The Damnedest Town This Side of Hell: Tampa, 1920-29

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The exception to this rule occurred in the summer of 1927 when the City Council appointed judge Leo Stalnaker to the municipal bench.27

Stalnaker, a State Representative, who had recently gained notoriety for sponsoring a controversial antievolution bill, was selected as a temporary replacement on the bench in June 1927. To retain his judgeship, he would have to win a special election in October. Despite the consequences, Stalnaker, in an act of defiance to the political establishment, quickly asserted his independence. Upon assuming his judicial duties he warned Tampa’s underworld that he would vigorously enforce the law. Stalnaker kept his word. On his first day on the bench the crusading magistrate quadrupled the customary fines and shocked the city by imposing stiff prison sentences for bolita and liquor violators.28

Stalnaker’s aggressive stand against Tampa’s vice conditions sent many liquor violators scurrying for safe shelter. In fact, E. L. Bergstram, a federal prohibition agent in the city, stated:

I know that many "speakeasies" and other places where liquor has been sold in the past have closed their doors and gone out of business. They are not willing to run the risk of being "caught with the goods." The closing of these places is having its effect on the moonshine stills. Many of them also are going out of business because the market for their liquor has been severely cramped."29

Although Judge Stalnaker’s stern interpretation of the law delighted the city’s ardent prohibitionists, it infuriated Tampa’s political structure. Not willing to wait until the upcoming judicial election, Mayor Perry Wall demanded the immediate removal of the factious magistrate. Unable to secure the support of a majority of city commissioners, Wall had to wait for the October plebiscite. As expected, Stalnaker lost the judicial contest, carrying only two of twenty-six precincts. Despite his decisive defeat, the
judge had three more months on the municipal bench before his abbreviated term expired. On November 27, 1927, using a movie camera the judge recorded a vice sweep through Ybor City. The pictures would be used as evidence for future arrests.30

The movie, which the judge entitled The Wages of Sin, provoked the wrath of Mayor Wall and other city politicians. Once again, they called for Stalnaker's impeachment. Although many Tampans believed that the judge had usurped the law, he managed to serve out his entire appointment. For seven months Tampa's underworld and its political allies had faced a formidable foe; illegal liquor and bolita operators lost a considerable amount of revenue while Stalnaker sat on the municipal bench. They would not soon forget this crusading magistrate. In fact, within a year of his defeat, Stalnaker was disbarred from the Florida Bar Association. Throughout the Great Depression he was forced to write detective stories to support his family.31

Stalnaker could not be bribed, but he was the exception to the rule. Prohibition added to the public corruption already flourishing in Tampa. Dishonest officials allegedly including patrolmen, police chiefs, city commissioners, and even a few mayors, all accepted protection money. Yet, municipal authorities did not have a monopoly on graft. Throughout the "Noble Experiment," Hillsborough County sheriffs were as bribable as their municipal counterparts. For example, William Spencer, a county sheriff during the early days of Prohibition, liked to personally collect his graft from moonshiners so that "he could sample some of their hooch."32 Another sheriff accused of accepting gratuitous kickbacks was Luther Hiers. In September 1926, an affidavit signed by some of Tampa's most prominent citizens accused the sheriff of allowing at least 101 saloons to operate within the county. The sworn statement also alleged that Hiers tolerated the bolita rackets, prostitution, and dope peddlers. Although the besieged sheriff was chastized by the local press, Governor John Martin refused to remove him.33

L. M. Hatton was not so fortunate. In one of the closest races in Hillsborough County history, Hatton defeated three former sheriffs: L. C. Hiers, William Spencer, and A. J. White. In office only a few months, Hatton was accused of receiving $10,000 a month from the county's liquor and gambling violators. According to an affidavit signed by Deputy John Harrington, who was Sheriff Hatton's liaison with Tampa's underworld:

When Hatton became sheriff [I] was authorized by Hatton to make collections weekly of sums of money from persons violating the liquor and gambling laws, the amount of such collections to be fixed by the affidavit upon the character of the business done by such law violators.34

Harrington claimed that Hatton maintained two lists of violators—an active and inactive. Individuals on the active list paid the sheriff and were allowed to continue their illegal operations. Those on the inactive list refused to pay the sheriff and immediately had their "joints" raided. Upon receiving Deputy Harrington's sworn statement and other damaging testimony, Governor Doyle Carlton removed the crooked sheriff. His decision was later upheld by the Legislature. Although Hatton was replaced, subsequent Hillsborough County sheriffs continued to receive graft from the city's underworld.35
Despite convenient protection arrangements with county sheriffs and municipal officials, bootleggers still needed to use discretion when conducting their business. Most rumrunners feared the long arm of the federal government. When the Volstead Act became effective on January 16, 1920, the Treasury Department was ordered by Congress to create an additional branch of the Internal Revenue Bureau. It was given the responsibility of enforcing the national prohibitionary laws. This so-called Prohibition Unit supervised the actions of each of the forty-eight state Prohibition Directors.36

Florida’s first federal prohibition chief was judge 0. P Hilburn. A Tampa native, World War I military hero, and former Hillsborough County Juvenile Court magistrate, Hilburn was selected by National Prohibition Director John Kramer to suppress the state’s liquor traffic. During the first months of the "Noble Experiment," federal authorities made a concerted effort to eradicate the state’s infant bootleg trade. Local newspapers praised Judge Hilburn’s resolve and efficiency. They also wrote glowing stories about the courageous exploits of his agents, especially Mayor Frank Williams, Tampa’s future police chief. Many Tampans believed H. M. Gaylord, Deputy Commissioner of the Internal Revenue, when he stated that the United States would soon be as “dry as a desert.”37

Yet this prevailing sense of optimism soon evaporated as Florida prohibition agents became increasingly handicapped by several obstacles. First of all, throughout the "Noble Experiment" Congress refused to adequately finance the war on liquor. Periodically, state directors, in order to absorb budgetary cuts, had to release their agents. In May 1921, Judge Hilburn was compelled to furlough 75 percent of his entire prohibitionary force. Another agency restricted by tight congressional budgets was the Coast Guard. This branch of the Treasury Department had the unenviable task of controlling the importation of smuggled liquor and other contraband along Florida’s 1,200 mile coastline. Severely undermanned and lacking the necessary appropriations, the Guard was almost impotent in its struggle against better financed and more sophisticated rumrunners. Using high-speed, expensive motorboats, smugglers easily out-maneuvered the Coast Guard’s antiquated cutters.38

A second problem facing federal prohibition was the lack of honest and efficient agents. Low pay, long hours, few benefits, and the lack of job security discouraged qualified applicants and bred corruption within the ranks of the Prohibition Unit. Throughout the "Noble Experiment" scores of federal agents (especially prior to 1927 when they were not covered by Civil Service requirements) were dismissed from the service for accepting bribes or consorting with known bootleggers. Tampa newspapers frequently reported the arrest or dismissal of dishonest prohibition agents.39

Another obstacle to enforcement of the Eighteenth Amendment was an unsympathetic federal judiciary. The Volstead Act violators filled the courts, frustrating many already overworked judges. By 1922, more federal courts were desperately needed to try the massive volume of prohibition violators. Yet Congress never provided adequate funding. This lack of Congressional support created a good deal of resentment among members of the federal bench, which was usually reflected in prohibition cases. "Damp and wet" judges, disgruntled with the existing system, became excessively lenient in their punishment to liquor violators. Fines,
sometimes as low as five or ten dollars, were not uncommon for those breaking federal prohibitionary statutes. Judges also showed their displeasure with the "Noble Experiment" by restricting the scope of evidence permitted in alcohol prosecutions. Although the Supreme Court had broadened search and seizure rules, federal judges were often hesitant to allow questionable evidence in the courtroom.40

Because of this judicial hostility, prohibition agents found it difficult to obtain the necessary evidence for a solid prosecution. In order to have a chance for a conviction, agents needed to arrest a defendant in the act of selling illegal liquor. In Ybor City, this was nearly impossible. According to Tampa historian Anthony Pizzo, every street corner in the city’s Latin quarter had posted sentries that watched for federal agents. If one was spotted, a warning quickly spread throughout the neighborhood cafes, restaurants, and speakeasies. Since liquor was generally served in a pitcher, any evidence was simply destroyed by pouring it down a drain. When prohibition agents arrived at their destination, they usually found patrons drinking nothing but cafe con leche.41

Throughout the Prohibition era, federal enforcement of the Volstead Act can be characterized as cyclical. In fact, federal enforcement patterns in Tampa were remarkably similar to those practiced by local police and county sheriffs. Federal agents often conducted their intensive crusades against bootleggers and moonshiners just prior to an important election or after the replacement of a state, regional, or federal prohibition director.

In Tampa, the appointment of a new federal prohibition chief usually brought a period of instability for the city’s bootleggers. When A. L. Allen was appointed the chief federal agent in the State of Florida, he promised “vigorous and unflinching enforcement of all prohibition laws.”42 Within months he and his men captured 102 stills, 26,912 quarts of whiskey, and 55,777 gallons of mash. Yet, this enthusiasm for law and order quickly waned. After the initial drive, federal prohibition arrests decreased considerably. Infrequent raids continued over the next few years, including several against the Florida Brewing Company. They increased again in 1925 with the arrival in Tampa of General Lincoln Andrews. Appointed by President Calvin Coolidge in April of that year to head the Prohibition Bureau, Andrews conducted a massive nationwide campaign against bootleggers, moonshiners, and international smugglers. His first target was the leaky State of Florida.43

In order to control the embarrassing amount of illicit liquor flowing into the Sunshine State, Andrews devised a two-pronged plan to curtail rum-running. His main objective was to completely reorganize the Prohibition Bureau. Every prohibition agent was furloughed and thoroughly reviewed before being allowed to return to work. Many did not meet the new rigorous requirements and were dismissed. Assistant Treasury Director Andrews also replaced or transferred every state prohibition director in the Union. In Florida, A. L. Allen was succeeded by Benjamin Simmons, an exbrigadier general who supposedly had no political connections and was given the job solely because of his superior administrative skills. Simmons was given a free hand in selecting his agents.44 As his primary assistant, Simmons chose Phillip Hambsch, a retired navy lieutenant-commander who had starred on the football team at the Naval Academy.
Andrews’ second course of action in his quest to crush the liquor trade in Tampa and the rest of Florida involved the Coast Guard. General Andrews, in order to block the importation of spirits during the busy tourist months, transferred the large Rum Fleet stationed off New York, New Jersey, and New England to the Sunshine State. Andrews planned to seal the Florida coast before northern rumrunners had a chance to deliver their goods into the state. "When the rum fleet arrives it will pursue the rumrunners just as a fishing smack follows a mackerel," intoned Captain John Berry, Commander of the Florida Coast Guard. He continued by warning potential smugglers, "If this foreign fleet, which has been laughing at the law in eastern waters, dares to hoist anchors and head for Florida, it will be a most dangerous move it ever made. We are prepared to meet any of the vessels whose skippers think they can ignore the law and reap a harvest in Florida."

The combined activities of Director Simmons and Captain Berry had a tremendous effect on the supply of imported liquor in Tampa. It was reported that the "squeeze" doubled the price of scotch whiskey to nearly $25.00 a quart. Furthermore, cafes, restaurants, and other liquor emporiums that formerly did a thriving business either temporarily closed their establishments or sold their customers moonshine. Although this colored "shine" was barely fit for human consumption, a thirsty public was willing to pay as much as $10.00 a quart for the inferior liquid.

Surprisingly, this effective crusade lasted for over eight months. With General Andrews personally directing the operation from Florida, the federal government maintained a tough enforcement policy. In fact, in July 1926, Andrews added a new weapon to his arsenal - airplanes. Docked on Davis Island, these aircraft were flown by navy and army pilots. They were equipped with machine guns to fire upon smugglers who resisted arrest. Although few of these "Rum Planes" ever encountered bootleggers, they nonetheless provided essential intelligence for federal officials. Flying high above the earth, they charted and patrolled the labyrinth of waterways and inlets used as landing spots by smugglers. Apparently, the Air Force and other federal agencies continued to wreak havoc on Tampa's rum trade throughout the early months of 1926. Even Izzy Einstein, the legendary prohibition agent from New York, noticed Tampa's shortage of quality alcohol. While visiting his brother in the city Einstein commented: "Everyone [in Tampa] seems happy, sober and orderly, and I haven't seen a single drink since I came. One glass of buttermilk was the most intoxicating thing I could get to drink in a couple of restaurants I tried."

Despite an impressive record against the bootleg trade, the federal crusade suddenly ended in late 1926. Lack of funds, apathy and corruption allowed Tampa's rumrunners to soon reestablish their lucrative businesses. While intermittent crackdowns on suspected liquor violators continued throughout the remaining years of the "Noble Experiment," there was not another coordinated effort to crush the importation of smuggled liquor in Tampa. The Great Depression and the Wickersham report which "documented the breakdown of enforcement and impossibility of imposing aridity on a determined minority," assured that the federal government would do little to dry-up the city of Tampa, as well as the rest of the nation.
ENDNOTES

27 *Tampa Tribune*, 2 January 1989; Oral Interview, Nick Longo.

28 *Tampa Tribune*.

29 *Tampa Tribune*, 20 July 1927.

30 *Tampa Tribune*, 31 August 1927; *Tampa Tribune*, 20 July 1937; *Tampa Tribune*, 2 September 1927; *Tampa Tribune*, 5 October 1927; *Tampa Tribune*, 28 November 1927.

31 Oral Interview, Leland Hawes, March 6, 1989.

32 Oral Interview, Frank Gatto, June 6, 1986. Gatto is a pseudonym.

33 *Tampa Tribune*, September 1916.

34 Governor Doyle Carlton Papers, Florida State Archives, Tallahassee, Florida. Record Group 102, Series 204, Box 40.

35 Ibid.


37 *Tampa Tribune*, 14 January 1920.

38 *Tampa Tribune*, 21 May 1921.


42 *Tampa Tribune*, 2 January 1922.


44 *Tampa Tribune*, 4 September 1925; *Tampa Tribune*, 4 August 1926; *Tampa Tribune*, 19 September 1925.

45 *Tampa Tribune*, 2 October 1925.

46 Ibid.

47 *Tampa Tribune*, 19 November 1925.

48 *Tampa Tribune*, 24 May 1926; *Tampa Tribune*, 6 March 1926.


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