

## WORSHIPPING BACCHUS: PROHIBITION IN SAVANNAH, 1899-1922

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### **Abstract:**

'Worshipping Bacchus: Prohibition in Savannah, 1899-1922' examines the failure of prohibition at the local level. Savannah's citizens determined to quench their thirst in defiance of state and subsequently national law. In the process, they received unofficial sanction of the local government, whose leaders refused to criminalize the manufacture and sale of alcohol. Prohibitionists could not use their significant organizational ability and lobbying to compel enforcement. Their efforts demonstrated not only the weakness of the state executive but more importantly the real power held by local governments.

**Keywords:** prohibition, alcohol, liquor, Savannah, Georgia, United States, crime, cities, Eighteenth Amendment

### **Introduction**

In July 1907 the Georgia General Assembly passed the Hardman-Covington-Neel Bill, which outlawed the manufacture and sale of alcoholic, spirituous, intoxicating liquors.<sup>1</sup> Church bells in Atlanta rang out as Georgia became the first southern state to enact state-wide prohibition. Across the nation, observers attempted to give meaning to Georgia's actions. While opponents groused that prohibition was 'forced' on Georgia 'under the guise of morality,' supporters predicted that the temperance sentiment so evident in Georgia would 'sweep the South.'<sup>2</sup> Prohibition in Georgia, they thundered, was 'the opening gun of the final assault on the liquor traffic in all America.'<sup>3</sup> The more conservative cautioned that the law's enforcement would be the real test. Would the cities, the major opponents of the measure, comply with the new law? Many, even the most ardent prohibitionists, thought not. Over the next 13 years, long before the United States adopted the Eighteenth Amendment - which

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<sup>1</sup> *Acts and Resolutions of the General Assembly of the State of Georgia* (Atlanta: Franklin-Turner Company, 1907) p.81.

<sup>2</sup> 'Demoralized Georgia,' *Wine and Spirit Bulletin* 22 (1 Nov 1908), p.45; 'Georgia's Example to the Nation,' *The Independent* 64 (Jan 1908) 162-163, p.162.

<sup>3</sup> 'A 'Dry' America: Jones Believes Every State Will be Free of Liquor Traffic,' *Biloxi Daily Herald*, 2 Aug 1907, p.4. The *Biloxi Daily Herald* is available electronically via Newsbank/ Readex America's Historical Newspapers; access is restricted to subscribing educational institutions.

outlawed the manufacture, sale, and transport of alcohol - urban opponents in Savannah and throughout Georgia, in conducting nothing less than a municipal insurgency, demonstrated a willingness to resist the law in a variety of ways.

This article examines the urban opposition to prohibition in Georgia, with specific emphasis on Savannah, Georgia's oldest city. A focus on the urban critique of prohibition, the widespread violation of first state then federal laws, and the general failure of enforcement will contribute to a more nuanced interpretation regarding the importance of local agency in the ultimate failure of prohibition. State efforts to dry out cities ultimately failed (as Georgia's case demonstrates) for the same reasons national prohibition failed – it was just obvious sooner; many urban residents opposed prohibition and believed that they had not consented to the law; therefore, refused to obey it. Once prohibition became part of federal legislation, ardent prohibitionists, though still well organized, could not control enforcement of the law they had helped craft. In various political and judicial confrontations, the city of Savannah acted with a surprising degree of local political and administrative autonomy and demonstrated the relative powerlessness of state enforcement mechanisms.

This study is organized in four parts. The first traces the general history of prohibition in the United States, paying special attention to turn-of-the-century developments and the role Georgia played in them. The second part provides an overview of prohibition's rich historiography. The focus of the third section shifts to an examination of the increasingly sophisticated critique of prohibition which developed during Georgia's major legislative battles over its enactment. Resistance takes centre stage in the fourth and final section. Beginning in 1908, cities like Savannah demonstrated they possessed a significant degree of power and were willing to use that power in defiance of the state and federal governments.

## **1 The Long Push for Prohibition**

For over 200 years, Americans have attempted, in some degree, to control individual alcohol consumption. Beginning in the colonial period, most efforts involved moral suasion and focused on convincing individuals to reduce their consumption of strong drink. Local communities often took the lead in regulation and used various forms of licensing, which became more stringent and expensive over time. Moral suasion picked up pace in the 1820s and 1830s, sparked by the efforts of various temperance organizations such as the

American Temperance Society and the Washingtonians. These efforts succeeded in drastically reducing both the consumption of ardent spirits and the number of saloons.<sup>4</sup>

In spite of this significant accomplishment, some groups remained dissatisfied with the long-term success of moral suasion and began pushing for restrictive legislation. Maine became the first state to enact state-wide prohibition, in 1847. Other states followed Maine's lead; however, by the outbreak of the American Civil War in 1861, most had abandoned their experiments.<sup>5</sup> In the 1870s, under the purview of the Women's Christian Temperance Union (WCTU), women emerged for the first time as a significant driving force in the campaign to defeat demon rum.<sup>6</sup> Seeking greater legislative action, temperance advocates also moved more forcefully into politics, establishing the Prohibition Party in 1869. Though never a major political force in the general elections, in the increasingly competitive political contests of the late nineteenth century, politicians from the two major parties, especially the Republican Party, sought the support of prohibitionists.<sup>7</sup> However, with the exception of Kansas, which enacted state-wide prohibition in 1880, prohibitionists experienced few sweeping victories.

When prohibitionists failed to achieve significant success at the state level, they attempted to build upon the foundation of local control to enact less sweeping legislation in the form of local option laws, which empowered the voters of a city or county to decide whether liquor would be licensed in a particular area.<sup>8</sup> In contrast to the more comprehensive state-wide efforts, local option laws proved a popular and widely accepted alternative. Georgia enacted its first local option law in 1885, and by 1910, 33 of the 48 states had implemented some form of local option legislation.<sup>9</sup> While moderates commended the democratic nature of local option, prohibitionists viewed it as a significant weakness because the urban electorate simply refused to vote itself dry. Having tied the white ribbon to all of rural America, the time had arrived for a new assault on the state houses. Major national organizations like the WCTU and the Anti-Saloon League (ASL) joined local groups in the fight for state wide

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<sup>4</sup> For an excellent survey of American drinking habits through the antebellum period, see W. J. Rorabaugh, *The Alcoholic Republic, an American Tradition* (New York: Oxford University Press, 1979).

<sup>5</sup> Ian Tyrrell, *Sobering up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport Conn.: Greenwood Press, 1979).

<sup>6</sup> At the time, the WCTU was the largest women's organization in American history. Jack Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989) p.64.

<sup>7</sup> Blocker, *American Temperance Movements: Cycles of Reform*, p.89.

<sup>8</sup> Ann-Marie Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham N.C.: Duke University Press, 2003) p.100.

<sup>9</sup> *Acts of the General Assembly of Georgia* (Atlanta: Jas. P. Harrison and Company, 1885), pp.121-124; 'Georgia's Example to the Nation,' *The Independent*, p.162.

prohibition. In Georgia, the first significant effort to achieve this was the Willingham Bill, introduced in the 1899 session of the Georgia General Assembly.<sup>10</sup> Though the Bill passed the Georgia house 93 to 67, it failed to muster the required votes in the senate.<sup>11</sup> Undeterred, the WCTU, the ASL, and their allies introduced similar measures in the following years. Their efforts received little legislative support, until 1907, when 'sentiment for State prohibition rolled over the General Assembly ... like a tidal wave.'<sup>12</sup> The prohibitionists marshalled a strong majority and quickly passed the Hardman-Covington-Neel Bill which brought prohibition to Georgia. Other states soon followed. By 1909 five other southern states had enacted state-wide prohibition.<sup>13</sup>

By 1913, either through state-wide prohibition or local option, much of the nation existed under dry laws. At this point, the ASL, by now the leading prohibitionist organization in the nation, launched its great campaign for national prohibition. The group achieved success in December 1917, when Congress passed the Eighteenth Amendment, which outlawed the manufacture, sale, and transport of alcohol. Thirty-six of the 48 states quickly ratified the amendment, and on 1 January 1920, the nation began its 13-year drought.

## 2 Studying Prohibition

Prohibition exists at the intersection of urban, political, social, and constitutional history. Contemporaries, political scientists, historians, sociologists, and psychologists have all weighed in on some aspect of prohibition.<sup>14</sup> A theme that unites many of these works is an emphasis on the importance of concerted action by strong coalitions, which energetically

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<sup>10</sup> The Anti-Saloon League was formed in 1893. The Willingham Bill was named after Bartow W. Willingham of Monroe County, who was chair of the Temperance Committee. 'Willingham Bill,' *Atlanta Constitution*, 28 Feb 1899, p.3.

<sup>11</sup> 'Senate Kills Willingham Bill by Emphatic Vote of 26 to 14,' *Atlanta Constitution*, 9 Dec 1899, p.1.

<sup>12</sup> John Corrigan, 'The Prohibition Wave in the South,' *The American Review of Reviews* 36 (September 1907) 328-334, p.332; Dewey W. Grantham, *Hoke Smith and the Politics of the New South* (Baton Rouge: Louisiana State University Press, 1958) pp.162-3. p163.

<sup>13</sup> Blocker, *American Temperance Movements: Cycles of Reform*, p.107. The WCTU was the major driving force. Though Szymanski claims that the ASL had little to do with the fight in Georgia, evidence suggests that the organization provided important support for the effort. See *Atlanta Constitution's* coverage of the Hardman-Covington-Neel prohibition Bill, June-Sept 1907.

<sup>14</sup> General histories include the following: Andrew Sinclair, *Prohibition, the Era of Excess* (Boston: Little Brown, 1962); James Timberlake, *Prohibition and the Progressive Movement, 1900-1920* (Cambridge: Harvard University Press, 1963); Norman Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: Norton, 1976); Sean Cashman, *Prohibition, the Lie of the Land* (New York: Free Press, 1981); Szymanski, *Pathways to Prohibition*; Joe Coker, *Liquor in the Land of the Lost Cause: Southern White Evangelicals and the Prohibition Movement* (Lexington: University Press of Kentucky, 2007); James Klein, *Grappling with Demon Rum: The Cultural Struggle Over Liquor in Early Oklahoma* (Norman: University of Oklahoma Press, 2008).

and effectively marshalled their forces to accomplish their goals. The preponderance of analysis on the passage of the Eighteenth Amendment, as well as on its repeal, results in part from the substantial volume of material generated by these various organizations. Thus, political scientists and historians often focus on the techniques organized groups like the ASL, the WCTU, and the Association Against the Prohibition Amendment (AAPA) used to push their respective causes. The development of the ASL as the first influential single-issue lobby or pressure group, which targeted politicians in extremely competitive elections, often dominates such studies. Jack Blocker and Austin Kerr examine various aspects of the ASL's tactics as it evolved to achieve first local, then state, then national prohibition. In detailing the activities of the ASL, Richard Hamm's *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880-1920* provides additional insight into the ability of the organization to co-opt the nation's legal culture and use it to advantage in enforcing or coercing morality. In explaining the repeal of prohibition, David Kyvig's works, particularly *Repealing National Prohibition*, place the passage of the Eighteenth Amendment within the larger context of constitutional change and emphasize the truly unprecedented nature of the Amendment's repeal. Kyvig also demonstrates the importance of single-issue interest group politics, in this case, the Association Against the Prohibition Amendment and the Women's Organization for National Prohibition Reform.<sup>15</sup> In seeking to explain the success of national prohibition, Ann-Marie E. Szmanski demonstrates that, contrary to popular understanding, the southern states, rather than being out of the progressive mainstream, were the locus for solutions exported to the rest of the nation, at least in the case of prohibition; stressing the importance of local option laws, she calls these solutions part of the South's 'local gradualism.' The local option campaigns in the South stirred up controversy and provided an opening for the incursion of the ASL.<sup>16</sup>

Other works seek to place the movement for prohibition within the larger context of American political, social, and cultural change in the early twentieth century.<sup>17</sup> In *The Age of Reform*,

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<sup>15</sup> Richard Hamm, *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880-1920* (Chapel Hill N.C.: University of North Carolina Press, 1995); David Kyvig, *Repealing National Prohibition* (Chicago: University of Chicago Press, 1979); David Kyvig, *Explicit and Authentic Acts: Amending the U.S. Constitution, 1776-1995* (Lawrence: University Press of Kansas, 1996); David Kyvig, (ed) *Unintended Consequences of Constitutional Amendment* (Athens: University of Georgia Press, 2000); David Kyvig and Eleutherian Mills-Hagley Foundation, (eds) *Law, Alcohol, and Order: Perspectives on National Prohibition* (Westport Conn.: Greenwood Press, 1985).

<sup>16</sup> Ann-Marie Szymanski, 'Beyond Parochialism: Southern Progressivism, Prohibition, and State-Building,' *Journal of Southern History* 69 (Feb 2003) 107-136, and *Pathways to Prohibition*, p.5.

<sup>17</sup> Blocker, *American Temperance Movements: Cycles of Reform*; K. Austin Kerr, *Organized for Prohibition: A New History of the Anti-Saloon League* (New Haven: Yale University Press, 1985); Peter Odegard, *Pressure Politics, the Story of the Anti-Saloon League* (New York: Columbia University Press, 1928).

Richard Hofstadter called prohibition a 'pseudo-reform' which resulted from a rural backlash against a rapidly urbanizing nation.<sup>18</sup> In a similar vein, but casting the net a bit wider, Joseph Gusfield contends that prohibition was the result of ethnic, religious, class, and rural-urban conflict. Ultimately, in *Symbolic Crusade Status Politics and the American Temperance Movement*, Gusfield claims prohibition was a victory for the rural, Protestant, native American.<sup>19</sup> In *Deliver Us from Evil: An Interpretation of American Prohibition*, Norman Clark sees the movement as part of the general middle class and nativist reaction against both immigration and industrialization. Clark also takes on the debate regarding the degree to which prohibition worked in destroying the saloon and reducing the consumption of alcohol.<sup>20</sup>

Though Clark makes a persuasive case regarding the law's relative success in curbing consumption, much of the literature on prohibition has focused on the difficulties of enforcing the unpopular law in the face of widespread evasion. One interpretation put forth in *Prohibition: The Lie of the Land*, holds that the prohibitionists viewed enforcement as a secondary matter and therefore did not apply the same zeal in the law's implementation.<sup>21</sup> Andrew Sinclair maintains that the concurrent nature of enforcement resulted in a the lack of efficient, centralized control. While the federal government expected the states to bear most of the burden of enforcement, the states, in turn, assumed their local governments would execute the laws.<sup>22</sup> Therefore, because enforcement took place in every locality in the nation, local studies are important to an understanding of the way in which individuals experienced prohibition. As Julien Comte has recently noted, too much focus on the role of federal enforcement has obscured 'the role local actors played in resisting a law imposed on them from above.'<sup>23</sup> Like Comte's study of Pittsburgh, my work demonstrates that, though

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<sup>18</sup> Richard Hofstadter, *The Age of Reform from Bryan to F.D.R.*, 1st ed. (New York: Knopf, 1955), p.287; see also Sinclair, *Prohibition, the Era of Excess*.

<sup>19</sup> Joseph Gusfield, *Symbolic Crusade Status Politics and the American Temperance Movement*. (Urbana: University of Illinois Press, 1963), p.190.

<sup>20</sup> Clark, *Deliver Us from Evil*.

<sup>21</sup> Cashman, *Prohibition: The Lie of the Land*, pp.2,18.

<sup>22</sup> Sinclair, *Prohibition, The Era of Excess*, p.193. For a specific focus on the problem of concurrent power, see William F. Swindler, 'A Dubious Constitutional Experiment,' in David Kyvig and Eleutherian Mills-Hagley Foundation, (eds) *Law, Alcohol, and Order*, p.53-65; Morton Keller, *Regulating a New Economy: Public Policy and Economic Change in America, 1900-1933* (Cambridge: Harvard University Press, 1990), p.139.

<sup>23</sup> Julien Comte, "'Let the Federal Men Raid": Bootlegging and Prohibition Enforcement in Pittsburgh,' *Pennsylvania History* 77( Spring 2010) 166-192; Timothy Olewniczak, 'Giggle Water on the Mighty Niagara; Rum-Runners, Homebrewers, Redistillers, and the Changing Social Fabric of Drinking Culture During Alcohol Prohibition in Buffalo, N.Y., 1920-1933,' *Pennsylvania History* 78, (W21inter 2011) 33-61; James Sellers, *The Prohibition Movement in Alabama, 1702 to 1943* (Chapel Hill: University of North Carolina Press, 1943); Gilman Ostrander, *The Prohibition Movement in*

technically the weakest of the three governmental entities, cities like Savannah maintained a significant amount of power in determining the path of prohibition.

### 3 Rhetoric and Reality: The Dangers of Prohibition

By 1896, 100 of Georgia's 137 counties had voted themselves dry via Georgia's local option law. For supporters, local option had much to offer. One of the strongest arguments was that the people of a community were better equipped to govern themselves than state legislatures. Local option also built on the common practice whereby cities played the primary role in regulating and restricting access to intoxicating beverages. They used a variety of methods such as charging increasingly high licensing fees, limiting the amount proprietors could sell, and mandating Sunday closings.<sup>24</sup>

Local option provided a 'workable plan' that could be enforced by 'the power of a concentrated local public sentiment' with a foundation based on the 'true American principle of local self-government.'<sup>25</sup> Though state legislatures preferred local option because it was politically expedient, it remained a popular alternative in part because it 'dovetailed with the "home rule" movement,' a late nineteenth century effort to persuade state governments to grant more authority to their cities.<sup>26</sup> Cities and counties existed, at least technically, at the pleasure of the state, which clearly distinguished their relationship from that of the states to the federal government. In passing local option laws, legislatures established the primacy of local self-government in matters of temperance. Doing so at least implicitly recognized the importance of local autonomy in certain matters; as such they established the *de facto* structure of a federative relationship in which localities gained significant independence in

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*California, 1848-1933* (Berkeley: University of California Press, 1957); Philip P Mason, "'Anyone Who Couldn't Get a Drink Wasn't Trying": Rumrunning Along the Michigan/Ontario Border During Prohibition,' *Michigan History* 78 (Sept 1994) 12-22; Fred D Baldwin, 'Smedley D. Butler and Prohibition Enforcement in Philadelphia, 1924-1925,' *Pennsylvania Magazine of History & Biography* 84 (July 1960) 352-368; Paul Frazier, 'Profitable Trickle: The Diversion of Industrial Alcohol in Prohibition Philadelphia,' *Prologue* 26 (Winter 1994) 224-233; Jody Bailey and Robert S McPherson, "'Practically Free from the Taint of the Bootlegger": A Closer Look at Prohibition in Southeastern Utah,' *Utah Historical Quarterly* 57 (March 1989) 150-164; Frank Alduino, 'Prohibition in Tampa,' *Tampa Bay History* 9 (1987) 17-28; Sean T. Moore, 'National Prohibition in Northern New York,' *New York History* 77 (Apr 1996) 177-206; Michael Lerner, *Dry Manhattan: Prohibition in New York City* (Cambridge Mass.: Harvard University Press, 2007).

<sup>24</sup> Szymanski, *Pathways to Prohibition*, p.100.

<sup>25</sup> Rev. S. E. Nicholson, 'The Local Option Movement,' *The Annals of the American Academy of Political and Social Science* 31 (Nov 1908) 1-5, p.3.

<sup>26</sup> Home rule became popular in the late nineteenth century, 'in response to what many saw as an excessive wave of state intervention in the affairs of large cities.' David Berman, *Local Governments and the States: Autonomy, Politics, and Policy* (Armonk N.Y.: M.E. Sharpe, 2003), 8; Szymanski, *Pathways to Prohibition*, p.100; Frank Goodnow, *City Government in the United States* (New York: Century Co., 1908).

decision-making.<sup>27</sup> In this context, local option was an end - the culmination of temperance reform - a compromise that provided for laws to be passed and enforced by local consensus. More zealous prohibitionists disparaged local option as a method for allowing the state government to shift 'its own responsibility to the shoulders of the people.'<sup>28</sup> However, they could not afford to oppose local option since it sought regulation of the liquor traffic. For them, local option was merely a means - a small opening through which future legislation might be pushed.

More troubling to prohibitionists was urban resistance to local option. While rural Georgia had voted itself dry, the cities remained very wet. As one study published in 1900 complained, the counties in Georgia under local option 'do not include a single important town.'<sup>29</sup> Believing they had reached the limits of local option, organizations geared up for their attack on the cities through state wide prohibition. Prohibition legislation appeared in some form before every Georgia General Assembly, but it became a major legislative issue only three times prior to the passage of the Eighteenth Amendment. In 1899, it took the form of the failed Willingham Bill; the 1907 effort, known as the Hardman-Covington-Neel Bill, was an overwhelming success; the final 1915 Stovall Bill sought to close the loopholes in the 1907 law.

The protracted debates over these Bills, carried out on the floor of the legislature, in the newspapers, from the pulpits, on main streets, and in the back alleys, formulated several well-reasoned arguments presaging those used in the 1920s by those seeking the repeal of the Eighteenth Amendment. Opponents commonly made pragmatic objections regarding potential financial consequences and appeals to the poor experience of prohibition in other states like Kansas. However, they also developed a piercing critique of prohibition centred on home rule; the danger of manufactured sentiment tied to fanaticism and hypocrisy, which allowed minorities to control the majority; the importance of local public sentiment and consent to the law's implementation; and the threat of unenforceable laws to the very nature of the republic.

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<sup>27</sup> Perry R. Duis, *The Saloon: Public Drinking in Chicago and Boston, 1880-1920* (Urbana: University of Illinois Press, 1983), p.12; Szymanski, *Pathways to Prohibition*, p.111.

<sup>28</sup> Szymanski, *Pathways to Prohibition*, p.101.

<sup>29</sup> Joseph Rowntree, *The Temperance Problem and Social Reform* (New York: Truslove Hanson and Comba, 1900), p.261.



The Willingham Bill, introduced in 1899, was the first prohibition Bill that achieved some success, easily passing the House by a vote of 93 to 67. Though the Senate subsequently defeated the measure, prohibitionists persisted in their efforts. When self-styled reformer and progressive Hoke Smith ran for governor in 1906, they once again rallied their forces. Smith, who had campaigned in support of disenfranchising African Americans and enacting stricter railroad regulation, won the Democratic primary in August - tantamount to winning the general election.<sup>30</sup> Following his victory in the primary, Smith, a local option supporter, announced his willingness to sign a prohibition bill if the legislature passed one. This was all the incentive the prohibitionists needed.<sup>31</sup>

After Smith entered office, the state's anti-liquor activists mobilized a massive campaign to petition state lawmakers, and prohibition 'assumed an importance that made it impossible to evade.'<sup>32</sup> The prohibitionists may have sought to uplift their fellow Georgians from the evils of the liquor traffic, but there was another darker and more base factor: racial prejudice. In late September 1906, white mobs responded to sensationalized rumours fuelled by rival newspapers of sexual attacks by black men on white women. Thousands of white men attacked black-owned businesses and the homes of successful African Americans. By the time the violence - called the Atlanta Race Riot - ended, at least 25 African Americans had been killed. Prohibitionists latched on to this event and touted their cause as a way to control blacks.<sup>33</sup>

Contemporaries and historians alike have tied the tense racial context of Smith's election to the swift passage of state-wide prohibition. Prohibition in Georgia, according to one observer, was the result of the 'deliberate determination of the stronger race to forego its own personal liberty on this as on other lines of conduct for the protection of the weaker race from the crimes that are caused by drunkenness and of both races from the demoralization

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<sup>30</sup> Though Smith was elected in fall 1906, he was not be inaugurated until June 1907.

<sup>31</sup> Szymanski, 'Beyond Parochialism,' 114-15.

<sup>32</sup> Grantham, *Hoke Smith*, p.162-3.

<sup>33</sup> For detailed analysis on the Atlanta Race Riot, see Mark Bauerlein, *Negrophobia: A Race Riot in Atlanta, 1906* (San Francisco: Encounter Books, 2001); Charles Crowe, 'Racial Massacre in Atlanta, Sept 22, 1906,' *Journal of Negro History* 54 (Apr 1969) 154-160; Allison Dorsey, *To Build Our Lives Together: Community Formation in Black Atlanta, 1875-1906* (Athens: University of Georgia Press, 2004); David F. Godshalk, *Veiled Visions: The 1906 Atlanta Race Riot and the Reshaping of American Race Relations* (Chapel Hill: University of North Carolina Press, 2005); Gregory Mixon, *The Atlanta Riot: Race, Class, and Violence in a New South City* (Gainesville: University Press of Florida, 2005).

that follows upon racial crime.<sup>34</sup> By placing race at the core of the cause, proponents made the case that prohibition in the South, unlike elsewhere in the nation, would succeed. The white population, because of these 'peculiar conditions' related to the 'negro problem,' would be determined to enforce the law.<sup>35</sup> Prohibitionists readily used the race card to their advantage and pushed for drastic state action. As Szymanski rightly observes, the Atlanta Race Riot of 1906 'set off a wave of prohibitionist voting in Georgia and elsewhere.'<sup>36</sup> Yet, the very cities - Atlanta, Savannah, Macon, and Augusta - where the 'negro problem' and the liquor problem merged, strenuously opposed efforts to move beyond local option.

In the hot, humid summer of 1907, when the General Assembly convened in Atlanta, prohibition dominated the political agenda. After downing seven kegs of beer at the annual barbecue, the representatives began the earnest business of 'putting everything with a tinge of alcohol named among its ingredients down.'<sup>37</sup> Spearheaded by the Georgia WCTU and the Georgia Prohibition Association, and aided by the organizational prowess of the ASL, which had established a chapter in Georgia in 1904, prohibitionist representatives introduced the Hardman-Covington-Neel Bill. Confident of their majority, Seaborn Wright of Floyd County and William A. Covington of Commerce, leaders of the prohibitionist forces in the house, placed this Bill at the top of the legislative agenda, which included more than 270 Bills, and refused to conduct any other business until they achieved victory.<sup>38</sup> As opponents sought compromise and delay, prohibitionists threatened to bring the business of the state to a grinding halt.<sup>39</sup> The month-long debate was characterized by Wright's flair for the dramatic, name calling, fist fights on the floor of the capitol, and galleries filled with WCTU women alternatively hissing and cheering.<sup>40</sup>

While prohibitionists rallied their forces across the state, the urban opponents of the Bill, depending heavily on the arguments from 1899, attempted to demonstrate the significant problems associated with prohibition. As a practical matter, they predicted dire financial consequences. Savannah, for instance, stood to lose over \$50,000 in liquor licence fees

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<sup>34</sup> A. J. McKelway, 'State Prohibition in Georgia and the South,' *The Outlook* 86 (Sept 1907) 947-48, p.947.

<sup>35</sup> McKelway, 'State Prohibition in Georgia and the South,' p.948.

<sup>36</sup> *Regulating a New Society*, p.130.

<sup>37</sup> 'Beer Downed Yesterday,' *Atlanta Constitution*, 24 July 1907, p.7.

<sup>38</sup> 'Flood of New Bills Swamped Lower House,' *Atlanta Constitution*, 29 June 1907, p.7.

<sup>39</sup> 'Pass Prohibition or Wheels Stop, is Ultimatum,' *Atlanta Constitution*, 21 July 1907, p.D1; 'Test Votes Tell Story in House,' *Atlanta Constitution*, 20 July 1907, p. 1

<sup>40</sup> 'House Adjourned Near Midnight,' *Atlanta Constitution*, 25 July 1907, p.1.

alone, not to mention the expected decline in property values.<sup>41</sup> Since taxes from liquor interests contributed over \$300,000 annually to the state's school fund, prohibition also endangered the state's educational system.<sup>42</sup>

Savannah had not changed its position from 1899 when the Savannah Board of Trade had charged the Willingham Bill with being

'sumptuary in its character' and 'violative [sic] of the personal liberty of the citizen, impossible of enforcement if enacted into a law, because repugnant to the liberal principles that underly [sic] every republican form of government, and is a revival of the intolerant spirit of fanatical zeal that presumes to preach perfection in a world of erring morals...'<sup>43</sup>

Representative and attorney Jack Slaton of Atlanta tapped into the issues of personal liberty and individual responsibility, stating that the Bill 'loses sight of the godgiven [sic] rights of others.'<sup>44</sup> Senator J.F. Redding, representing his Macon constituents, urged his colleagues to 'trust the people to govern themselves.'<sup>45</sup> Walter P. LaRoche of Savannah quipped, 'I think that the author of this bill is actuated by the highest motives for the public good; but I prefer to do my own eating and drinking for myself.'<sup>46</sup>

More substantive arguments rested on the superiority of local option and the principle of self-government. The opponents, or the antis, in the General Assembly claimed to be no friends of liquor or the saloon. As bona-fide temperance men, they argued that local option remained the best choice. Urban representatives complained that state-wide prohibition, which was 'contrary to the principle of home rule' would severely undermine the virtues of self-government.<sup>47</sup> The law would impact 22 of 137 counties 'in a matter of domestic concern, contrary to the wishes of the people of those counties as expressed by their solemn votes.'<sup>48</sup> Contrary to the assertions of the prohibitionists, cities were 'entirely capable of

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<sup>41</sup> 'Arguments Against and For Prohibition Heard by Temperance Committee,' *Savannah Morning News*, 11 July 1907, p.1; 'Fight Before the Committee Begun Yesterday,' *Atlanta Constitution*, 11 July 1907, p.1.

<sup>42</sup> 'Prohibition and Revenues,' *Savannah Morning News*, 9 Nov , 1899, p.4.

<sup>43</sup> 'Businessmen Protest,' *Savannah Morning News*, 21 Nov 1899, p.6

<sup>44</sup> Slaton had been elected to the Assembly in 1896; *Atlanta Constitution*, 22 Nov 1899, p.1.

<sup>45</sup> 'Prohibition's Slim Showing,' *Columbus Daily Enquirer*, 7 Dec 1899, p.1. The *Columbus Daily Enquirer* has been digitized by the Digital Library of Georgia and can be accessed at <http://dlg.galileo.usg.edu/MediaTypes/Newspapers.html>.

<sup>46</sup> 'Local Self Government the Issue,' *Atlanta Constitution*, 22 Nov 1899, p.7. The *Atlanta Constitution* is available electronically via Proquest Historical Newspapers; access is restricted to subscribing educational institutions.

<sup>47</sup> 'Businessmen Say Continue Local Option,' *Atlanta Constitution*, 4 July 1907, p.1.

<sup>48</sup> 'Prohibition Battle,' *Macon Telegraph*, 5 Dec 1899, p.2; 'Willingham Bill Up,' *Macon Telegraph*, 6 Dec 1899, p.6.

dealing' with the liquor question.<sup>49</sup> An Augusta resolution made this point even more forcefully, affirming that 'the people of Richmond County and the city of Augusta can best judge their needs and regulate them.'<sup>50</sup> The minority report on the Willingham Bill was even more emphatic. Passing the Willingham Bill would be 'an act of despotism. A king could do no worse. The people have the right of self-government, but not the right to govern other people against their consent.'<sup>51</sup>

Though charges of despotism were mere hyperbole, Georgia's cities did exist under significant legislative handicaps, which checked the democratic nature of the American political system. State legislatures in turn-of-the-century America were heavily weighted towards the rural constituency. Various schemes of legislative apportionment created a system of representation that allowed rural counties or districts to maintain power 'out of all proportion to their numerical strength.'<sup>52</sup> One common approach guaranteed each county at least one legislative representative.<sup>53</sup> The process of apportionment also fell under the purview of the rural-dominated state legislatures, which were unwilling to surrender their stranglehold on power. By the first decade of the twentieth century, America was quickly being transformed from a rural nation to a nation of cities. As urban populations increased dramatically, this malapportionment and rural domination became even more egregious. In Georgia, the county unit system maintained such legislative malapportionment. *Time Magazine* later referred to this system as 'one of the most bizarre devices in United States politics.'<sup>54</sup> The county unit system established a rigid ratio for calculating legislative apportionment.<sup>55</sup> Though towns and cities received six votes for the lower house and four

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<sup>49</sup> 'Businessmen Say Continue Local Option,' *Atlanta Constitution*, 4 July 1907, p.1.

<sup>50</sup> 'Prohibition Stirs Georgia,' *Atlanta Constitution*, 10 July 1907, p.2.

<sup>51</sup> 'Prohibition Battle,' *Macon Telegraph*, 5 Dec 1899, p.2; 'Willingham Bill Up,' *Macon Telegraph*, 6 Dec 1899, p.6.

<sup>52</sup> Arthur Holcombe, *State Government in the United States* (New York: Macmillan, 1919), p.247; Elizabeth Durfee, 'Apportionment of Representation in the Legislature: A Study of State Constitutions,' *Michigan Law Review* 43 (June 1945) 1091-1112, p.1093; Odegard, *Pressure Politics*, p.121.

<sup>53</sup> George S. Haynes, 'Representation in State Legislatures, III: The Southern States,' *Annals of the American Academy of Political and Social Science* 16 (July 1900) 93-119, p.117.

<sup>54</sup> 'Georgia: There'll Be Some Changes Made,' *Time Magazine*, 11 May 1962, <http://www.time.com/time/magazine/article/0,9171,939368,00.html>, date accessed 7 July 2011.

<sup>55</sup> The proposal for establishing this system of representation was introduced at a constitutional convention in 1833. In 1843, the Constitution was amended so that each county in Georgia, regardless of size, maintained at least one seat in the lower house. The Constitution of 1868 set up the 3-2-1 system, which evolved into the county unit system, whereby the most populous counties received up to three seats; however, the rural counties, with at least one vote each, maintained power. In 1876, the Democratic Party nominating conventions adopted this method as well; the Democratic Executive Committee adopted this method for the direct primary in 1898. It remained part of Democratic Party rules until 1917, when it the

votes for the upper house, rural counties, numbering 121 out of 159, received a minimum of two votes each (one in each house), thus nullifying urban votes in political contests. Winning rural counties meant winning elections. Only a constitutional amendment could increase the number of representatives, which required a two-thirds vote of the legislature.<sup>56</sup> Therefore, in Georgia, possibly to a greater extent than in other states, small rural populations ruled their more numerous urban neighbours.

Resentment over this legislative imbalance made urban residents more receptive to the argument that the success of prohibition in state legislatures was attributable to the actions of special interests, which represented an even smaller minority. In 1909, John Koren published *The Prohibition "Crusade": Factitious Character of the Present Agitation, Evils of Recent Liquor Legislation, Local Option and the Saloon Question*, in which he maintained that a 'brood of professional agitators' who manufacture 'artificial sentiment,' rather than organic popular conviction, was responsible for anti-liquor legislation.<sup>57</sup> In essence, prohibitionist sentiment, considered to be manufactured by a minority of men and women inspired by 'blind and intolerant hatred,' rather than a majority consensus, sought to dictate enactment of coercive legislation governing personal decisions of morality.<sup>58</sup> In a 1903 interview, Wayne Wheeler, leader of the Ohio Anti-Saloon League, admitted as much when explaining the ASL's successes: 'I do it the way the bosses do it... with minorities.'<sup>59</sup> Prohibitionists simply had to sway legislators rather than working through party channels or convincing a majority of voters through referenda.<sup>60</sup> Thus, to the antis, it did appear that small minorities could and did defy 'the will of large majorities.'<sup>61</sup> From this perspective, in

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Georgia General Assembly officially adopted it with the Neill Primary Act. James C. Bonner, 'Legislative Apportionment and County Unit Voting In Georgia Since 1777,' *Georgia Historical Quarterly* 47 (Dec 1963) 351-374, pp.362-365; Patrick Novotny, *This Georgia Rising: Education, Civil Rights, and the Politics of Change in Georgia in the 1940s* (Macon: Mercer University Press, 2007), pp.12-14.

<sup>56</sup> Cullen B. Gosnell, 'The Gerrymander System in Georgia,' *Social Forces* 11 (May 1933) 570-773, p.571.

<sup>57</sup> John Koren, *The Prohibition "Crusade": Factitious Character of the Present Agitation, Evils of Recent Liquor Legislation, Local Option and the Saloon Question* ([S.l.: s.n., 1909), p.4. In a later work, he argued that in most states which had adopted prohibition, the majorities were 'more or less fictitious in character.' John Koren, *Alcohol and Society* (New York: H. Holt and Company, 1916), p.71.

<sup>58</sup> E Towne, *T. W. P. Temperance without Prohibition the Crime Against Humanity of Prohibition Fanaticism: 'Scribes, Pharisees, and Hypocrites,' an Appeal for Justice* (Worcester: The Institute Press Worcester and Boston Allied Printing Trade Council Union Label Worcester, 1908), p.105.

<sup>59</sup> Quoted in Blocker, *American Temperance Movements: Cycles of Reform*, pp.96-97.

<sup>60</sup> Blocker, *American Temperance Movements: Cycles of Reform*, p.112.

<sup>61</sup> Reverend William A. Wasson, 'Prohibition, The Obstacle to Real Reform,' *Pearson's Magazine* 22 (Aug 1909) 141-153, p.148.

1907 the minorities had 'given orders' that the people of the cities 'shall no longer be allowed to purchase liquor of any sort.'<sup>62</sup>

In an effort to force prohibitionists to admit the undemocratic nature of their efforts, the antis demanded that the people be allowed to vote on this single issue.<sup>63</sup> In 1907, as dries geared up for the fight in the General Assembly, a supporter of local option reminded constituents that because prohibition had not been an issue in the most recent state-wide election, the wishes of the people of the state were unknown. Neither Smith nor the Democratic platform mentioned prohibition. In *Hoke Smith and the Politics of the New South*, Dewey Grantham notes that prohibition 'played no part in the campaign of 1906.'<sup>64</sup> Opponents warned that acting on such drastic and controversial legislation 'would be unfair and undemocratic.'<sup>65</sup> At the very least, the enactment of the law should be made 'conditional upon its being ratified by the people at the next general election.'<sup>66</sup> Knowing they had the legislative advantage, prohibitionists refused to be side-tracked by calls for democracy and maintained a solid front against any efforts to dilute or delay their efforts.<sup>67</sup>

Having established that any state-wide prohibition measure would fail to achieve popular consent, opponents then tied this lack of consent to the impossibility of enforcement. Taken together, laws passed without or contrary to the consent of the governed had little prospect of being enforced. Obedience to laws rests partially on the people's recognition of their validity. To opponents of prohibition, who had long lived under a local option regime which recognized local authority in such matters, their participation in the political system that created these laws did not necessarily require them to obey those laws.<sup>68</sup> For, as one prohibition critic maintained, more than majority votes were required for laws to be effective; 'it requires general acquiescence.'<sup>69</sup> While prohibition was possible in localities where people favoured it, as the *Savannah Morning News* argued, 'the majority of public opinion must favor prohibition before it can become effective.'<sup>70</sup> Furthermore, attempting to enforce such

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<sup>62</sup> 'Prohibition in Georgia,' *Outlook* 86 (10 Aug 1907), p.757.

<sup>63</sup> 'Businessmen Say Continue Local Option,' *Atlanta Constitution*, 4 July 1907, p.1; 'Prohibition Stirs Georgia,' *Atlanta Constitution*, 10 July 1907, p.2.

<sup>64</sup> 'The State and Local Option,' *Atlanta Constitution*, 7 July 1907, p.B4; Grantham, *Hoke Smith*, p.162-3.

<sup>65</sup> 'For the Bill Reads Report of Committee,' *Atlanta Constitution*, 12 July 1907, p.1.

<sup>66</sup> 'Local Option True Solution,' *Atlanta Constitution*, 15 July 1907, p.5.

<sup>67</sup> 'Pass Prohibition or Wheels Stop, is Ultimatum,' *Atlanta Constitution*, 21 July 1907, p.D1.

<sup>68</sup> H. L. A. Hart, *Essays in Jurisprudence and Philosophy* (New York: Oxford University Press, 1983), pp.118, 218.

<sup>69</sup> John Koren, 'Government and Prohibition,' *Atlantic Monthly*, 118 (Apr 1916) 523-534, p.524.

<sup>70</sup> 'A Step at a Time,' *Savannah Morning News*, 5 Nov 1899, p.4.

laws would lead to 'bitterness, strife and even bloodshed.'<sup>71</sup> Extreme prohibition legislation would 'vex the citizen,' and 'sweep away a privilege that has been permitted by law from the beginning of time.' In enacting such radical legislation, one anti warned, 'You pull down the pillars of the temple of justice and of human rights, and you do not know where you will land next.'<sup>72</sup> In addition to requiring recognition of the authority to promulgate laws, effectiveness of the law in a democratic state required a great deal of voluntary acceptance.<sup>73</sup> In 1907, S. B. Adams, who represented Chatham County in the Lower House, argued that prohibition had never been successful where a large section of the population opposed it, and he did not expect Georgia to be any different.<sup>74</sup> In his 1900 treatise on federal and state control of persons and property, Christopher Tiedeman made this link even more explicit, arguing that laws passed against 'irresistible public opinion,' were impossible to enforce.<sup>75</sup> Though the sale of liquor brought its own set of problems, they would be 'magnified by its unauthorized sale which no laws, however stringent, had been able to prevent.'<sup>76</sup> Prohibition would, contrary to its purpose, 'enhance the evil.'<sup>77</sup>

Passing laws which infringed on personal liberty without the consent of the governed would, opponents predicted, thwart enforcement, thus eroding respect for all laws. This lawlessness represented a much more dangerous threat to the republic than the saloon or the liquor traffic: it bred general contempt for all law. Antis pointed out that in other states where prohibition had been imposed on an unwilling citizenry, communities had ignored the laws.<sup>78</sup> A petition from Augusta asserted that the Bill's passage would 'mark the abandonment of wise and conservative legislation and inaugurate an era of law-breaking which ever follows enactments not upheld by public sentiment.'<sup>79</sup> Another opponent warned that such laws would 'bring reproach upon the whole statute books because of their non-enforcement....' If passed, it would 'create enemies to the law who are now indifferent,' and 'inaugurate an era

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<sup>71</sup> 'Local Self Government the Issue,' *Atlanta Constitution*, 22 Nov 1899, p.7.

<sup>72</sup> 'Let It Alone,' *Macon Telegraph*, 20 Nov 1899, p.4.

<sup>73</sup> Hart, *Essays in Jurisprudence and Philosophy*, pp.78-79, 146-147, 186, 193.

<sup>74</sup> 'Prohibition Bill is Passed,' *Columbus Daily Enquirer*, 31 July 1907, p.1.

<sup>75</sup> Christopher G. Tiedeman, *A Treatise on State and Federal Control of Persons and Property in the United States: Considered from Both a Civil and Criminal Standpoint* (St. Louis: The F. H. Thomas Law Book Co., 1900), p.542.

<sup>76</sup> 'The City Speaks against Prohibition,' *Savannah Morning News*, 4 July 1907, p.6.

<sup>77</sup> Ibid; 'Protest against Prohibition Law Made by Businessmen,' *Savannah Morning News*, 9 July 1907, p.12.

<sup>78</sup> 'The Willingham Bill,' *Atlanta Constitution*, 11 Nov 1899, p.4.

<sup>79</sup> 'Before Senate Willingham Bill is Now Up for Final Discussion,' *Macon Telegraph*, 7 Dec 1899, p. 1.

of lawbreaking.<sup>80</sup> After only a couple years under national prohibition, this argument had developed as an important critique of the law. In his 1922 work, *What Prohibition Has Done to America*, Fabian Franklin maintains that when laws like prohibition, which seek to regulate the 'ordinary personal conduct of individuals,' are enacted, 'respect for law necessarily falls to the ground.' Further, if a majority of the people could not repeal a law they opposed, then it was foolhardy to expect 'intelligent freemen to bow down in meek submission to its prescriptions.'<sup>81</sup>

They recognized that in a nation like the United States, where citizens were highly averse to overt police power, most laws depended upon significant voluntary compliance.<sup>82</sup> Antis did not share the prohibitionist optimism that people would obey the law simply because it was the law. One commentator, deriding the country legislators as 'driveling idiots,' believed Georgia had 'become insane' over the issue. The antis warned that Georgia would 'rue the day it thrust out Bacchus from among its household gods.'<sup>83</sup> The Assembly nevertheless chose to defy Bacchus. By large margins, both the Georgia House and the Senate passed the prohibition Bill. When the vote in the House was finalized, loud cheers erupted in the capitol lobby, and members of the WCTU, who had crowded into the grounds and corridors, 'burst into Praise God from Whom All Blessings Flow.' Mrs. Mary Harris Armor, president of the Georgia WCTU and a guiding force for the Bill, standing on the steps in the interior of the capital, stated, 'Thank God! This is the grandest day Georgia has ever seen.'<sup>84</sup> She then led more than 2,000 men, women, and children 'to the ringing of church bells' to the Grady monument. The group, which had hoisted Seaborn Wright on its shoulders, sang 'Halleluiah, tis done.'<sup>85</sup> Later, the next month when he signed the Bill into law in front of 300 witnesses, Governor Hoke Smith proclaimed it to be the happiest day of his life.<sup>86</sup> Anyone paying attention might have smiled at the irony of Smith's statement, for the Bill he had signed had the potential to cost him, as one-third owner of Atlanta's Piedmont Hotel, about \$60,000 in annual revenue, that is, if the prohibition Bill did what the prohibitionists intended.

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<sup>80</sup> 'The Willingham Bill,' *Atlanta Constitution*, 11 Nov 1899, p.4; 'Before Senate Willingham Bill is Now Up for Final Discussion,' *Macon Telegraph*, 7 Dec 1899, p. 1.

<sup>81</sup> Fabian Franklin, *What Prohibition Has Done to America* (New York: Harcourt Brace and Co., 1922), p.16

<sup>82</sup> Kyvig, *Law, Alcohol, and Order*, p.13.

<sup>83</sup> Corrigan, 'The Prohibition Wave in the South,' p.329-30.

<sup>84</sup> 'Prohibition Bill Passes with But Slight Change,' *Savannah Morning News*, 31 July 1907, p. 1; 'Church Bells Ringing Out News,' *Savannah Morning News*, 31 July 31 1907, p. 1; 'Mrs. Armour's Share in Prohibition Fight,' *Atlanta Constitution*, 15 July 1907, p.5.

<sup>85</sup> 'History of the Fight for State Prohibition,' *Atlanta Constitution*, 4 Aug 1907, p.4.

<sup>86</sup> *American Prohibition Year Book* (Chicago: Lincoln Temperance Press, 1908), p. 157.



Georgia's prohibitionists had scored 'a victory the most sweeping and complete of any state' in the Union.<sup>87</sup> In assessing the statute, Lovick P. Winter, writing for *The Independent*, insisted that 'perhaps no more drastic legislation touching the liquor question has ever been placed upon the statute books of any commonwealth.'<sup>88</sup> Yet, even as prohibitionists congratulated themselves on this latest victory, the question remained: would the cities enforce the law? Less than a week following the grand celebrations, observers noted 'an ominous note of defiance,' especially in Savannah, where many believed there would be no serious attempt at enforcement.<sup>89</sup> Prohibitionists, therefore, decided to keep a close eye on Savannah as a test of the new law's success.

#### 4 Resistance and Defiance in the State of Chatham

When reality struck, some antis advocated taking extreme action, including having Chatham County secede from Georgia so that Savannah could create its own liquor laws. According to one unnamed gentleman, Savannah could easily form a state by combining several of the coastal counties into the State of Chatham.<sup>90</sup> As a sceptic observed, 'One would have a hard time to induce the people of Savannah to believe that the enactment of the state prohibition law is going to mean that the sale of intoxicants is to be stopped.'<sup>91</sup> In 1899, when queried what he would do if Georgia enacted prohibition, a grocery man responded, 'I should sell anyway. I would have no license to pay then.' With state-wide prohibition now a reality, there was little doubt that many proprietors would take similar action. Savannah's leaders had made it clear they opposed the law, and no one expected the local authorities to 'lend a very willing hand' in the law's enforcement;<sup>92</sup> neither did they expect much help in getting indictments from grand juries or convictions from jurors.<sup>93</sup> In his annual report, Mayor George Tiedeman devoted a section to the new prohibition laws. Candidly stating his own personal opposition to what he considered an anti-democratic law, he sized up the situation in Savannah:

The vast majority of our people are heartily and conscientiously opposed to such legislation and will earnestly resent its being forced upon them. The result will be that the enforcement in this community of this law, lacking

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<sup>87</sup> 'Prohibition in Georgia,' *Biloxi Daily Herald*, 1 Aug 1907, p.4.

<sup>88</sup> Lovick P. Winter, 'Prohibition in Georgia,' *The Independent* 63 (22 Aug 1907) 442-444, p.442.

<sup>89</sup> 'But Will Georgia Enforce It?' *Kansas City Star*, 1 Aug 1907, p.3. The *Kansas City Star* is available electronically via Newsbank/ Readex America's Historical Newspapers; access is restricted to subscribing educational institutions.

<sup>90</sup> 'Wants Savannah to Quit Georgia,' *Savannah Morning News*, 19 Dec 1907, p.12.

<sup>91</sup> 'How Savannah Views New Law,' *Atlanta Constitution*, 29 Sept 1907, p.5.

<sup>92</sup> *Ibid.*

<sup>93</sup> 'Prohibition Bill is Passed,' *Columbus Daily Enquirer*, 31 July 1907, p.1.

sentiment, will be impracticable, drinking will not decrease, and liquor will be sold, but without license or regulation.<sup>94</sup>

Having said that it would be impossible to enforce, Tiedeman diplomatically promised he would 'enforce the law in the most practicable manner possible.'<sup>95</sup> This was not exactly a declaration to inspire confidence among prohibitionists.

In anticipation of the impending drought, people began stocking up. One awed observer noted, 'Never in the history of Georgia has there been so much whisky sold as during this month.' People were buying it as if they believed they would never see it again – as if 'liquor will disappear from the earth.' To be sure, everyone expected a 'great drought.' Wholesale dealers located in Savannah made arrangements to move their operations to the new mecca of Jacksonville, Florida, where they promised to open express businesses to their old city and ship without asking questions.<sup>96</sup> The new law, in all its rigidity, still allowed individuals to import alcohol from wet states. These transplanted wholesalers were merely going to wait until Georgians exhausted the supplies they had laid in and the thirst built up.<sup>97</sup>

Others sought ways to get around the letter of the law, and there were plenty of ways. In one interpretation of the statute, the police could not seize liquor in places where it was stored **unless** they could prove that it was stored for the purpose of sale. Private social clubs, which were both licensed and taxed by the state, considered this their loophole and developed the 'locker system.' Patrons became members and received a 'pigeonhole' for their own liquor.<sup>98</sup> In imitation of this system, so-called 'locker clubs' sprouted virtually overnight. By one estimate Savannah had 147 locker clubs the day state-wide prohibition went into effect. In this interesting mutation, the membership funds for such clubs purchased liquor. The member who purchased liquor would sign a ticket. At the end of the month, the 'club' added up the tickets; the total would be the member's dues.<sup>99</sup> Readily accepting their claim to be private clubs, Savannah's city council provided official sanction by regulating and

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<sup>94</sup>City of Savannah Municipal Report, 1907; All Municipal Reports are located at the Georgia Historical Society, Savannah, Georgia and at the Savannah Municipal Research Library Savannah Georgia. Some of these reports can be found via the Digital Library of Georgia, <http://dlg.galileo.usg.edu/savannahmayor/>.

<sup>95</sup>City of Savannah Municipal Report, 1907.

<sup>96</sup>'Brewers Band for Protection,' *Atlanta Constitution*, 30 Aug 1907 p.3; 'March of Prohibition,' *Washington Post*, 29 Dec 1907, p.3; The *Washington Post* is available electronically via Proquest Historical Newspapers; access is restricted to subscribing educational institutions.

<sup>97</sup>*Brewers Year Book*, 1910, 185.

<sup>98</sup>McKelway, 'State Prohibition in Georgia and the South,' p.948.

<sup>99</sup>'Social Clubs Won't be Dry,' *Savannah Morning News*, 10 Nov 1907, p.24.

taxing them. The only restrictions involved keeping good order, obeying Sunday closing laws, and paying the proper tax. The city even formed a Club License Committee to process applications.<sup>100</sup>

Brewers began their own experiments. Advertisements and stories popped up promoting a variety of 'legal' substitutes. One outrageous story involved the creation of 'Tabloid Jags.' A Danish engineer had supposedly figured out how to provide beer in a tabloid form. These tabloids could be dissolved in hot water then cooled, resulting in 'an ambrosia.' This would mean 'every man his own brewery,' with a tap in his 'vest pocket.' One outraged saloon keeper, more concerned about this threat than the prohibition law, thought that this had to be a violation of the Monroe Doctrine and demanded that wealthy brewers fund a fleet of warships to attack Denmark!<sup>101</sup>

Saloons also quickly adapted. As one cynic later charged, the 1907 law 'would not hold water, but would hold beer.'<sup>102</sup> Proprietors found their own spacious loophole in the final part of the Bill, which failed to specify the percentage of alcohol within a drink which would be illegal. Instead it outlawed, in rather vague terms, alcohol 'sufficient to cause intoxication when drunk to excess.'<sup>103</sup> 'Near-beer' saloons flourished, selling beer substitutes, or 'unos,' which many claimed were 'practically soft drinks.' In describing near beer, one observer stated, 'It looks like real beer, foams like real beer, and even smells like real beer, but the old familiar taste...is lacking.' A disappointed southerner was more critical and to the point: It may look and smell like beer, but 'it ain't got no conversation.' According to the brewing industry trade journals, brewers used near-beer 'only under compulsion.'<sup>104</sup> Both Savannah and the state of Georgia quickly legitimized these legal establishments - by taxing them. Savannah projected the income from the near-beer tax to bring in about \$50,000, coincidentally the same amount they had been projected to lose from prohibition.<sup>105</sup>

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<sup>100</sup> City of Savannah Municipal Report, 1908.

<sup>101</sup> 'Tabloid Jags Promised,' *Savannah Morning News*, 29 July 1907, p.8.

<sup>102</sup> 'Progress in Georgia,' *Berkeley Daily Gazette* (California), 14 Dec 1915, p.4. The *Berkeley Daily Gazette* is available full text via Google News Archive, <http://news.google.com>.

<sup>103</sup> City of Savannah Municipal Report, 1908; United States Brewers' Association, 'Prohibition in Georgia,' *The Year Book of the United States Brewers' Association* (New York: The Association, 1910), p.185.

<sup>104</sup> 'Bars Are Open but No "Booze,"' *Savannah Morning News*, 2 Jan 1908, p.12; Hugh F. Fox, 'The Prosperity of the Brewing Industry,' *The Annals of the American Academy of Political and Social Science* 34 (Nov 1909): p. 53.

<sup>105</sup> 'Council Adopts Near-beer Tax,' *Savannah Morning News*, 30 July 1908, p.10.

Two weeks into prohibition, one critic, complaining that the 'lid is off the booze somewhere,' asserted that there were more drunks in Savannah than before the law went into effect.<sup>106</sup> By one probably exaggerated estimate, Savannah had approximately 700 blind tigers in the form of near-beer saloons, corner groceries, fruit stands, and the like. A visitor from Birmingham, Alabama was surprised to find that, in spite of the state law, the saloons remained open and doing a solid business.<sup>107</sup> Savannah even managed to prevent the prohibition humbug from ruining its chances for hosting the famous Vanderbilt Cup Races. In April 1908, when W.J. Donlan, secretary of the Savannah Chamber of Commerce, went to New York to promote Savannah as the location for the races, he ran into difficulty: 'They seemed to think sport would have a poor chance of thriving in a temperance town like Savannah.' Donlan, exhibiting a degree of cunning, set out to demonstrate that Savannah near-beer 'had just the same power to cheer the heart and cause the troubles of the world to fade away' as the genuine article. He enticed several drivers to partake of Savannah's 'prohibition beer,' which by chance he just happened to have with him. According to the reporter, 'Indeed good feeling spread, and all voted "prohibition beer" as good as the real article.'<sup>108</sup>

When the sporting world arrived, Savannah demonstrated that, prohibition or no, the city knew 'how to entertain.'<sup>109</sup> Governor Hoke Smith attended as the guest of the city, acted as an honorary race starter, and obligingly provided Georgia militia volunteers to guard the course, the first time a governor had taken such action.<sup>110</sup> The militiamen made themselves useful by arresting men attempting to cross the race course and shooting offending dogs, chickens, and goats.<sup>111</sup> One critic caustically remarked, 'Savannah was so open you could drive a dray through it.' And they did not bother to hide it. During the races, Savannahians wore buttons that said, 'I live here—ask me.' An Atlantan asked one of these helpful individuals, 'Where can I get a drink?' The native pointed to a church. Outraged, the Atlantan exclaimed, 'For heaven's sake man, you can't get a drink there, can you?' To which the

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<sup>106</sup> 'More Drunks for Savannah,' *Atlanta Constitution*, 14 Jan 1908, p.3.

<sup>107</sup> 'How They Get It Down in Savannah,' *Columbus Daily Enquirer*, 19 Jan 1908, p.8; 'Savannah,' *Atlanta Constitution*, 27 Dec 1908, p.3.

<sup>108</sup> Savannah hosted two major auto races in 1908, one in March and one in November. 'Georgia Drink That Lures.; "Prohibition Beer" Proves to Be Remarkably like Real Milwaukee Kind.' *New York Times*, 19 Apr 1908. The *New York Times* through 1922 is available via Google News Archives: <http://news.google.com>. Articles are downloaded as pdf.

<sup>109</sup> 'He Believes Savannah Will Get the Cup Race,' *Atlanta Constitution*, 22 March 1908, p.2.

<sup>110</sup> 'Big Auto Race to Begin Today,' *Atlanta Constitution*, 18 March 1908, 11; 'Autoists in Savannah,' *New York Times*, 17 March 1908, 8; 'Banquet at Thunderbolt,' *Atlanta Constitution*, 20 March 1908, p.5.

<sup>111</sup> 'Trophy Taken by Italian Car,' *Atlanta Constitution*, 20 March 1908, p.13.

native replied, 'No, but you can get one anywhere else.' At the races, the bars, in a nod to their solemn duty to entertain, were moved to the ground floors for easy access. It was estimated that 10,000 bottles of Pabst, Schlitz, and Budweiser were sold in two days. No one, including the 500 militiamen assigned to stations throughout the course, however, reported seeing Donlan's prohibition beer.<sup>112</sup>

To the utter consternation of prohibitionists, Georgia seemed to be willing to turn a blind eye to the situation in the 'state of Chatham.' As one anti had warned, the laws, even those enacted by the state, would have to be 'enforced through the courts and officials of each county.'<sup>113</sup> Savannah's solicitor general John Rouke could attest to the problems of enforcing the law. His job was an exercise in frustration. He complained that out of 30 arrests, only 15 went to trial. Of these, only one conviction resulted, because most of the jurors were opposed to the law.<sup>114</sup> In one incident, police arrested three men for breaking the prohibition law, claiming they had found whiskey during a raid, but the jury refused to believe the police and acquitted all three.<sup>115</sup>

Though the dries had expected Savannah to cause problems, the extent of recalcitrance within the city still surprised them. In the campaigns for state legislation, the dries had overwhelmed their largely disorganized opponents, who failed to establish any unified front and were forced into retreat with every prohibitionist onslaught. Ironically, once the dries had achieved statutory success, the state took on the role of enforcing the new laws; and from the state, power devolved further to county and municipal governments. Implementation on the ground was largely beyond their reach, and their power and influence perceptibly waned. While disorganization and division may have accounted for the failure to arrest the fire of prohibition as it consumed the nation from the State House to the White House, it became a significant asset in undermining enforcement. Because wets belonged to no overarching organization, distressed dries experienced significant difficulty in targeting specific individuals, groups, or other entities for redress. Therefore, they took aim at cities and city leaders as either the direct culprits or at the very least passively culpable in the continued open tap.

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<sup>112</sup> 'Everyone Ready for Auto Races,' *Atlanta Constitution*, 22 Nov 1908, C3; 'Savannah,' *Atlanta Constitution*, 27 Dec 1908, p.3.

<sup>113</sup> 'Local Option True Solution,' *Atlanta Constitution*, 15 July 1907, p.5.

<sup>114</sup> 'Drinking in Georgia,' *Washington Post*, 20 Sept 1908, p.4

<sup>115</sup> 'Accused Tigers All Acquitted,' *Savannah Morning News*, 17 July 1909, p.12.

In trying to compel local leaders to enforce prohibition laws, the dries discovered the limits of their organizational reach, for they could not simply go out and arrest those they believed to be breaking the law. They had no single comparable group, league, or coalition they could attack. Instead they had to work within the confines of local court systems and depend upon sympathetic officials to find and arrest the disparate perpetrators. The results were often disappointing and short-lived. For instance, in 1913, a group calling itself the 'Silent Legion,' introduced a new tactic to close Savannah's saloons. It threatened to bring public nuisance injunctions against all 400 establishments in Savannah; the group managed to get seven.<sup>116</sup> The next year, the ASL appointed a committee to 'make a special effort to enforce the law in Savannah.' The individuals visited various near-beer saloons and purchased whiskey in public. They presented their evidence to two different grand juries and even produced the liquor they had purchased. The grand juries, made up of locals, stubbornly refused to take action.<sup>117</sup>

Savannah's leaders, for their part, cared little about enforcing the letter of a law which most of their constituents opposed. Instead, they sought to maintain *de facto* control over an industry that existed in defiance of the state law. A primary method was the blind tiger raid, which achieved the city's real goals: regulating rather than prohibiting and collecting revenue rather than hindering sales. The method went something like this: On a set day, plain-clothes detectives would target 100 blind tigers. They would show up and tell the proprietors, 'See the chief at three o'clock.' The proprietors dutifully went to see the chief at three and posted \$100 bond. When the case was called, and they did not appear, they forfeited the bond, which then went into city coffers.<sup>118</sup> One headline in Atlanta quipped that this was how Savannah petted its tigers.<sup>119</sup>

Dries also discovered the weakness of relying on the state to coerce cities into compliance. The day-to-day bureaucracy of state government was a far cry from the legislative halls where they had dominated. To their utter frustration, the massive amount of evidence they collected and the petitions they presented did little to prompt the governor, who was charged with executing the laws of the state, to act. Nothing more clearly demonstrated this weakness than a 1909 clash between the city of Savannah and the state of Georgia over

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<sup>116</sup> 'Silent Legion Working to Make Holidays a Dry Time in Savannah,' *Atlanta Constitution*, 23 Dec 1913, p.9.

<sup>117</sup> Georgia Anti-Saloon League, *A Sidelight on Georgia: Prohibition in Savannah* (Virginia: s.n., 1914), pamphlet, 1 page.

<sup>118</sup> 'Savannah Raids Just 100 Tigers,' *Atlanta Constitution*, 5 Aug 1908, p.9.

<sup>119</sup> 'Savannah's Blind Tigers Being Petted by the City,' *Atlanta Constitution*, 8 Aug 1908, p.6.

payment of near-beer taxes. Though prohibitionists had lodged numerous complaints against Savannah's leaders, the governor chose not to intervene in what he considered a local political matter. That position changed drastically when Savannah's recalcitrance threatened to rob the state treasury of its taxes. Rather than pay the state's near-beer tax, Savannah's proprietors claimed that they had never sold near-beer. In December 1908, the Chatham County ordinary claimed there was 'no such thing as a manufacturer or a dealer' of near-beer in Savannah or Chatham County, quite an interesting claim since selling real beer was clearly illegal.<sup>120</sup>

As the state demanded its share of the taxes, Savannah's proprietors refused to budge. WCTU's Mary Armour charged that Savannah was in a 'state of anarchy.'<sup>121</sup> Reverend Len G. Broughton claimed Savannah was in open rebellion against the liquor law. The police did not make cases, grand juries did not indict, and courts did not pretend to convict. For him it was an outrage against the state.<sup>122</sup> However, both Mrs. Armour and Reverend Broughton found that the power they had wielded in convincing the General Assembly to pass prohibition legislation had little influence on state enforcement.

On 2 January 1909, a report from Rome, Georgia, based 'on undoubted authority,' alleged that, should Savannah continue its recalcitrance, Governor Smith planned to call out the militia and put the city under martial law.<sup>123</sup> Ministers crusading for prohibition certainly hoped for such a showdown. Backed into a corner, Smith quickly issued a denial, noting, 'I have no official information that the law is being violated in Savannah.' He went on to express his confidence that no 'officials of any county would permit an open violation of any law.'<sup>124</sup> For Smith to act, according to one observer, 'officials charged' with enforcing laws, not private citizens, had to request state assistance from the governor, as they had for the auto races. If the governor were really waiting on this request to enforce prohibition from the proper Savannah officials, he would 'not interfere in a long time.'<sup>125</sup> Ultimately, Governor Smith chose not to intervene, noting that he would leave enforcement to the city.<sup>126</sup> In part,

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<sup>120</sup> 'Savannah Cultivates a Taste,' *Atlanta Constitution*, 1 Feb 1909, p.4.

<sup>121</sup> 'Anarchy Rife in Savannah,' *Atlanta Constitution*, 4 Jan 1909, p.8.

<sup>122</sup> 'Savannah in Open Rebellion,' *Savannah Morning News*, 4 Jan 1909, p.1.

<sup>123</sup> 'No Martial Law for Savannah,' *Atlanta Constitution*, 3 Jan 1909; p.1; 'In Its Last Analysis—Local Option,' *Atlanta Constitution*, 5 Jan 1909, p.6.

<sup>124</sup> 'In Its Last Analysis—Local Option,' *Atlanta Constitution*, 5 Jan 1909, p.6; 'Savannah Able to Run Itself,' *Atlanta Constitution*, 7 Jan 1909, p.7.

<sup>125</sup> 'Savannah Able to Run Itself,' *Atlanta Constitution*, 7 Jan 1909, p.7.

<sup>126</sup> 'No Interference by Governor,' *Atlanta Constitution*, 10 Jan 1909, p.3.

this was because Chatham County launched its now-common raids and acquired the money to pay its near-beer tax.<sup>127</sup>

With the situation clearly in hand and Savannah's \$44,000 in near-beer taxes on its way to state coffers, the *Atlanta Constitution* published an editorial entitled 'The Danger of the Bayonet.' In response to a query regarding the governor's powers to declare martial law to enforce prohibition, the editor cited 'informed legal opinion' that the state executive was 'without power except in cases where local authorities admit their inability to cope with lawlessness, as in the case of a mob.'<sup>128</sup> Beyond the legality, however, was the more important matter of practicality. Using the example of 'northern bayonets' aimed at the South during Reconstruction, the editor noted, 'Experience teaches not only the futility but the danger in attempting to drive by force the minds of men.'<sup>129</sup> Regardless of the 'willful or unrestrained violation of a statute,' the state ultimately could not 'hope successfully to cope by force.'<sup>130</sup> The state's press found the situation a great deal more humorous than the frustrated dries. However, the near confrontation illustrated an important point, one that dries never seemed to grasp. Though legally creations of their states, cities had significant latitude in determining the degree to which they would enforce state-wide laws.

Stymied by wilful wets, Georgia's prohibitionists became fed up and resurrected the strategy that had proven successful in 1907: they returned to the legislature for more stringent measures. In the spring of 1915, prohibitionists once again set Georgia ablaze with their zeal for new legislation. One 'fervid Dry' legislator promised to make 'the smell of liquor illegal in Georgia.'<sup>131</sup> As ministers delivered fiery sermons on the evils of the liquor rings and flying squadrons held huge public rallies, the ASL kept its typewriters and stenographers busy around the clock pumping out 'educational' literature and developing new legislative proposals. Criticizing prohibition enforcement in Georgia as a 'farce,' prohibitionist leaders, fresh from their state convention held one day before the General Assembly convened, introduced three Bills.<sup>132</sup> The first called for legislation providing for the enforcement of the federal Webb-Kenyon Law, which aimed at restricting whiskey shipments from wet to dry states; the second sought the abolition of locker clubs; and the final demanded laws banning

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<sup>127</sup> 'Savannah Pays Near-beer Tax,' *Atlanta Constitution*, 12 Jan 1909, p.7. 'Savannah Tigers are Being Raided,' *Atlanta Constitution*, 22 Jan 1909, p.5.

<sup>128</sup> 'The Danger of the Bayonet,' *Atlanta Constitution*, 19 Jan 1909, p.6.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> 'Prohibition in Georgia,' *New York Times*, 17 Nov 1915, editorial, p.8.

<sup>132</sup> 'Prohibition Leaders Meet Here on June 22,' *Atlanta Constitution*, 30 May 1915, p.B14; 'Prohibition Leaders to Meet on Tuesday,' *Atlanta Constitution*, 30 June 1915, p.6.



newspapers from publishing liquor advertisements.<sup>133</sup> The measures easily passed the Senate, despite the efforts of Savannah's Alexander A. Lawrence, 'the only recognized anti-prohibitionist in the Georgia senate.'<sup>134</sup> When the House Committee on temperance divided over its report, and the House once again witnessed 'near fights, scrappy debates' and filibusters, Judge W. H. Hopkins, the prohibition leader in the House, 'let it be known' that he intended to 'force Governor [Nathaniel] Harris to call an extra session of the legislature' by 'throttling necessary legislation.'<sup>135</sup> Hopkins and his supporters made good on their threats and held up both pending railroad legislation and appropriation Bills.<sup>136</sup> Then as the term of the assembly expired, they 'sprang a surprise on the opposition by adjourning without adopting the appropriations Bill and several other measures that were important and imperative.'<sup>137</sup> The governor was therefore forced to call an extra session, which convened in November; this time, the prohibitionists had their way. The final Bill - the Stovall Bill - prohibited the 'manufacture or sale of any drink containing more than one-half of one per cent of alcohol,' thus ending the sale of near-beer.<sup>138</sup> Locker clubs, near-beer saloons, and breweries previously tolerated were to be shut down. This new law also restricted the monthly amount an individual could have shipped into the state.

At the time, no one doubted that 'the state of Chatham would remain wet.' Anyone would be able to get his 'morning's morning' just like before. The city's new mayor Richard Davant was supposedly quite friendly with Bacchus. However, by the time the law went in force in May 1916, Savannahians were no longer so confident of their wet status. In October 1915, Mayor Davant had journeyed to Millen to visit his beloved hunting dogs. And there, at the age of 50, he expired.<sup>139</sup> So it came to pass that Savannah had an accidental mayor - Wallace J.

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<sup>133</sup> 'Prohibition Forces Seek Drastic Action,' *Atlanta Constitution*, 23 June 1915, p.11; 'Senate Committee Asked to Abolish Clubs and Saloons,' *Atlanta Constitution*, 9 July 1915, p.1.

<sup>134</sup> 'Lawrence Filibusters Against Prohibition,' *Atlanta Constitution*, 27 July 1915, p.5.

<sup>135</sup> 'Bill Will Provide for Local Option,' *Atlanta Constitution*, 19 July 1915, p.1; 'Local Option Bill Arrives in House,' *Atlanta Constitution*, 21 July, 1915, p.7; 'Extra Session Seems Assured by Leader of the "Drys,"' *Atlanta Constitution*, 9 Aug, 1915, p.1; 'Throttling Legislation Laid to Prohibitionists by Leader of Their Wing,' *Atlanta Constitution*, 12 Aug 1915, p.1; 'Stormy Session of House Monday,' *Atlanta Constitution*, 3 Aug 1915, p.7; 'Governor Harris Expected to Appear Before Assembly,' *Atlanta Constitution*, 3 Aug 1915, p.1.

<sup>136</sup> 'Extra Session Seems Assured by Leader of the "Drys,"' *Atlanta Constitution*, 9 Aug 1915, p.1.

<sup>137</sup> 'Georgia To Be a Real Sahara,' *Evening Independent*, 2 Nov 1915, p.7. The *Evening Independent*, published in St. Petersburg, Florida and is available full text via Google News Archive, <http://news.google.com>.

<sup>138</sup> 'Prohibition,' *Atlanta Constitution*, 13 Nov 1915, p.8; 'Here Are Chief Provisions of the New Prohibition Bill,' *Atlanta Constitution*, 15 Nov 1915, p.3; 'Prohibition in Georgia,' *New York Times*, 17 Nov 1915, editorial, p.8.

<sup>139</sup> 'Major Davant Wins at Savannah,' *Atlanta Constitution*, 9 Dec 1914, p.16.

Pierpont, a native of Illinois and a newly-converted straight-out 'dyed-in-the-wool' prohibitionist.<sup>140</sup> In a public letter, Pierpont left no doubt about his position:

The state law prohibiting the sale of liquors in Georgia will be enforced in Savannah, just as it should be...I consider it my duty as mayor to enforce the law in every one of its provisions... I shall use my entire power as mayor and as the official head of the police department of the city to see that the law is obeyed... I shall further impress upon every member of the police department that he is personally responsible for the enforcement of the law.<sup>141</sup>

On 1 May 1916, Savannah reportedly 'entered upon the dry period calmly.' It is possible that everyone was sleeping in. The previous night, the revelry had lasted into the wee hours. However, there was no real danger that Savannah would be totally dry. People had been stocking up over the previous months. And for those last minute shoppers, what they could not consume, they took home in suitcases.<sup>142</sup>

Mayor Pierpont immediately demonstrated his determination to make Savannah dry. During the first week of May, the police raided over 100 grog shops, arrested the proprietors, and confiscated wagonloads of booze.<sup>143</sup> Over the subsequent months, the local paper filled its columns with news of successful raids on blind tigers.<sup>144</sup> The mayor also began cleaning his own house. He fired two city employees, including the fire inspector, for selling whiskey.<sup>145</sup> The situation in Savannah became so dire that the Hibernian Society of Savannah abandoned the customary banquet usually given on St. Patrick's Day. They decided a 'dry' (or wineless) banquet was not 'worthwhile.' As one despondent Hibernian complained, it 'would be a poor replica of past days.'<sup>146</sup> The gloomy mood reached northern newspapers, with one commenting that 'prohibition in Savannah has been about as popular as yellow fever in New Orleans.'<sup>147</sup>

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<sup>140</sup> 'Mayor Davant Dies Suddenly in Millen,' *Atlanta Constitution*, 10 Oct 1915, p.3; 'State of Chatham May be Dry After All,' *Atlanta Constitution*, 30 Dec 1915, p.7; 'Mr. Wallace J. Pierpont Elected Mayor Monday,' *Savannah Tribune*, 23 Oct, 1915, p.1; Council voted Pierpont as mayor. The *Savannah Tribune* is available on microfilm.

<sup>141</sup> 'Mayor of Savannah to Fasten Down Lid,' *Macon Telegraph*, 2 Jan 1916, p.9

<sup>142</sup> 'Road Houses Closed in Chatham County,' *Atlanta Constitution*, 1 May 1916, p.5.

<sup>143</sup> 'Does Not Anticipate Trouble in Making Savannah Dry City,' *Atlanta Constitution*, 2 Jan 1916, p.10; 'Mayor Declares Savannah Will Support Police,' *Atlanta Constitution*, 11 Jan 1916, p.10; 'Over 100 Grocery Shops Raided in Savannah,' *Atlanta Constitution*, 6 May 1916, p.4.

<sup>144</sup> 'Ten Barrels of Beer Seized in Savannah,' *Atlanta Constitution*, 16 May 1916, p.5.

<sup>145</sup> 'Mayor of Savannah Fires Employees as Whisky Sellers,' *Atlanta Constitution*, 28 May 1916, p.13.

<sup>146</sup> 'Wine and Women,' *Atlanta Constitution*, 31 Dec 1916, p.6.

<sup>147</sup> 'Savannah's Mayor,' *Hartford Courant*, 13 Jan 1916, p.8. The *Hartford Courant* is available electronically via Proquest Historical Newspapers; access is restricted to subscribing educational institutions.

After demonstrating his department's resolve to enforce the new law, the extremely optimistic police chief reported, 'We venture to say that the saloon has gone from Savannah and from Georgia forever.'<sup>148</sup> One young lady worried that the lack of alcohol would lead to a boring social season.<sup>149</sup> She need not have worried. The report of the subsequent year was less optimistic. The chief complained of 'determined opposition' and 'persistent violations' by numerous citizens of all classes.<sup>150</sup> Given his own penchant for enjoying a drink at the beer garden and purchasing wine at his club, Pierpont's hypocrisy riled Savannahians. Worse, they faced four years of rule by this appointed executive. Following Davant's death, the Chatham County delegation introduced a Bill to amend the charter of the city to reduce the mayor's term from four to two years. Generally, custom dictated that when the local delegation unanimously backed local Bills, the General Assembly passed them 'out of courtesy.' However, in this instance, prohibitionist forces determined to quash the effort. Pierpont, who clearly wanted to hold on to his new position, began meeting with the dries and rightly claimed that the Bill was due to his enforcement of prohibition in Savannah.<sup>151</sup> In an attempt to demonstrate the issue was about democracy and local choice rather than prohibition, the entire Chatham County delegation offered to resign if Pierpont would also resign and stand for election for mayor by the people of Savannah rather than the 12-member council which had put him in office; Pierpont refused.<sup>152</sup> By the time the legislature met in July 1916, prohibitionists defeated the Bill and prevented the people of Savannah from electing their mayor.<sup>153</sup>

As Savannah attempted to throw off the yoke of its prohibitionist mayor, the ASL was in the midst of its great campaign to convince the U.S. Congress to pass a constitutional amendment to clamp the lid tightly on the nation. Simple legislation would not do, for a future majority could overturn it.<sup>154</sup> Though it required a supermajority, going after a constitutional amendment meant playing to their strengths: influencing the votes of congressmen and

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<sup>148</sup> City of Savannah Municipal Report, 1917.

<sup>149</sup> John Laffiteau Sutlive Papers, MS 914, Georgia Historical Society, Savannah, Georgia.

<sup>150</sup> City of Savannah Municipal Report, 1917.

<sup>151</sup> 'Mayor of Savannah and Felder Confer,' *Atlanta Constitution*, 13 Jan 1916, p.4.

<sup>152</sup> 'Shelby Myrick Makes Reply to R. J. Travis,' *Atlanta Constitution*, 7 March 1916, p.3.

<sup>153</sup> 'Committee Favors Vote By Savannah on Mayor's Recall,' *Atlanta Constitution*, 6 July 1916, p.1; 'Another Point Won by the Recallers in Savannah Fight,' *Atlanta Constitution*, 25 July 1916, p.1; '1916 Legislation Compares Favorably,' *Atlanta Constitution*, 18 Aug 1916, p.6. There was no doubt on either side of the issue that Savannah would vote wet. In attempting to make the charter amendment a state rather than local issue, the city attorney and Pierpont supporter R. J. Travis warned that the result of a popular election would be a defeat for Pierpont. 'Mayor of Savannah and Felder Confer,' *Atlanta Constitution*, 13 Jan 1916, p.4.

<sup>154</sup> Kyvig, *Explicit and Authentic Acts*, p.221.

lobbying state legislatures, areas where they had already been tremendously successful. Furthermore, never had a constitutional amendment been repealed.

With surprising swiftness, by the end of 1917 the prohibitionists achieved success. This set in motion a process remarkably similar to the events a decade earlier in Georgia. Prohibitionists had rejected all efforts to submit ratification to a popular vote. Though David Kyvig notes that the ratification process was the same for all previous amendments, by this point, at all levels of government, the drift was towards mass democracy. Manifestation of this trend included the widespread adoption of the initiative, referendum, and recall, which the ASL had opposed, not to mention the passage of the Seventeenth Amendment, providing for the direct election of U.S. Senators.<sup>155</sup> Prohibitionist refusal to submit the new amendment to a popular vote via state constitutional conventions lent further credence to the argument that they sought to subvert democracy. As a result, in most states, the people had little direct say in the ratification decisions of their rurally-dominated legislatures, for their legislators had not been elected on the issue.<sup>156</sup> In a context of progressive optimism fused with wartime emotion, not to mention the by-now-powerful prohibition lobby, the federal government enshrined prohibition into the Constitution as the Eighteenth Amendment. Prohibitionists greeted the passage of the Eighteenth Amendment with the belief they had finally achieved success in their war against the evils of intoxication.

By January 1920, when the nation began its own 13-year drought, Savannah's voters had managed to dispatch the dry Mr. Pierpont and replace him with Mayor Murray Stewart.<sup>157</sup> The new mayor appeared to enjoy making a sport out of infuriating state and federal officials. For the first two years of the decade, enforcement agents and their superiors seemed to exert more energy in public quarrels with Stewart than in executing the law. This may have been his intent. He was certainly not in sympathy with what he called 'an unpopular law forced on the people without their consent.'<sup>158</sup> He noted that 'years ago no one would have dared violate a Federal law. Now what community from Maine to Florida, Georgia to

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<sup>155</sup> C. Hoebeker, *The Road to Mass Democracy: Original Intent and the Seventeenth Amendment* (New Brunswick: Transaction Publishers, 1995), p.3.

<sup>156</sup> Robert M. Hardaway, *No Price Too High: Victimless Crimes and the Ninth Amendment* (Westport: Greenwood Publishing Group, 2003), p.76.

<sup>157</sup> 'Murray Stewart Wins for Mayor,' *Columbus Ledger*, 11 Dec 1918, p.1. The *Columbus Ledger* has been digitized by the Digital Library of Georgia and can be accessed at <http://dlg.galileo.usg.edu/MediaTypes/Newspapers.html>.

<sup>158</sup> 'Hopeless Fight Against Liquor,' *Macon Telegraph*, 10 October 1920, p.3.

California, but has a perfect contempt for the Federal and State prohibition laws?' Now, the 'law has made criminals and liars of our best people.'<sup>159</sup>

The federal government soon experienced the same difficulty Governor Smith had faced nearly 15 years prior. While technically under the power of the states, cities failed to receive a single mention in the U.S. Constitution. The concurrent nature of the Eighteenth Amendment and subsequently the Volstead Act implied that the national government expected the state governments to 'take the lead' in actual enforcement.<sup>160</sup> Though the argument has been made that state legislatures expected to devolve the bulk of this power on the local governments, none but the most blindly optimistic Georgians could have expected this system of enforcement to work.<sup>161</sup>

While Stewart demanded the state take action to stop the liquor traffic in Savannah, Governor Hugh Dorsey countered that it was the mayor's job to carry out the letter of the law. Short of calling out the militia, Dorsey claimed he was powerless.<sup>162</sup> Facing little pressure from the governor, Mayor Stewart, in his dealings with federal agents, became even more mulish. Jesse M. Mercer, Georgia's assistant federal prohibition enforcement officer, targeted Savannah as a major problem. He claimed that whiskey was being openly sold in saloons in Savannah and that policemen were 'winking at such sales.'<sup>163</sup> Stewart demanded that 'Old Man Mercer' come to Savannah, provide specific names, and make the charges in person to the city's police force; he then taunted the agent, asserting that Mercer would never show his face in Savannah.<sup>164</sup> Mercer, who claimed to have helped tame the Indians in the 'wild and wooly' West, was made of sterner stuff. He arrived in Savannah unannounced. Stewart, not knowing of Mercer's arrival, was out on the river on a hunting trip. No one bothered to inform Mercer, so he wasted an entire day going from office to office hunting for the mayor.<sup>165</sup>

The next day, when the two met along with Stewart's handpicked men from the city's police force, the exchange was rather heated. Although it was a private meeting, Mercer could be heard yelling through the door. Mercer emerged from the meeting annoyed. He had wanted

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<sup>159</sup> 'Hopeless Fight Against Liquor,' *Macon Telegraph*, 10 October 1920, p.3.

<sup>160</sup> Hamm, *Shaping the Eighteenth Amendment*, p.267.

<sup>161</sup> Cashman, *Prohibition: The Lie of the Land*, p.17.

<sup>162</sup> Gaant Will Pay Chatham a Visit,' *Macon Telegraph*, 6 Nov 1920, p.7.

<sup>163</sup> 'Governor Tells of Action Taken in Savannah Case,' *Atlanta Constitution*, 27 October 1920, p.1.

<sup>164</sup> Savannah Mayor Attacks Mercer on Booze Charges,' *Atlanta Constitution*, 15 October 1920, p.7.

<sup>165</sup> 'There Was Not Even a Peel of Thunder When Mercer Hit Savannah,' *Macon Telegraph*, 2 Jan 1921, p.1.

the meeting to be public with the entire police force present. He called Stewart's high-handed tactics 'small, if not cowardly.'<sup>166</sup> While in Savannah, Mercer was quite willing, eager even, to give interviews to reporters. In one such interview, he charged both Savannah and Chatham County police with being 'in the employ of the bootlegging fraternity.'<sup>167</sup> The situation, as Mercer saw it, was not only an embarrassment to the city, but extremely volatile. He candidly stated, 'So thoroughly organized is the liquor ring in Savannah that I honestly believe they would not stop at murder. The condition in Savannah is dangerous—understand? Dangerous.'<sup>168</sup> These stories, not to mention the sensational headlines like, 'Mercer calls Mayor Stewart Cowardly,' got the attention of Mercer's superior.

Major James A. Fort, prohibition director for Georgia, backed his agent. He proclaimed Stewart a failure, noting that his antics were a poor attempt at covering up the real conditions in Savannah.<sup>169</sup> Stewart, undaunted, called Major Fort out as an 'unmitigated liar' and charged federal agents with being on the take.<sup>170</sup> Agents charged with enforcing the law found themselves stymied. Individuals, often men of 'influence and prominence,' always knew when raids were coming. D.J. Gantt, another federal prohibition agent, discovered that the liquor men were able to 'reach an average of one man in every twelve that he hired to assist him.'<sup>171</sup> Whiskey agents kept better tabs on government agents than vice versa. They even tapped telegraph lines between Savannah and Atlanta!

The high profile war of words and name calling focused probably unwanted attention on Savannah, but the bootleggers seemed to have no problem adapting. Ships, usually British, sailing from the Caribbean, would arrive once or twice a week carrying anywhere from 200 to 2,500 cases of liquor. They unloaded their cargo on the islands in the numerous rivers and creeks around Savannah.<sup>172</sup> They used launches big and small, automobiles, rail cars, and even planes. While some runners transported liquor in loaded Cadillacs, others used oil trucks. These were particularly common for shipments from Savannah to Florida. These

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<sup>166</sup> 'Mayor of Savannah and Prohi Officer Hold Conference,' *Atlanta Constitution*, 4 Jan 1921, p.4; 'Mercer and Stewart Hold Hot Verbal Fight,' *Columbus Enquirer Sun*, 5 Jan 1921, p.2. The *Columbus Enquirer Sun* has been digitized by the Digital Library of Georgia and can be accessed at <http://dlg.galileo.usg.edu/MediaTypes/Newspapers.html>.

<sup>167</sup> 'Short and Ugly Word is Passed,' *Atlanta Constitution*, 7 Jan 1921, p.1.

<sup>168</sup> 'Savannah Liquor Ring Would Stop at Nothing,' *Columbus Enquirer Sun*, 6 Jan 1921, p.2

<sup>169</sup> 'Savannah Mayor Called Failure,' *Macon Telegraph*, 8 Jan 1921, p.10.

<sup>170</sup> 'Short and Ugly Word is Passed,' *Atlanta Constitution*, 7 Jan 1921, p.1.

<sup>171</sup> 'Bootleggers Bribing Prohibition Agents,' *Columbus Enquirer Sun*, 11 Jan 1921, p.1.

<sup>172</sup> 'Georgia Prohibition Agents Unable to Cope with Coast Rum Runners,' *Columbus Ledger Enquirer*, 22 Feb 1924, p.1.

trucks were painted brightly as oil trucks while the interiors were nicely padded for the cargo.<sup>173</sup>

Every so often, news would break that federal agents had made successful raids and note the amount of booze captured or stills destroyed. No doubt agents were successful at times. A group of undercover agents worked several months checking out various locations and buying whiskey before launching successful, simultaneous raids on the outskirts of the city.<sup>174</sup> In one such raid, they discovered so much equipment that they had to call in reinforcements to help destroy it.<sup>175</sup> Agents finally discovered and arrested W. C. Codman, Jr., member of a prominent Boston Back Bay family. It seems Codman had been living as a very comfortable gentleman farmer in Savannah. He was caught shipping liquor via the railroad bound for Chicago; his crates were labelled and billed as sweet potatoes.<sup>176</sup>

However, for the most part, as soon as agents figured out one scheme, the bootleggers developed another. Some spectacular chases were to be had, on land and at sea. In late December 1923, the U.S. Boat *Tybee*, carrying local and federal prohibition agents, chased several 'fast liquor boats' all the way to Fernandina, Florida. The *Tybee* opened fire but could not catch them.<sup>177</sup> One of the interesting aspects about Savannah during national prohibition as opposed to state prohibition was not so much the level of consumption within the city; rather, it was the use of the city as a major distributing hub. By the mid-1920s, Savannah had become the 'bottle neck of Georgia.' It had extended its scope to Winston-Salem, Philadelphia, Raleigh, St. Louis, Boston, and New York.<sup>178</sup> Savannahians, having had over a decade of practice at evading state laws, now managed to export the fruits of their hard-earned experience.

## Conclusion

In celebrating their success at the national level, prohibitionists failed to register two important weaknesses which eventually doomed their efforts. First, their sophisticated lobbying efforts at all levels achieved success due to the degree to which they were able to organize and direct their forces towards specific political objectives. Once these objectives

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<sup>173</sup> 'Liquor Found Outside Savannah,' *Savannah Morning News*, 14 Dec 1924, p.8.

<sup>174</sup> 'Dry Agents State Series of Raids,' *Savannah Morning News*, 2 July 1924, p.16.

<sup>175</sup> 'Stills Destroyed on LaRoche Avenue,' *Savannah Morning News*, 10 July 1924, p.14.

<sup>176</sup> 'W.C. Codman Jr. Taken as Liquor Smuggler; Member of Boston Family Accused in Savannah of Shipping Whisky as Sweet Potatoes,' *New York Times*, 7 Sept 1922, p.3.

<sup>177</sup> 'Liquor Boats are Chased by Tybee,' *Savannah Morning News*, 1 Jan 1924, p.9.

<sup>178</sup> 'Savannah Liquor Runners Routed by U.S. Officials,' *Atlanta Constitution*, 26 Feb 1922, p.7.

had been achieved, however, the power of these organizational structures declined precipitously. Enforcement, under the purview of local officials, remained largely beyond the reach of the prohibitionists.

Wets, on the other hand, failed to effect any sustained organized opposition. In Savannah, as in other urban areas, this municipal insurgency had no leaders. From mayors who pretended enforcement or openly defied enforcement, to daily resistance by citizens of all classes, from the individual patronizing a favoured grog shop under the accepting watch of the police, to men of 'influence and prominence' who kept their lockers at their clubs, to the telegrapher on the take, to the truck driver with his padded cargo, individual wets of various stripes and motivations made the choice to defy the law. People in Savannah and across the nation proved willing to act against the law whether it be in the form of a state or a national statute.

Finally prohibitionists never solved the puzzle of implementation and enforcement. Despite their sophisticated political lobbying efforts, including the navigation of the treacherous two-party system, they did not understand the finer points of either the federal relationship between the national and state governments or, more importantly, that of the state governments to their local units. Though legally and constitutionally the weakest of the entities, in practice, cities like Savannah demonstrated the significant degree to which they could rule themselves — in concert with or in defiance of the higher levels of government. As *Christian Science Monitor* noted, Savannah was 'a law unto herself,' and she was dripping wet.<sup>179</sup>

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<sup>179</sup>'Savannah to Go on 'Dry' List in May, Says Mayor,' *Christian Science Monitor*, 22 Jan 1916, p.8. The *Christian Science Monitor* is available electronically via Proquest Historical Newspapers; access is restricted to subscribing educational institutions.