

Prohibition

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# Introduction

A legal act which forbids the production, exchange, and consumption of a product is a legal prohibition. The most famous prohibition act was the 18th Amendment to the United States Constitution. Prohibitions are usually not completely effective as the government is trying to restrain free market trade from occurring. Economists know that where there is a demand for a good or service some entrepreneur will attempt to meet that demand with supply.

# Before Prohibition

Alcohol has been embedded in the social history of the United States since before its birth. During colonial times there were hardly any alcohol laws. Drinking during the work day was considered normal and even necessary. Some towns rang the church bells during the afternoon to signal to laborers to break from their work and rest with a beer. It is important to note that drunkenness was seen as a weakness of character and sinful behavior. In many of these small colonial towns drunks were quick to pick up a reputation and slow to lose it. These societal pressures kept many from indulging too far. A common law during these times pertaining to the sale of alcohol was that no one was to purchase alcohol for Indians, slaves, servants, and apprentices. All but the Indians were seen as belonging to someone else so it was not fit for them to have such benefits. The North American fur trade ran on alcohol and other goods being traded with the Indians in exchange for a wide variety of pelts to be shipped back to Europe. No trader was going to give up highly lucrative trade opportunities because of that small law which was so difficult to enforce in the wilderness of the western colonies. So the law went mostly ignored. This is an early example of a prohibition law which failed miserably. Harvard even had its own distillery and President Eaton lost his job when the still didn’t provide enough for the students.

Georgia tried a temperance law in 1735 which was set up to encourage abstinence from distilled spirits and instead encourage people to drink beer. This may seem unusual to our modern attitude towards drinking but remember in the colonies it was a weakness to show drunkenness. Distilled spirits in those days were seen as more likely to ensnare good Christian men into becoming drunks. Beer would never have entered their mind as on the same level as distilled spirits they still saw beer as completely separate. This attitude in one form or another has had its effects all throughout American history. Legislation, even today, has almost always distinguished a very noticeable difference between how much the public will accept regulation on beer compared to distilled spirits. The portion of Georgia’s law regulating transport, sale, and consumption of distilled spirits was a complete failure. During the research for this paper no records of anyone being convicted under this law were uncovered. There were a number of arrests but no jury would convict under this crime. Georgia’s law was not wholly ineffective. German immigrants were quite pleased with the subsidy this law provided to beer brewers. This is yet another early example of the government trying a prohibition against a widely accepted practice and finding no benefit only further distaste with politicians and higher government expenditures.

While beer was widely accepted due to its low ABV the colonies were quickly developing a taste for rum. By 1770 there were 140 rum distilleries mostly based around Boston. They produced 4.8 million gallons annually and another 3.78 million gallons were imported from the Caribbean. New England rum became so famous that there was a highly profitable “Triangle Trade” that built up between New England, African slavers, and Caribbean sugar plantations. New England rum was purchased by slavers who would then purchase slaves in Africa with the rum. Then they would transport the slaves to the Caribbean where they would be sold to sugar plantation owners. The sugar plantation owners would sell sugar up to New England where it would be used in rum production. While more expensive than beer domestic rum sold for approximately 1 shilling 8 pence while better Caribbean rum cost 2 shilling 5 pence. In the 1770s the average American adult drank approximately 3 pints of rum weekly.

Following the American Revolution “King Rum” was quickly losing market share to the new patriotic drink of the day, American homegrown whiskey. It also helped the Royal Navy was working on blockading many of the new nation’s shipping lanes asserting their dominance of the high seas. The abundance of grain in Kentucky gave birth to this new whiskey craze. Even George Washington, father of the nation, was one of the nation’s largest distillers of whiskey producing over 11,000 gallons in 1799 alone. Today for tourism purposes the distillery still operates and produces a few bottles for tourists to purchase. A Virginia politician once joked that Washington’s distillery could have quite the slogan with “First in war, first in peace, and first with a good libation”. Many of the founding fathers were engaged in this profitable trade. Of course we think of Samuel Adams and his Sons of Liberty but John Hancock often smuggled wine and Patrick Henry was a bartender for a time and as governor of Virginia would serve his own homebrew to his most honored guests. By the end of the century per capita alcohol consumption was approximately 34 gallons of beer, 5 gallons of spirits, and 1 gallon of wine per annum.

The Early 1800s were a time of revival and a changing in American attitudes. Religious revival movements of the 1820s and 1830s were preaching that in order for Jesus to return the earth need to be prepared. This perfect earth did not include drunks or degenerates. Northern Baptists, Congregationalists, Methodists, and Presbyterians grasped this idea and ran with it all throughout the Northeast. Many societies to help people also sprung up during this era. The Washingtonians were the Alcoholics Anonymous of the early 1800s. Membership swelled during this period, of course this was all voluntary, and they cautioned people on the dangers of alcohol. Benjamin Rush, one of the founding fathers, was the first to purport that alcoholism was a disease and not simply a failure of will. He encouraged his patients that the only cure was abstinence, “Taste not, Handle not” was his advice. These were the first steps of a national temperance movement. They educated people and encouraged them to join temperance societies. But when immigrants, heavy drinkers, those opposed to the temperance movement for one reason or another didn’t join temperance leaders moved towards coercive strategies. Most of these were modeled after the Maine Laws which were passed in 1851. These were headed up by Neal Dow a temperance activist and mayor of Portland, Maine. He banned all sale of alcohol except for medicinal or manufacturing purposes. 12 states had adopted these laws by 1855 although a few years later all of these were struck down by the State Supreme Courts, this was mainly due to a provision in most of them which violated the fourth amendment (illegal search and seizure). Maine’s was repealed in 1856 after a riot when Neal Dow became suspect for profiting from the Maine Laws. He ordered the militia to fire into the crowd and several people were killed. This made national news and the temperance movement took a backseat to the more pressing issue of slavery until the Civil War was over.

During the Civil War the temperance groups and the abolitionist groups often had strong overlapping membership and when the issue of slavery was generally solved after the Civil War these activists returned to the temperance movement with their new friends and great vigor after their “victory” in the Civil War. During this Self-Help Era Progressives believed that good character, like sobriety, led to good habits (not wasting money on alcohol), which of course led to success. If you were unsuccessful you should reexamine your habits or if you are perfect just wait because your work will pay off, it always does. One newspaper characterized Progressives this way “Am I my brother’s keeper? Yes said the Progressives enthusiastically”.

There was another idea that was taking hold in the business community that benefited the temperance movement greatly. Businessmen, titans of industry, believed that industrial progress would bring us to a Utopia. Inefficiency would slow progress so we must do everything to make industry more efficient. A drunk worker was prone to accidents and poor workmanship therefore they had to be done away with in one way or another. Railroads were the leader in safety as one small accident could result in a great deal of property damage or loss of life. By the beginning of the 1890s roughly 50% of companies said no drinking on the job and they were firing drunks left and right. Railroad companies would not put repair shops in towns with saloons. The Pennsylvania Railroad spied on its employees as many as six times a year using private investigators to see if any worker was a regular drinker. Some companies banned drinking even off hours and you could be fired on the spot if you were seen at a saloon. This was also the time when the first workman’s compensation claims were being filed which led to businesses trying to reduce the potential liability. Doctors began writing in journals about the dangers of alcohol more frequently and some even went on to claim that the modern businessman should be more worried about a moderate drinker rather than the drunk because one could never tell the level of a moderate drinker’s impairment. Manufacturing companies usually lagged behind railroads in safety 23% banned on the job drinking by the end of the 1890s and hardly any regulated off hours consumption. Mining was always the furthest behind only 26% had any rules on drinking at all. This was usually due to the caliber of worker they attracted and the distance of their worksites from usual distractions that other industries offered. The post-Civil War period was also when unions began to form. Unions were one of the most powerful temperance forces. They argued to their fellow workers that they could not fight for better working conditions or wages if the business owner was worried about avoidable accidents involving alcohol. Some socialist organizers went as far as to argue that anyone who drank was a friend of the bourgeoisie and holding all of his fellow men down, preventing them from getting organized and working together. Union healthcare plans were cheaper if the members were temperate.

It might be useful at this time to recognize what the differences between a bar today and a saloon during the time of the 1890s. The Industrial Revolution was in full swing, mass immigration made city populations swell, there was a swath of languages and people groups all in a very new environment. The saloon was the answer to all of their confusion. Immigrants often tend to settle in neighborhoods where they know other relatives or family friends live. This led to neighborhoods such as Little Italy and Chinatown in Manhattan or the Irish population in Queens, NY. The saloon was the neighborhoods social hub as much as the local church was on Sunday. At the saloon you could find newspapers from your home country or even local papers printed in your language. You could hear all the neighborhood gossip, collect your mail, vote, join a union, pay rent, take out small loans, or meet up with friends after work and converse in your native language. At bars today the main reason to go is to consume alcohol but in those days you might be doing a dozen other things while you were there. It was a slice of home in a strange land. In those days the saloon was also usually owned by a beer company and operated by a local. The brewery would pay for the glasses, the sign, the stools, spittoons, the tables, anything and everything that the bartender would need. They operated under the condition that only that brewer’s beer would be served there. This led to an interesting economic structure of a beer company monopolizing in a very local area such as a neighborhood while freely competing overall with other brewers. It was these institutions that temperance organizers would blockade the doors of and organize gospel choirs in front of, shaming all who went in. One woman, a radical member of the Women’s Christian Temperance Union (WCTU), Carrie Nation went around with a hatchet and smashed bars windows, tabletops, glassware.

# Prohibition

The arguments against Prohibition were rapidly overwhelmed by the sheer volume of temperance coverage and so were generally ignored by people. Prohibition seemed inevitable so people began preparing. States around the nation adopted some form of alcohol prohibition laws. Many people purchased personal stills for home alcohol production. New York City’s mayor circulated wine making instructions in the months leading up to Prohibition taking effect. The adoption of the 18th Amendment and the passage of the Volstead Act outlawed prohibited the manufacture, sale, and transport intoxicating beverages. Alcohol was only to be used for scientific research, religious purposes, and production purposes. During the first five years of Prohibition California grape producers saw orders rise 700% so either the American population suddenly had a massive spiritual reaction to the Volstead Act or law breaking was afoot. To start off this national prohibition on a national product just 1,500 men were hired as Prohibition officers. They were tasked with enforcing this law on roughly 106 million people. They were hardly assisted by local law enforcement as most who took law enforcement jobs were immigrants, usually Irish. So not only were they from a culture where they believed things like alcohol consumption were completely normal if not encouraged, they were also often underpaid, understaffed, and really completely unmotivated to arrest their friends and family. There were over 7,000 arrests in NYC between 1921 and 1923 citing the Volstead Act. There were only 27 convictions, the public obviously was reluctant to offer their support when the police actually did make arrests. Some towns were so convinced that Prohibition would lower crime that they sold off their jails. Federal funding for law enforcement had to jump from $2.2 million in 1920 to $12 million in 1929. Not to mention the federal prison population jumped from 3,000 to 12,000 and two-thirds of these were for alcohol or drug related offences. The national murder rate also consistently rose year-to-year during Prohibition.

Cities especially in the Northeast were quite “wet”. It is said by some historians that they believe the number of saloons actually rose after the 18th Amendment. New York City had roughly 30,000 speakeasies all of which were collecting revenue and not giving a dime back to the government. To put this number in comparison the current number of alcohol vendors in the city is 46,000. It is quite incredible for a city that had a third less of a population as today. Consumption dropped among the poor who were too poor to afford the alcohol prices now. Eager to show they had class and money consumption increased for the middle class. Al Capone controlled at least 10,000 speakeasies in Chicago netting him over $6 million a year personally which compared to the average factory worker of his day who made only $1,000 is staggering. General disrespect and distrust of the law enforcement rose dramatically during this period. Before Prohibition law breaking was widely accepted as bad. No one defended a thief, murderer, or cheat. But Prohibition changed that, the government could now enact laws that turned nearly every person in the nation into a criminal. Cities were not the only place to get a drink though. Appalachia became famous for moonshine. Even today many engage in it almost as a family tradition. Gangsters would often hideout in these towns when “Prohies” were after them. Wilkes County, NC, which is to this day a dry county, is known as the moonshining capital of the world. Supposedly you can purchase a gallon of moonshine in rural Virginia for $5 and there is at least 1.5 million gallons produced annually. Moonshining became so widely accepted and well known that even today some legal producers try to project the image of being tied to moonshining roots.

Prohibition was the beginning of the first coordination between local crime kings on a national level. These “entreprenuers” saw a demand was present and that one could become highly profitable by working in this market. Naturally entreprenuers are drawn to situations like these. They made agreements about territories, formed cartels, and learned how to battle the police while winning the public over. Historians say that organized crime only had a small foothold in America before Prohibition. But one historian called Prohibition graduate school for crime. Suddenly they all were getting their MBAs and they were very good. Corruption was widespread during Prohibition and men like Nucky Thompson, Arnold Rothstein, Al Capone, George Remus, and Johnny Torrio were all infamous for their crime networks. Along the East Coast off Long Island Sound was Rum Row. Three miles off the coast where the Coast Guard lost jurisdiction bootleggers unloaded rum into speedboats and sent them in batches to outrun the Coast Guard with their prize. Stock car racing originated with criminals showing off at how well they could drive and escape capture. There is a lot of American culture that originated in the Prohibition era. None of it was the utopia that was imagined by the WCTU or the Anti-Saloon League.

# Economics

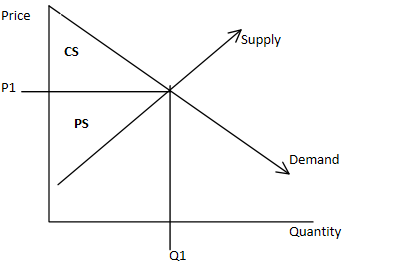
What did economists have to say about all this? Economists at the time were still organizing their profession. Many organized under the American Economic Association, founded in 1890 by Richard Ely. It was a German Historical School and according to Mark Thornton most of its members were raised in “puriticanical households of postmillennialist pietism”. The most prominent economist of the day, Irving Fisher, was also the biggest supporter of national prohibition of alcohol. He held to the theory that many today hold about marijuana, alcohol is a gateway to self-destruction. He held a very evolution based economic view. He believed that those who were non-drinkers would naturally rise above drinkers to such a level that either the drinkers would be eliminated from society through a means of natural selection or would renounce their ways and try to get on the right path. He made this bold prediction in 1926:

“Prohibition is here to stay. If not enforced, its blessing will speedily turn into a curse. There is no time to lose. Although things are much better than before Prohibition, with the possible exception of disrespect for the law, they may not stay so. Enforcement will cure disrespect for law and other evils complained of, as well as greatly augment the good. American Prohibition will go down in history as ushering in a new era in the world, in which the accomplishment of this nation will take pride in forever.”

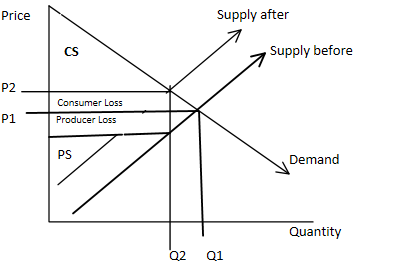
Irving Fisher saw no gradual scale of alcohol consumption either one was firmly in with him for Prohibition or one was a degenerate drinker who society should do everything in its power to separate from for the benefit of everyone. Fisher also argued that alcohol was a natural extent of the division of labor one that humanity should not follow down. He believed that extending this portion of the division of labor would lead humanity to destruction and force other areas of the capital structure to become underdeveloped. This was the economic voice for Prohibition. Other echoed him, arguing that if liquor money moved to “productive areas” of the economy the $1.8 billion in expenditures could drive the economy upward rather than towards destruction. They also argued that drinkers were a social burden. If alcohol consumption dropped, they argued, revenues needed for hospitals, orphanages, and jails would drop and therefore so would taxes. But we saw this was not the case earlier, crime rose, taxes rose (ex. New York before prohibition collected 75% of its revenues from alcohol taxes that vanished overnight). The cost to enforce Prohibition is estimated at approximately $300 million and it’s estimated the federal government lost over $11 billion in taxes.

Prohibition hurts both consumers and producers, theoretically it is set up worse than a price control. In Rothbard’s “Power and Market” he states injury “to the consumers, who lose utility because they cannot purchase the product and satisfy their most urgent wants; and to the producers, who are prevented from earning a higher remuneration in this field and must therefore be content with lower earnings elsewhere”. Price controls at least only help one at the expense of the other. Prohibition takes from both and the only benefactor is the politician who can create public enforcement jobs and can control more tax dollars which he can direct as he wishes for enforcement. Rothbard also talks in general about black markets. He says that due to their nature of being illegal, they are far less efficient as they cannot operate openly and have trouble with supply and connecting with consumers. In cases of absolute prohibition it is harder for there to be competition among sellers and there is more likely to be a monopolistic black market seller. This was seen during Prohibition how one crime kingpin was usually running the entire city, and Prohibition was quite openly defied.

It is helpful to consider the NeoClassical Marshallian Supply and Demand Theory to see just how this impacted consumer and producer. This is the graph of the market before prohibition:



As we can see in a free market this product will find equilibrium between supply and demand. The area represented by the letters CS (above the market price and below the demand curve) is called the Consumer Surplus. Consumer Surplus is the difference in the absolute maximum price a consumer is willing to pay and the price that the market is demanding, it is good for the consumer if this grows. Producer Surplus, PS, is exactly the opposite. Producer Surplus, represented as below the market price and above the supply curve, is the difference between what the producer is willing to sell for and the price he is able to get on the market for his good. Prohibition, we said, hurts both the consumer and the producer. The following graph illustrates why that is:



As we can see on the graph supply is reduced due to the nature of a prohibition of a good. This new market price of P2 is higher than P1 due to the product becoming scarcer we can also see that Q1 is lower than Q1 also due to this scarcity. The difference between the two graphs is shown by the Consumer Loss and Producer Loss boxes. As we can see both have been reduced by the prohibition policy, it is also important to notice the two triangles at the far right end of the Consumer and Producer Loss boxes, this is dead weight loss. Dead weight loss benefits no one, it is lost economic efficiency due to this new policy.

The government will of course have to enforce this policy through force as it is trying to prevent free trade from taking place that otherwise would. When analyzing public policies it is often useful to consider the opportunity cost for the government. The government will be diverting revenue away from other public services such as orphanages, hospitals, national defense, and national improvements. They will be using these revenues to try and prevent productive economic action from taking place which will seemingly always find a way to get around government enforcement.

Rothbard makes a great argument against government enforced morality in “Power and Market”. Applied to the temperance movement it would look something like this: a majority in the state believe drinking is immoral, they try to tell people but some still choose the “immoral” choice time and time again, they resort to coercion, choice is now agree demands not to engage in a certain behavior or face punishment. It no longer becomes the choice of whether or not to engage in the immoral behavior alone, there is the added force behind the state’s opinion of what you should do. This does not make people moral, it might make the streets look pretty if they are all locked in jail but it does not make them moral in fact he now loses the ability to be moral as he no longer is making the choice for himself. Rothbard also purports that once the state begins to push one part of morality it will find itself dictating all areas of morality. He says this “dictatorship over a consumers’ choices, then, can only *atrophy* morality rather than promote it”. Morality can only spread peacefully through dialogue. Furthermore, it should be noted that statists are unrealistic when attempting to enforce morality. They are implying the have the belief that if they are able to regulate people into becoming angels which is utterly ridiculous. If that was true we wouldn’t even need to experiment with different laws we could just look to see if a child ever misbehaves from their mother’s instruction. Free market proponents accept the fact that men can be evil and leaves it to him to decide how to conduct himself when considering how his fellow man will respond to his actions.

Looking back with perfect hindsight we can see that Prohibition was doomed from the start. Drinking was so widespread in a country so massive and it was so socially accepted that it seems ridiculous that the government would respond to the temperance pressure groups will. The demand for the good didn’t disappear overnight and in an industry with profit margins like alcohol has there is no way you can keep people from wanting to get engaged in meeting that demand. We can see many similarities with the United States’ current war on drugs.

# Drug Prohibition and Further Research Areas

The United States mostly ignored the drug market which was quite small prior to the Civil War. The three main drugs that the United States became concerned with were opium, cocaine, and marijuana. The United States has had roughly a consistent 1.3% of its population addicted to hard drugs despite their continued efforts at enforcement, prevention, and regulation. In the 1890s the Sears Roebuck catalog advertised a bundle deal of a syringe and cocaine for only $1.50. “Soldier Disease” became quite popular in the post-Civil War era. Soldiers would get addicted to the morphine used for pain medication when treating battle injuries. This was far more prevalent with veterans from the Northern armies than the South. The Southern armies were often poorer and couldn’t get a consistent supply of morphine so they used alcohol.

The United States banned opium in 1905 but it was mainly unenforced and was wholly ineffective. The first real drug act was the 1906 Pure Food and Drug Act, arguably this is the only good and effective drug act the United States has ever adopted. The Pure Food and Drug Act put certain items on a list and if they were present the product had to mention that and the quantity. There were only about ten ingredients this applied to these included: alcohol, morphine, opium, and cannabis. The once thriving elixir market was all but demolished by this act. These “cure-all-ails elixers” were mostly just a potent batch of drugs and flavorings intended to make the user feel well in the short term but long term were ineffective.

In 1909 the US banned the importation of opium again which pushed some of the market underground. But the real harm came with the 1914 Harrison Narcotics Act. By 1914 most hard drug consumption was quite low, approximately 1.3% of the population. Most opium addicts were white women who could easily get a prescription citing menstrual pains. Most states had regulations on these drugs by 1914 as well, 46 with regulations on cocaine, and 29 with regulations on heroin, opium, and morphine. But the Harrison Narcotics Act created the black market for the drugs in America. It put a high tax on anyone involved in the opium or cocoa leaves trade. Cocaine could still be purchased but only from someone with a special costly license. All of these new registries, taxes, and licenses were enough to push the market underground. Once underground the drugs lost purity, assurances of safety were gone both in the drug and the seller, needle-sharing became a new risk, and patients were reluctant to be honest with physicians about addiction or other problems they were having.

In 1919 it is estimated that the United States consumed approximately 470,000 pounds of opium compare this to France or Germany who consumed only roughly 14,000 pounds. Just seven months later in January 1920 there were approximately 528,000 pounds of opium imported. It was quickly apparent the Harrison Narcotics Act was not helping the United States’ drug problem if anything the black market was obviously producing some quite lucrative opportunities for the entrepreneur willing to engage in its dangerous nature. The drug arguments in the nation quickly became quite racist even among medical professionals. Opium was seen as the drug of the Chinese, one politician stated boldly “If a Chinaman cannot get along without his dope we can get along without him”, in such contrast to the fact that most opium addicts were white men patronizing opium dens and white women with a prescription. Cocaine was seen as the drug of choice by blacks and doctors warned of them using it to tempt white women into “depravity”. Marijuana was the drug of Mexicans, whenever there was a border conflict the “killer weed” would be blamed. The predecessor to the DEA, the Bureau of Narcotics and Dangerous Drugs produced an informational film detailing the “true story” of a teenage boy who was the perfect son but was corrupted by weed, and in one of his crazes murdered his entire family with an axe. It is obvious that there were going to be no honest discussions about the US drug policies.

One can draw many similarities between the alcohol prohibition of the 1920s and the drug prohibitions today. There are some differences due to the fact that many of these drugs never had the social acceptance that alcohol had before its prohibition. Marijuana is beginning to see that social acceptance despite the fact it has been illegal since the 1930s. This has resulted in many states passing laws decriminalizing marijuana despite the fact that they will be contradicting federal laws. Why marijuana became so socially acceptable compared to other drugs, what the effects were as a result of US drug legislation, and the development of the drug markets underground are all suggestions for further research.

# Conclusion

Prohibitions are not good economic policies for a nation to pursue they hamper economic activity, hurting both consumers and producers. It is not a nation’s place to regulate men into angels, instead a nation’s law enforcement should guard person and property against damages from others. Prohibitions also divert government revenues from other programs which have “better” public benefits. Who suffers when a nation decides to hamper economic activity? Orphanages, hospitals, national defenses, and national improvements. Prohibitions should not be pursued by any nation as they always end poorly.

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