegal profits enjoyed by bootleggers manipulating the federal permit system. Creation in 1926 of a State Alcohol Control Board tightened state regulation of the alcohol industry.⁴¹

By 1926, prohibition in Pennsylvania more closely resembled the situation in other states that combined efforts to enforce prohibition with widespread underground violation of the law. Wright reported that the "old open saloon" had been replaced by the more clandestine "speak-

⁴¹ Pinchot to the President, Officers and Members of the WCTU in Pennsylvania, Feb. 18, 1926, box 650, folder Prohibition Enforcement Graham (M); Graham to George, Dec. 15, 1925, box 1590, folder 33; Wright, *Four Years of Law Enforcement*, 7, 9, 13–16, all in Pinchot Papers.

easy.” Undercover operatives and state police noticed the difference. Kneeland observed that “the saloon keepers are in constant fear of being INVESTIGATED and the Padlocking and many raids and arrests have made them very wary and suspicious.” Some of the infamous protected saloons that had once sold full-strength beer for as much as twenty-five cents a glass and powerful whiskey for fifty cents a glass had closed, including the Bucket of Blood in Wilkes-Barre, Watties Chop House in Scranton, and Hermann’s Saloon Cafe in Philadelphia. Wright concluded that 403 of the worst 665 saloons identified in 1923 had shut down by 1926. Those that remained were less crowded—indeed, often near empty—and far less convivial.⁴²

Investigators who at one time had enjoyed good beer and tolerable whiskey while on duty now found themselves choking down caustic moonshine and needled beer. State policeman Charles W. Fruitenberger reported that after being served a twenty-cent whiskey in an Allegheny County saloon in 1924, he spit it in the drain. It “was such a terrible drink I never tasted anything like it in my life,” he told Graham in court. Undercover in Reading, once the home of freely operating breweries, Kneeland complained that the beer was full of ether and hurt his stomach. “I cant see how these BUMS can drink the stuff for pleasure,” he moaned, “its bad enough to drink it for Business purposes.”⁴³

As Pennsylvania squeezed out some of its illegal alcohol, relations with federal prohibition officials further deteriorated over the course of Pinchot’s administration, even though some joint operations eventually took place and Graham secured injunctions against saloons from federal courts. The poor state of the federal service was partly responsible, but Pinchot’s obstinate quarrel with high officials further disrupted the working relationship. Bad performance by federal agents and their supervisors created suspicion among the members of the governor’s prohibition force in 1923. Pinchot had the Pennsylvania State Police investigate the federal contingent of Prohibition Unit officers (which consisted of fewer than ninety agents at any one time) at the outset of his enforcement campaign. Although some dedicated and able agents were identified, the great major-

⁴² Wright, *Four Years of Law Enforcement*, 7, 8, 10 (“speak-easy”); Report on Changes in Saloon Properties since 1923, Feb. 9, 1926, box 1595, folder Miscellaneous (“constant fear”), Pinchot Papers.

⁴³ Court of Common Pleas of Allegheny County, Pennsylvania, In Equity. Commonwealth of Pennsylvania vs. Joseph Coholich and James Kelly—No. 1547, July Term, 1924, box 1551, folder 116 Cases against Saloons (“terrible drink”); “Kay” to Wright, Aug. 9, 1925, box 1595, folder Miscellaneous (“BUMS”), Pinchot Papers.

ity of the men were political appointees, often representing wet elements in the Pennsylvania Republican organization, and many of them had no prior law-enforcement experience. A police source maintained that “most of them are Committeemen from various Wards.” Some of the agents had backgrounds and opinions that were at odds with their responsibilities to enforce the prohibition law. Ben Frankel was a former saloonkeeper who opposed Pinchot’s politics. Agents Joseph Brown and John A. McTaggart reputedly were heavy drinkers and hostile to enforcement of prohibition. The report noted that several agents were dishonest and could not be trusted in their courtroom testimony. One of them, John Talko, was named a few months later as “a bad man with a pistol” who had taken money from a Philadelphia saloonkeeper. Others frequented prostitutes. Even one of the dedicated drys on the force, Victor J. Dowd, was pilloried as “illiterate and talkative.”⁴⁴

Additional state police investigations detailed many cases of criminal collusion of federal agents with prohibition-law violators. In return for money, several agents, such as agents Snell and Erskine in Altoona, informed saloons of imminent state police raids requested by the mayor and state representative. Others fed information to lawyers representing violators of the dry law. Some of these corrupt agents, such as George Eggers, who in 1922 returned a barrel of wine to its owner after the man suggested that he “would rather lose \$1000 than that barrel,” were dismissed from the service. But others who took bribes or sold confiscated liquor remained in the service after their cases were dismissed or they paid fines. In one spectacular instance early in Pinchot’s administration, Pennsylvania officers put Internal Revenue agents responsible for monitoring stocks of warehoused liquor under surveillance and arrested eight of them in the act of smuggling liquor homeward in suitcases and travel bags.⁴⁵

Despite evidence of corruption and ineptitude in the ranks, Pinchot steadfastly maintained that lack of will on the part of prohibition director Roy V. Haynes and treasury secretary Andrew Mellon prevented effective enforcement of the dry laws. He repeatedly stated that Pennsylvania and other states could be dried up if Haynes and Mellon allowed effective

⁴⁴ “Information Collected to Date on Federal Prohibition Forces,” Memorandum from Lynn G. Adams, Superintendent State Police to Governor Pinchot, Oct. 27, 1923 (“talkative”); untitled typescript, Oct. 29, 1923 (“Committeemen”); untitled, undated (1924?) document (“bad man”), all in box 1589, folder 29 Federal Prohibition Officers, Pinchot Papers.

⁴⁵ Untitled document, 1924 (“barrel”); untitled document, Oct. 29, 1923, both in box 1589, folder 29, Pinchot Papers; “Pinchot’s Troopers Raid Federal Agents,” *New York Times*, Oct. 23, 1923, 1.

inspection of breweries and distilleries holding federal permits. "Who can turn off the hydrant and stop the illicit beer and whiskey that is flooding the state?" Pinchot asked in an article commissioned by the *New York Times*. "The Federal Government," he answered. He charged that "it is possible for the Federal Government to employ men of integrity," but that the leadership in Washington allowed political considerations to dominate the Prohibition Unit.⁴⁶

Pinchot fired off a series of public challenges to Mellon questioning the secretary's commitment to enforcing the law and demanding greater cooperation with Pennsylvania authorities, to which Mellon offered a defense of national enforcement efforts and pledged improved access by state enforcement officers to federally sanctioned alcohol producers. In response to Pinchot's request to open breweries and distilleries to state inspection, Haynes loosened permit regulations to allow the Pennsylvania State Police to inspect permit-holding businesses "during ordinary business hours." Pinchot replied with a scathing letter inquiring, "does the enforcement service of the Treasury Department hold that criminals may be caught only 'during business hours?' . . . Criminals work mainly at night," the governor lectured, adding that "Secretary Mellon's promise meant a real inspection or it meant nothing."⁴⁷ Increasingly testy exchanges of this nature continued throughout Pinchot's administration.

In challenging the political motives of Haynes and especially Mellon, Pinchot raised questions concerning his own purposes. "In political Washington," the *New York Times* reported, "comments are made that the Governor is displaying unusual interest in challenging the Treasury at this particular time, when, if there was a laxity in Federal enforcement in his State before this, he had had opportunity to attract attention to it."⁴⁸ Since his close association with power in the Theodore Roosevelt administration, Pinchot had thought of himself as fit to be president. Savvy political observers suggested that the governor was now "keeping himself in the limelight" as a prelude to another presidential run. Some reporters interpreted Pinchot's "prohibition utterances" and prominent role in settling a major coal strike in Pennsylvania as intentional efforts to "cause

⁴⁶ "Shut Off the Liquor Flood at Its Source," XX1.

⁴⁷ "Lets Pennsylvania Inspect Breweries," *New York Times*, Dec. 17, 1923, 7 (quotations); "Pinchot Challenges Mellon as Failing to Shut Off Liquor," *New York Times*, Oct. 29, 1923, 1, 5; Andrew W. Mellon to Pinchot, Nov. 2, 1923, box 1589, folder Addresses, articles, etc., Pinchot Papers.

⁴⁸ "Mellon Rebukes Pinchot for Attack," *New York Times*, Oct. 30, 1923, 3.

the spotlight to be turned brightly upon him as a receptive candidate for President."⁴⁹ In any case, Haynes was a negligible target. The prohibition director, an Ohio appointee hand-selected by Anti-Saloon League power broker Wayne Wheeler, was not an able administrator, but his commitment to enforcing the law was genuine.

Mellon, however, was a powerful rival to Pinchot's political ambitions and the governor's moralistic commitment to prohibition and political purity. The wealthy treasury secretary controlled the western Pennsylvania Republican organization that viewed Pinchot as a dangerously independent and idealistic interloper. Barred from consecutive terms as governor by Pennsylvania law, Pinchot eyed a seat in the United States Senate, possibly as a preliminary step to a presidential campaign. Mellon was likely to oppose that run in 1926. Moreover, Mellon's investment in the Overholt whiskey firm made the treasury secretary party to an industry that his office had the responsibility to dismantle and that Pinchot had resolved to eliminate. In criticism that grew increasingly bold, insistent, and public, Pinchot singled out Mellon as a symbol of political corruption and administrative perfidy. Dismissing Mellon's claim that he had cut his ties to the liquor trade, Pinchot told a gathering of Methodists in 1924, "I do not know whether it is legal for a man who has been in the whisky business for forty years to be at the head of the law enforcement, but I do know that it is wrong."⁵⁰ Cornelia Pinchot joined in the public attacks on Mellon, as the governor called for investigations of the prohibition service, even urging his Pennsylvania WCTU allies to make similar demands.⁵¹

Although effective cooperation between federal prohibition authorities and the Pennsylvania State Police picked up after 1925, Pinchot's assaults on Mellon backfired. The governor's incessant personal attacks on Mellon as an embodiment of bossism and lawlessness, which in 1926 included a swipe at Mellon's nephew, distracted attention from the shortcomings of prohibition enforcement and redirected it onto Pinchot's priggishness. Editorials in newspapers unconnected to Pennsylvania machine

⁴⁹"Dry Law Problems Harass Coolidge," *New York Times*, Oct. 17, 1923, 1 (quotations); McGeary, *Pinchot*, 111–12, 313–14.

⁵⁰"Says Mellon Owned Whisky Last March," *New York Times*, May 12, 1924, 4.

⁵¹"Mrs. Pinchot Hits Mellon," *New York Times*, Mar. 20, 1924, 19; "Pinchot Admits Suggesting Heney as Couzens's Aid," *New York Times*, Aug. 14, 1924, 1; "Pinchot Attacks Mellon on Dry Law," *New York Times*, July 5, 1925, 14; "Dry Law Failures Laid to Washington," *New York Times*, Nov. 9, 1925, 6; Pinchot to the President, Officers and Members of the W.C.T.U. in Pennsylvania, Feb. 18, 1926, box 650, folder Prohibition Enforcement Graham (M), Pinchot Papers.

interests began to mock “the Keystone State of Virtue” and lampooned Pinchot as “the American holder of the Political Virtue prize,” a sad case of a talented executive whose personal self-righteousness undercut his effectiveness.⁵² More significantly, Mellon retaliated against Pinchot and took steps to throttle the reformer’s ambitions. First, in 1924, Mellon intervened to deny Pinchot a delegate-at-large position to the Republican National Convention. Then Mellon engineered the defeat of Pinchot’s dry candidate for Pennsylvania House speaker in favor of a wet Philadelphia machine loyalist in January 1925. In a meeting at his Washington office, “orders were given” by Mellon to a coalition of Keystone politicians “to elect some candidate as opposed to Pinchot as possible.”⁵³

Finally, Mellon and the recovering Pennsylvania Republican machine sandbagged Pinchot’s already fading senatorial bid in 1926. Beset by machine opposition, tactical disagreements with the Anti-Saloon League, and the presence of other dry candidates, Pinchot finished a distant third in the Republican primary. The practical-minded ASL, which disagreed with the governor over the proper method to regulate state alcohol producers (Pinchot favored more centralized control) and was no doubt put off by Pinchot’s public fight with the dominant Republican factions in the state, asked Pinchot to step aside and allow prohibitionist voters to unite around another candidate, the incumbent senator George W. Pepper, who seemed sufficiently dry and more electable than the crusading governor. The ASL’s overriding concern was to prevent the election of William Vare, the Philadelphia boss described by Pinchot as “a wet gangster who represents everything that is bad in Pennsylvania.” Pinchot, however, still on his high horse, refused to give way, arguing that Pepper was neither bold nor dry enough. Several ASL leaders then threw their support to Pepper. Although the WCTU supported Pinchot’s run, there was disagreement over the endorsement, even among the governor’s most loyal constituency. Criticizing WCTU president George for her close ties to Pinchot, state vice president Maude T. Seymour led a breakaway group of Pennsylvania WCTU dissenters who backed Pepper. In Seymour’s view, Pinchot should “sacrifice himself” for the cause of temperance rather than imperiling

⁵² “A Star-Hitched Water Wagon,” *New York Times*, Apr. 2, 1925, 20 (“prize”); “The Keystone State of Virtue,” *New York Times*, May 14, 1926, 22; “Pinchot Arouses Mellon’s Anger,” *New York Times*, Jan. 7, 1926, 3.

⁵³ “Bluett G.O.P. Choice for Speaker,” *Harrisburg Patriot*, Jan. 6, 1925, 1, (quotation) clipping, box 1589, folder 68 Speakership Contest, Pinchot Papers; “Mellon Leads Fight to Defeat Pinchot,” *New York Times*, Apr. 21, 1924, 1.

prohibition by “gratifying his personal ambition.” In the end, Pepper and Pinchot split the dry vote and Vare, after disposing of a weak Democratic opponent, prepared to take his seat in the United States Senate.⁵⁴

Irregularities in the primary campaign led to an investigation by a Senate committee, which ultimately denied Vare his seat. The 1926 hearings that probed spending in the Pennsylvania senatorial primary election also introduced a national audience to the WCTU fund. Senator James Reed of Missouri, a colorful opponent of prohibition and of political corruption, suspected that Pinchot had drawn from the WCTU fund to pay George and other WCTU women who spoke on his behalf in the campaign. Reed summoned George, WCTU treasurer Leah Cobb Marion, Woodruff, and Wright to appear before the committee. Although he grilled Woodruff and Wright about the special fund, the combative Reed was charmed by Ella George’s frank account of her lobbying activities. She explained that although it was true that she and other WCTU women had spoken for Pinchot during the campaign and forty-five thousand letters endorsing the governor had gone out from her office, the expenses were paid by Pinchot himself, not the enforcement fund. Reed’s committee unearthed no corrupt use of the WCTU fund, but Reed and his expert witness, Representative George S. Graham, a Republican from Philadelphia who chaired the House Judiciary Committee, agreed that it was “exceedingly bad practice” to fund public policy through private subscription.⁵⁵ Revelations of the fund’s operation and the resulting objections to it, coming late in Pinchot’s term as governor, ensured its dissolution.

Despite his late-term missteps, Pinchot recovered to serve again as governor beginning in 1931. He consulted Ella George, by then retired as WCTU president, on every appointment he made in Beaver County. But prohibition was a lost cause by 1931, and Pinchot did not make enforcement a priority. He did establish the Pennsylvania Liquor Control Board that regulated legal liquor sales after repeal of prohibition in 1933, which continues to affect drinking Pennsylvanians into the twenty-first century.⁵⁶

⁵⁴ Graham to George, Dec. 21, 1925, box 1590, folder 33, Pinchot Papers; “The League Program on Needed Legislation by Superintendent Homer W. Tope,” ASL document, enclosed in Tope to F. Scott McBride, Jan. 3, 1925, in *Temperance and Prohibition Papers, 1830–1933*, ed. Francis X. Blouin Jr. (Columbus, OH, 1977), microfilm, ser. 14 (F. Scott McBride ser.), roll 9; McGeary, *Pinchot*, 317–19 (“gangster,” 319); Maude T. Seymour to Dear Co-Worker, Apr. 13, 1926, folder WCTU General (“sacrifice”), Pinchot Papers; Duff Gilfond, “The White Ribboners,” *American Mercury*, Mar. 1928, 270–71.

⁵⁵ “Pinchot Paid Aids from W.C.T.U. Fund, Senators Are Told,” 1.

⁵⁶ David A. Schell, “Keeping Control: Gifford Pinchot and the Establishment of the Pennsylvania Liquor Control Board” (PhD diss., Temple University, 2006).

Pinchot, his band of enforcement officers, and the WCTU women who funded their efforts did not put a dry lid on Pennsylvania between 1923 and 1927. But it is fair to say that the wide open conditions that prevailed before Pinchot took office gave way to partial enforcement of the law. The drink traffic was forced underground, good beer and liquor became difficult to obtain, and preprohibition saloon culture was curbed. In that sense, Pennsylvania reflected the more common experience of American states under the prohibition regime. Yet the governance issues raised by state and national prohibition enforcement remained unresolved. Jurisdictional disputes between local, state, and federal authorities, especially given the complexity of many different state approaches to enforcement, invited assertive private groups to volunteer themselves as quasi-public agents of state authority. The blending of private resources and public policy that arose in 1920s Pennsylvania had the potential to appear again as unanticipated emergencies, intractable social difficulties, or divisive public-policy decisions forced governments to act in advance of popular consensus. The growth of the twentieth-century regulatory state produced its own disabling contradictions.

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