

PROHIBITION AND ITS UNINTENDED CONSEQUENCES

Era7.1.USH.6 Evaluate credibility and limitations of primary and secondary sources representing multiple perspectives about the changing role of the United States in the world from 1890-1930

Era7.1.USH.7 Construct explanations about the changing role of the United States in the world from 1890-1930 and the effects on future eras

Era7.2.USH.5 Examine reasons for and effects of social, economic, political, and cultural changes during the 1920s



MATERIALS INCLUDED:

Guided Lesson Outline

Pacing Guide

Student Note Taking Worksheet

Political Cartoon Activity

Cartoon Questionnaires

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HISTORY STANDARDS

ECONOMICS STANDARDS

EDM.1.E.2 Justify various economic solutions to problems affecting an individual or society using marginal costs and marginal benefit analysis

EM.3.E.1 Analyze the role of consumers in a market economy

EM.3.E.3 Evaluate intended and unintended consequences of government policies created to improve market outcomes (e.g., regulatory, participatory, supervisory)

CIVICS STANDARDS

PD.5.C.4 Assess the influence of media on the electoral process (e.g., news reporting, political cartoons, public opinion polls, Internet, propaganda techniques, social media)

PRL.6.C.2 Compare and contrast the formal and informal methods of amending the U.S. Constitution

PRL.7.C.2 Identify intended and unintended consequences of public policies



INTRODUCTION

Reformers had been trying to achieve the prohibition of alcohol in the United States since at least the early 19th century.¹ They were successful at the state level with various states banning the production, sale, and consumption of alcohol in the mid-19th Century. The pinnacle of their success, however, came in 1919 when Congress ratified the 18th Amendment which prohibited “the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States” and all her territories.² Enforcement of the amendment began in January of 1920.

SUPPORTERS OF PROHIBITION

Supporters of the amendment hoped that by banning alcohol American society would be significantly improved. They argued that the amendment would “reduce crime and corruption, solve social problems, reduce the tax burden created by prisons and poorhouses, and improve health and hygiene in America.”³ The United States never enjoyed any of these benefits. The prohibition of alcohol led to an array of unintended consequences including an increase in crime and corruption, an increase in prisoners, and a decline in Americans' health. Prohibition did not end up being a silver bullet to solve America's problems. Indeed, it created many more problems than it fixed.

Those who supported Prohibition believed that if Americans were banned from drinking alcohol that alcohol consumption would decline and that fewer husbands would be abusive toward their wives. The benefits of banning alcohol seemed endless to reformers. The costs, they believed were low. These arguments were based on a few assumptions about human behavior: that Americans would actually quit drinking alcohol and that the government would be able to effectively enforce Prohibition. Neither of these things were true. In fact, Prohibition led to significant levels of new corruption as “everyone from major politicians to the cop on the beat took bribes from bootleggers, moonshiners, crime bosses, and owners of speakeasies.”⁴

1. For a look at prohibition's origins see Ronald G. Walters, *American Reformers: 1815-1860* (New York: Hill and Wang, 1997), 125-146.

2. “18th Amendment” Accessible at: <https://www.law.cornell.edu/constitution/amendmentxviii>

3. Mark Thornton, “Alcohol Prohibition was a Failure,” *Cato Institute Policy Analysis No. 157*. July 17, 1991, 1. Accessible at: <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf>

4. Mark Thornton, “Alcohol Prohibition was a Failure,” *Cato Institute Policy Analysis No. 157*. July 17, 1991, 8. Accessible at: <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf>

ESSENTIAL QUESTIONS:

Who were the supporters and opponents of Prohibition?

What were some of the outcomes of the passage of the 18th Amendment?

Why was the 18th Amendment repealed?

LEARNING OBJECTIVES:

Students will critique the arguments for and against the 18th amendment using primary source documents.

Students will analyze historical data to develop arguments about the impacts of Prohibition.

Students will justify the repeal of the 18th amendment.

NOTES:

HOW DID PROHIBITION AFFECT ARKANSANS?

Like many southern states, Arkansas was a hotbed for prohibition. Indeed, sixty-six of its seventy-five counties were dry in 1915. In that year, Arkansas approved state-wide prohibition. As such, national prohibition did not bring about dramatic changes in Arkansas. Like other prohibition states it already had enforcement mechanisms in place and had likely already developed a black market for the manufacturing and sale of liquor prior to 1920.

Once prohibition was repealed by the 21st Amendment, the regulation of alcohol returned to the states. Arkansas passed legislation in 1935 that made all counties in the state wet and required thirty-five percent of the registered voters in the county to provide signatures in order to get prohibition for their county on the ballot. In 1942, the percentage of signatures needed was dropped to fifteen percent and by 1944 eighteen counties voted for prohibition.

Today thirty-four counties in Arkansas are dry and the sale of alcohol is prohibited state-wide on Sundays. 12



Unfortunately for advocates of prohibition, the initial drop in alcohol consumption was temporary and Americans also turned to more potent forms of liquor. Richard Cowan has labeled this the “iron law of prohibition.”⁵ According to this law, when government prohibits alcohol (or other drugs) “they become more potent, will have greater variability in potency, will be adulterated with unknown or dangerous substances, and will not be produced and consumed under normal market constraints.”⁶

CONSEQUENCES OF PROHIBITION

Before Prohibition the American people purchased beer and spirits at roughly equal rates. After the ban on alcohol, however, they turned to beverages with a higher concentration of alcohol. Due to the illegality of alcohol, a black market for the production, transportation, and sale of alcohol emerged. It was more profitable to ship distilled spirits rather than bulky and weaker products such as beer. As a result, bootleggers emerged who provided the American people with stronger alcohol than they had been consuming prior to Prohibition.

Furthermore, some Americans turned to producing their own liquor – moonshine. According to Thornton, “the production of moonshine during Prohibition was undertaken by an army of amateurs and often resulted in products that could harm or kill the consumer.”⁷ Indeed, the number of Americans who died from alcohol poisoning increased by almost four times from 1,064 deaths in 1920 to 4,154 deaths in 1925.⁸ Supporters of Prohibition claimed that once implemented, Americans would see health benefits from consuming less alcohol. While they may have been well-intentioned, such reformers did not account for how humans would respond to the banning of alcohol. Indeed, there is “no statistical evidence” that Prohibition improved public health at all.⁹

Proponents of Prohibition also claimed that banning alcohol would decrease crime and reduce the number of Americans in prison. The Reverend Billy Sunday, the famed American evangelist, promised crowds that amazing results would flow from Prohibition:

“The reign of tears is over. The slums will soon be a memory. We will turn our prisons into factories and our jails into storehouses and corncribs. Men will walk upright now, women will smile and children will laugh. Hell will forever be for rent.” 10

Sunday was not alone in his lofty promises. Temperance advocates had promised since the 19th century that banning “Demon Rum” would cure disease and improve all aspects of society.¹¹

5. Richard Cowan, “How the Narcs Created Crack,” *National Review*, December 5, 1986, 30-31.

6. Mark Thornton, “Alcohol Prohibition was a Failure,” *Cato Institute Policy Analysis No. 157*. July 17, 1991, 2. Accessible at: <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf>

7. Mark Thornton, “Alcohol Prohibition was a Failure,” *Cato Institute Policy Analysis No. 157*. July 17, 1991, 2-3. Accessible at: <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf>

8. As cited in Thornton. Thomas M. Coffey, *The Long Thirst: Prohibition in America, 1920-1933* (New York: W.W. Norton, 1975), 196-198.

9. Clark Warburton, *The Economic Results of Prohibition* (New York: Columbia University Press, 1932), 221.

10. As quoted in Thornton, 5 and in Michael Woodiwiss’s *Crimes, Crusaders and Corruption: Prohibitions in the United States, 1900-1987* (London: Pinter Publishers, 1988), 6

11. “The Fight Against ‘Demon Rum,’” Accessed at <https://www.ushistory.org/us/46b.asp>

12. Jeremy Horpedahl, “Arkansas’ Alcohol Fight: Bootleggers, Baptists, and Ballots,” May 24, 2020. Accessed at <https://uca.edu/business/2020/05/24/arkansas-alcohol-fight-bootleggers-baptists-ballots/>

VOCABULARY: UNINTENDED CONSEQUENCES

The law of unintended consequences means that actions of individuals, groups, or institutions will always have effects that are unanticipated or unintended. Although we try to plan out situations and predict outcomes, there is always the possibility of outcomes that do not match with those plans.

Prohibition is one historical case study of unintended consequences, but any time students are exploring a policy position, there are unintended consequences to explore.

NOTES:

Unfortunately, when it came to decreasing crime and rendering the prisons useless, Prohibition proved to be a failure. Mob bosses, like Al Capone made millions of dollars a year bootlegging liquor into the country. The illegality of alcohol also led to the rise of speakeasies which were secret bars and nightclubs where Americans (especially young people intrigued by the allure of illegal alcohol) often had to provide a password to enter.¹² At speakeasies across the country, Americans engaged in the criminal act of buying liquor while they danced the Charleston and listened to jazz music. These speakeasies provide us today with many of the most iconic images of the decade including the Flapper.¹³

Far from decreasing crime and emptying the prisons, Prohibition did the opposite. Prisons were quickly filled to capacity as normal behavior was outlawed and the emergence of the Mafia and street gangs resulted in an increase of serious crimes. For instance, the homicide rate increased by 78 percent during the 1920s. Sociologist John Pandiani notes that “a major wave of crime appears to have begun as early as the mid 1920s [and] increased continually until 1933...when it mysteriously reversed itself.”¹⁴ As Pandiani and others probably realize, there is no mystery as to why crime went down after 1933: it was because Prohibition was repealed by the Twenty-First Amendment that year.¹⁵ It is clear that Prohibition increased crime. Thornton concludes that “the most telling sign of the relationship between serious crime and Prohibition was the dramatic reversal in the rates for robbery, burglary, murder, and assault when Prohibition was repealed in 1933.”¹⁶

It is important to remember, however, that Prohibition didn't repeal itself. It took a motivated group of people and organizations to get the 18th Amendment repealed. Two of the most active groups were the Women's Organization for National Prohibition Reform (which consisted of over a million members) and the Association Against the Prohibition Amendment. These organizations argued that prohibition had created an intrusive federal government to regulate the law and that American's civil liberties were being violated. The supporters of repeal also argued that prohibition had proven to be impossible to enforce and that it had actually led to increased crime. Further they feared that the enforcement of unjust laws (such as prohibition) would lead to a general disrespect to government and erode the rule of law. Finally, the pro-repeal organizations insisted that prohibition had not resulted in increased revenues. Indeed, in the midst of the Great Depression the opponents of prohibition argued that repeal would bring in much needed revenue.

12. For more on speakeasies consult: <http://www.american-historama.org/1913-1928-ww1-prohibition-era/speakeasies.html>

13. For more on Flappers see Emily Spivack's "The History of the Flapper, Part 1: A Call for Freedom," Smithsonian Magazine, February 5, 2013. Accessed at: <https://www.smithsonianmag.com/arts-culture/the-history-of-the-flapper-part-1-a-call-for-freedom-11957978/>

14. As quoted in Thornton. John A. Pandiani, "The Crime Control Corps: An Invisible New Deal Program," British Journal of Sociology. Vol. 33 (September 1982), 348-358.

15. "Twenty First Amendment" Accessed at: <https://www.law.cornell.edu/constitution/amendmentxxi>

16. Mark Thornton, "Alcohol Prohibition was a Failure," Cato Institute Policy Analysis No. 157. July 17, 1991, 8. Accessible at: <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa157.pdf>

NOTES:

Through their efforts, and because of general disillusion with prohibition, the 21st Amendment was ratified in 1933.¹⁷

CONCLUSION

Prohibition provides economists and historians with a perfect real-world example of the unintended consequences of well-meaning government policy. Banning alcohol was supposed to decrease alcohol consumption, improve health, reduce crime, improve family relations, empty the prisons, and revitalize American society. In reality it made alcohol more dangerous to consume, created black markets dominated by mobsters like Al Capone, increased crime, and made previously law-abiding citizens criminals. Prohibition was a dismal failure and offers a cautionary tale for the present: be wary about the unintended consequences of policy prescriptions. Sometimes the medicine is worse than the disease.

17. David E. Kyvig, *Repealing National Prohibition* (Chicago: Chicago University Press, 1979), xvii. For more on the role of women in both enacting prohibition and repealing it see Ross Evans Paulson, *Women's Suffrage and Prohibition: A Comparative Study of Equality and Social Change* (Glenview, IL: Scott, Foresman & Co., 1973) and Kenneth D. Rose, *American Women and the Repeal of Prohibition* (New York: New York University Press, 1996).

PACING GUIDE

INTRODUCTION

10 MINUTES

Have students respond to the following prompt in short paragraphs or classroom journals:

List a few reasons you think one might support the prohibition of alcohol . Then, list counter claims to the reasons you've developed.

ACTIVITY

30 MINUTES

Analyzing Political Cartoons Activity

Option 1:

Hand out political cartoon slips to students. In groups of 3-4, have students review a political cartoon to analyse and discuss with one another. After all groups have completed their analysis, have one student from each group present information about their cartoon.

Option 2:

Have political cartoons stationed throughout the classroom. Students will have 5-7 minutes to complete their slips before moving to the next document station

Option 3:

Cartoons can also be embedded into your presentations. Guide students through each of the images and call on students to answer things they notice about the cartoons while you take notes of student thoughts on the board and help students make connections about their observations to the central ideas of the lesson.

CLASS DISCUSSION

10 MINUTES

As a class, create a "Big Board" chart of supporters and opponents of prohibition? What strategies did individuals use to support their policy positions? List some of the consequences of prohibition. Discuss as a group the debate surrounding prohibition as well as the actual effects of the law. To wrap up, have your students explore the question "If Prohibition was popular enough to pass and turn into a law, why does the data show that the laws were ineffective?"

EXTENSION OPTIONS

ONE ADDITIONAL CLASS PERIOD

Many notable Americans played many roles during the Prohibition era, from government officials and social reformers to bootleggers and crime bosses. What stances did these individuals take? What legal, moral, and ethical questions did they have to wrestle with? Why were their actions important? In [this activity](#) from the Bill of Rights Institute, students explore these questions by role-playing a historical character from the time period.



NOTE TAKING GUIDE

NAME:

DATE:

CLASS PERIOD:

KEY TERMS, PEOPLE, AND EVENTS

Unintended consequence:

Temperance:

Progressive:

Black market:

Bootlegger:

Al Capone:

Organized Crime :

Cronyism:

The “Iron Law” of Prohibition:

THE PROHIBITION DEBATE:

What were some arguments in support of Prohibition?

Who were the individuals or groups making these arguments?

Were there any arguments against Prohibition?

Who were the individuals or groups making these arguments?



EXPLORING THE 18TH & 21ST AMENDMENTS:

18TH:

The Prohibition of Liquor

Passed by Congress December 18, 1917.

Ratified January 16, 1919.

Section One:

“After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.”

What is the purpose of the 18th amendment?

What is the purpose of the 21th amendment?

How much time passed between the 18th amendment's enactment and it's repeal?

How did an amendment that was passed through the Constitutional process fail to achieve its goals?

Why do you think an amendment to ban the manufacture and distribution of liquor was passed instead of an amendment banning the consumption of liquor?

21ST:

The Repeal of Prohibition

Passed by Congress February 20, 1933.

Ratified December 5, 1933.

Section One:

“The eighteenth article of amendment to the Constitution of the United States is hereby repealed.”



ANALYZING POLITICAL CARTOONS

For each cartoon, answer the following:

Who is the author/illustrator of the cartoon?

Where was the cartoon published?

When was it published?

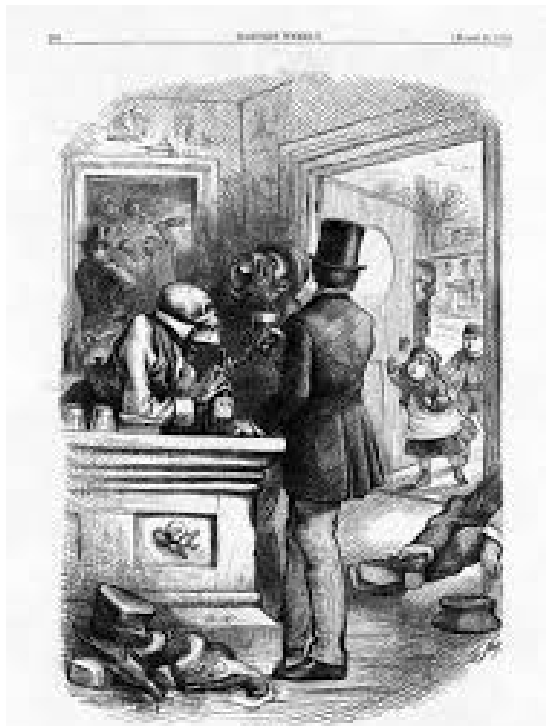
What message is the artist trying to share?

What images does the author use to convey their message?

What text does the author use to convey their message?



POLITICAL CARTOON ANALYSIS



AN AMERICAN TRAGEDY



Down the Rapids of Rum

POLITICAL CARTOON ANALYSIS

