"It May Have Been Illegal, But It Wasn’t Wrong": The Kansas “Balkans” Bootlegging Culture, 1920-1940

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Among the most interesting and least studied consequences of national prohibition (1920-1933) was its impetus to the domestic moonshine industry. Neither smuggled foreign liquor nor illegal diversion from legitimately manufactured domestic alcohol could adequately supply the thirsty American market. The second oldest profession was resurrected to meet consumer demand. One of the many paradoxes of national prohibition was its direct responsibility for large-scale bootlegging in a state reputed to be the driest in the country.

This Kansas phenomenon was not unnoticed by the commission appointed by President Herbert Hoover to study prohibition compliance and enforcement. The Wickersham Commission, the popular name of the body headed by former U.S. Attorney General George W. Wickersham, issued its report in 1931. A few paragraphs of the report were highly instructive about the people of Crawford and Cherokee counties in the southeastern Kansas Balkans and a staple of their economy.

Balkans bootlegging was not just a response to the profits of a new market, but reflected economic necessity as a result of the depression in the local mining industry after World War I. The report stated that “Many of the coal miners out of work in both Cherokee and Crawford Counties have taken up bootlegging...” This was in a generation before the welfare state and “safety nets,” when victims of economic disaster were left to their own devices and often too proud to accept charity.

The Wickersham Commission was nearly effusive about the “especially fine brands of whiskey” made in the Balkans, and indicated that the “products are carefully blended. Carona Rye, with a high proof, and Cherokee Red are reported to be the best-known brands.” Appreciable pure-grain alcohol also was made in the counties, “and according to reliable information compares well with the best Government or legitimate alcohol.”

The finished products had large outlets in central and northern Kansas oil fields and northern Oklahoma cities, according to the report. This is one of many examples that could be cited perhaps not of inaccuracy but of incompleteness in commission findings. Consumers of “deep shaft,” the generic term applied to all

1. All citations on Kansas are found in the Enforcement of the Prohibition Laws, in Official Records of the National Commission on Law Observation and Enforcement, 71st Cong. 3d sess., 1931, Senate Doc. 307, Serial 9344, v. 1, 40-55, and v. 4, 478-94.
2. Abutting both Missouri and Oklahoma, Cherokee is the most southeasterly county in Kansas. Immediately to its north, against the Missouri line, is Crawford County. They comprise the Kansas Balkans, although the terminology is used sometimes to refer to the southeastern part of the state without any specific delineation. The origin of the name is murky, but Gov. Walter R. Stubble (1899-1913) often is credited as being the first to use it. Although “Balkans” was descriptive of the profession of ethnic groups in the two counties, the designation was intended as an epithet by Stubbbs, who was plagued by the fractious nature of and the incorrigible violators of prohibition in the counties.
3. Ibid., 484.
4. Ibid.
liquor manufactured in the southeastern Kansas corner, lived in all parts of the state; and deep shaft traveled as far as both coasts and foreign countries.

Although the commission found many phases of the enforcement and judiciary systems "competent" and "vigorous" in their attempt to suppress the indigenous industry, both had weak links. The politically inclined Cherokee County attorney, the report concluded, "apparently believes that liquor violations should be punished lightly, if at all." Equally harsh was the judgment of the Crawford County sheriff as an official with "but little ability" and "lax in enforcement." Official leniency and ineptitude obviously explain in large part why bootlegging could flourish in the exemplary prohibitionist state.4

The commission, however, did not explain the vicissitudes of Balkans law officials swayed by conflicting interests and perplexed by incompatible notions of duty. Enforcement of a sumptuary law, the violation of which in itself did not imperil public safety and order, entailed responsibility beyond the traditional one of Kansas law officials to simply keep the peace. Except during episodic public uprisings, officials historically ignored vice unless it disturbed community tranquility. Aside from reluctance to enforce a law when it could work against individual and public interest by spreading indigency, for example, officials had no immunity from the large number of voters whose welfare was dependent upon bootlegging. Not many public officeholders eagerly promoted assiduous enforcement when it could undermine their political position. Although federal authorities were prone to unfavorably compare local officers with federal prohibition agents, the reputation of the latter as persons of greater probity and effectiveness depended less on their character and ability than on the insulation from local pressures and a clear enforcement mandate.

The Wickersham Commission pronounced prohibition conditions fairly normal in all but fifteen Kansas counties and bad in only four—Crawford and Cherokee counties were half of the latter. This article is intended to supplement and add texture to the report's account of Balkans bootlegging. Its perspective diverges from the report in the important respect that it is largely based upon the testimony of participants in the bootlegging culture. Although standard sources yielded information for this narrative, it fundamentally relies upon twenty-five interviews with persons familiar with bootlegging, including former law and court officers, consumers of Carona Rye and Cherokee Red, and, most importantly, bootleggers whose livelihood derived from the manufacture and sale of deep shaft.5

4. Ibid., 483-84.

5. Ibid., 480. The twenty-five interviews used for this article were conducted by the authors who have possession of all transcripts and notes.

While prohibition laws were violated in many areas of Kansas—pictures are over two hundred quarts of liquor seized in Douglas County—the Wickersham Commission reported in 1931 that Crawford and Cherokee counties were two of the four worst counties in prohibition compliance.
The occasion for the rise of the bootlegging industry cited in the Wickersham report was confirmed by the bootleggers themselves. They nearly all testified that they entered the business because of the opportunities presented by the 1917 Kansas "bone dry" law, the advent of national prohibition, and the economic desperation caused by the depression in the coal industry. Mining families tried to ease their economic deprivation by planting large gardens, keeping milk cows, and raising hogs. Usually too proud to seek public welfare and threatened by economic catastrophe, many in southeastern Kansas regarded bootlegging as the only option. One former bootlegger summarized the realities: "We just had to do something to feed our hungry families...We would be out of work, and a few of the storekeepers would run bills awhile, but then your bill got so large they wouldn't run it anymore...If you wanted to starve all you had to do was sit on your butt." Bootlegging was often the last resort to many, and some practitioners swore that it was the only way to make a living. Necessity was stronger than inhibitions, and few former bootleggers who were interviewed had pangs of conscience about violation of the prohibition laws.

A few persons were undoubtedly enticed by the excitement of the illegal occupation and the opportunity to escape the drudgery of the mines or avoid the typically menial, low paying jobs that were available. When working ten hours a day in the mines for a dollar, bootlegging could appear to be easy work and good money, especially to an ambitious young man. Those lures of excitement and profit were largely illusory. Yet, the satisfaction of violating the law and the challenge of evading capture were ends in themselves for the rare bootlegger, recalled one law officer.

The opportunity for upward mobility in bootlegging is an interesting topic, but one that is peripheral to this narrative. It is worth mentioning that some local bootleggers reached the acme of their illegal occupation when they were employed by the syndicate, as organized crime was identified in that generation. Although a few persons may have gravitated to bootlegging for reasons not strictly pecuniary, the great preponderance seized the only recourse to feed children and families.

The southeastern Kansas milieu was conducive to disregard of the law, and that may help to explain the ease with which many took up the illegal profession. "Lawless" was an adjective often applied to that corner of the state in its early history; and mining towns like Short Creek, Galena, and Empire probably surpassed the cowtowns in saloons, brawling, gambling, and prostitution. Vivid accounts of the vice and crime earned the area a national reputation. Civilizing influences notwithstanding, the residue of the early mining culture persisted into the era of bone dry Kansas and national prohibition.

The Black Hand and Ku Klux Klan are twentieth-century examples of the Balkans lawless spirit. Little information is available on the former for obvious reasons, but the secret organization could paralyze mining camps and especially the Italian inhabitants with fear. Imported during the mass Italian influx into the United States, the Black Hand became active in the Balkans when large numbers of Italian miners arrived. The organization extorted money from its victims with dire threats. A brother and sister vividly remembered their parents' alarm when they received a Black Hand letter with blood on it. Although they balked at extortion, the family moved from the house until the danger passed. They were more fortunate than the Italian miner who boarded with them. He was killed when he ignored a similar letter and warning. The Black Hand later became involved in bootlegging, although few details can be verified, and violent acts were committed in its name.

The activities of the Klan in the Balkans are well documented. Its disrespect of the law, except that with which it agreed, and its disregard of the personal dignity and basic rights of persons, except those like its members, does not need amplification. The significant point is that the popularity of the organization reflected the tenuous influence of the law in southeastern Kansas. Law officers and public officials appeared even less conscientious and successful at apprehending and prosecuting Klan transgressors than bootleggers.

The Balkans Klan diverged from the organization elsewhere in Kansas and the rest of the country in that it displayed a kind of schizophrenia on the prohibition...
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issue. Some klaverns (local chapters) were vehement on the virtue of prohibition, supported dry candidates for office, and conducted drives and raids against bootleggers. The fact that bootleggers were preponderantly Roman Catholic and of only partially assimilated ethnic groups probably contributed to the emotionalism of some Kluxers on the issue. Yet, the recollections of persons were that the Klan was tepid on bootlegging in some locations, which they explained on the grounds that it was inexpedient to loudly denounce an illegal activity upon which the economy and welfare of friends and neighbors depended. They also noted that infiltration of the Klan by bootleggers to gain immunity skewed its stand.

Ethnic and religious influences adverse to prohibition complemented the casual attitude toward the law. The Balkans was an ethnic potpourri, and persons of all varieties engaged in bootlegging. Among the recollections, for example, were those of Irish bootleggers, who were reputed to have made the cheapest and poorest liquor. Every indication, however, is that the largest number of bootleggers was Italian.

The generation of Italian bootleggers, who practiced from 1920 to 1940, usually arrived with their parents in the late nineteenth or early twentieth century or were born soon after their parents settled. They often knew little or no English when they began school, and one graphically recalled that schoolyard obscenities were the first words he learned. When thirteen years old or younger, they frequently lied about their age to obtain jobs in the mines, and worked beside their fathers and relatives in many cases.

Opportunities were limited in the Balkans, and they were even less available to Italians. They experienced widespread and unconnected antipathy and discrimination, and the great majority had the added and definite liability of being Roman Catholic. Black Hand activity was cited by many area residents as irresistible proof of the Italian genetic propensity for crime and inability to be constructive citizens. It cannot be certified that discrimination decisively influenced Italians to enter bootlegging, but their background was contributory in one important respect.

Interviews revealed that American law and mores rested lightly on many Italians, who discerned no injunctions in their culture and religion against the manufacture and use of liquor. Prohibition was regarded by numerous Italians as an example of nativist bigotry. An Italian gentleman, who bootlegged for twenty-three years, was asked near the end of an extensive interview how he justified violating the prohibition laws. The conclusion of his long and cogent answer was: "It may have been illegal, but it wasn't wrong."

Once the decision was made to go into business, the bootlegger had to set up shop. The necessary equipment could be acquired with comparative ease, usually in one visit to the local hardware store. Rudiments like wash boilers, copper tubing, jugs, and wooden barrels were adequate to get started. Although equipment purchases would appear to be a logical technique in the identification of bootleggers, one large and perfectly legitimate supplier indicated that law officers never inquired about his customers. Ingredients were readily obtained, but bootleggers used caution in large sugar purchases that would obviously belie their activity. Persons recalled that grocers furtively sold sugar at night, and one remembered that a store was opened in a small town "primarily for a front to run sugar through. There was more sugar sold out of that store than you could imagine."

Differences of opinion arose in the interviews about the ethics of store owners. Although the use that would be made of copper tubing and sugar was patently clear, one retired businessman insisted that "nobody ever thought of 'holding them up' for anything. I mean, no putting up the price... what the tag said was what they paid."

Some bootleggers were unconvinced that the store owners were altruistic, and thought that they were gouged. According to one bootlegger, for example, one grocer sold sugar at the regular price but took five pounds of every one hundred-pound sack that he sold.

With their skills in operation, bootleggers had all the tribulations of small businesses, including growing competition from large, efficient, and well-financed organizations with wide markets. Official sources frequently remarked on the trend during national prohibition toward huge operations that eclipsed small ones. That change could be discerned in the Balkans by the late 1920s when raids uncovered stills of massive capacity, sophisticated equipment, genuine whiskey and alcohol.

13. This composite of the Italian experience is based on various interviews: several of the most instructive were with J.C., who was on the margin of bootlegging, May 19, 1983; and J.R., former bootlegger, December 14, 1984. Highly informative on the discrimination against Italians was the interview with J.G.
14. Interview with J.R.
15. Ibid, interview with B.B., who carefully observed bootlegging practices, April 22, 1983.
17. Interview with J.R.
In a photograph that could be titled, “Tools of the Trade,” a still, barrel container, and an automobile represent the manufacture and distribution of bootleg liquor. The inset shows a bottle that contained bootleg whiskey, seized by federal prohibition agents. The label indicates place of seizure, type of liquor, name of enforcement agent, and the cost (this pint of whiskey cost $1.50).

plants, and netted impressive quantities of mash and finished products. In 1920, for example, a factory was found near Pittsburg that contained a small whiskey still and large plant for distilling pure alcohol that were valued between $12,000 and $15,000. The complex, which filled one and one-half stories of a barn, produced 210 gallons a day. Only in production two weeks when discovered, the owners had already earned $18,000.

An engineer had been imported to run the intricate factory, which was thought to belong to a liquor-running gang in Kansas City or St. Louis.14

The typical Balkans operation usually involved one or two men, but one former bootlegger indicated that he employed five persons who worked at all phases of the business. An entire family was occasionally responsible for the operation. A small bootlegger generally used stills with a thirty to fifty-gallon capacity, and might have several hundred gallons of liquor in some production stage. Italians, by all accounts, had the largest stills. They often deposited their finished goods at a close-by collection point, where the production of many small operations was hauled to a market like Kansas City.

There were bootleggers with reputations as exemplary makers of deep shaft; others, interested in quick profit, were harshly judged by customers and peers for their “rotgu.” Some “professionals” even claimed the ability to identify who made a particular product from a single taste. One bootlegger, who took extreme pride in his work and whose product was lauded by peers, exclaimed that he made “the best, cleanest bootleg around. It had to be number one or we wouldn’t touch it.”16

Not all bootleggers agreed, however, that quality was the only criterion. A practice of one bootlegger, who had to sell as fast as he could, was to make his product more aesthetic to compensate for its poor quality. An acquaintance recalled that he would take sugar and put it in a skillet with a little bit of water. He’d scorch the sugar first, then he’d put a little water in it and make a brown syrup. He’d take his liquid and pour it into the whiskey until he got the blend he wanted. He’d hold it up to the light and shake it, and he’d say “oh, it looks like six year old stuff to me.”19

The addition of cumber also made the flavor smoother, especially for sippers.

14. On the results of the raids on large operations, see Pittsburg Headlight, December 23, 1927, September 5, 1928, and June 14, 1929.
16. Interview with J. S.
19. Interview with B. B.
Although usually of high grade, deep shaft could harm and even kill. A Pittsburg doctor testified that some drinkers temporarily went blind or partially blind from the corn whiskey made locally. They recovered normal vision in all cases, but with permanently weakened eyes. Several empty bottles and a pint of poisoned whiskey in a quart container were found alongside the bodies of two men in a house in Edison. An investigation quickly confirmed that whiskey was the killer.21

Many bootleggers were proficient at “fractioning” and used expensive and accurate equipment that ensured a safe product, but some were ignorant of correct cooking techniques and used inadequate technology that endangered customers. Widespread physical and mental infirmities could be discerned among Balkans residents from the consumption of tainted and potentially lethal whiskey, even in the late 1930s.22

The profits from bootlegging, especially on a small scale, were less than many customers and the general public thought. Bootlegging could be boring, dangerous, and hard work, and the compensation was often unequal to the risks and drudgery. Several bootleggers admitted that they made good money on occasion. One manufactured, transported, and sold deep shaft during the 1920s in oil fields around Eureka, Kansas, where five gallons sold for seventy-five dollars, which he described as handsome profits.23

Generally, bootleggers regarded income from their lucrative business between poor and marginal. Many recalled with disgust that the meager profit was hardly worth the effort. A typical complaint was that bootlegging just enabled the occasional purchase of groceries. One person confirmed that “you were lucky to afford a loaf of bread by the time you were through . . . it was nip and tuck all the way.”24

Some persons recalled the compensation as better than meager but definitely not lucrative. A member of a bootlegging family remembered that “the ones that made booze . . . was a little better off. They always had . . . a little more spending money than the others.”25 Although that might appear inconsequential, it could make all the difference. Many persons testified that bootlegging enabled families to have food on the table, to clothe children, to keep a roof above them, and to occasionally save enough to send a son or daughter to college. Bootlegging was often survival for a miner, unemployed or on strike, or for a widow, raising a family—a common situation.

Prices paid for deep shaft varied widely according to its quality, which could mean the difference of two to three dollars a gallon, and market conditions, which were highly unstable between 1920 and 1940. In the Balkans deep shaft sold for as low as two dollars a gallon during national prohibition, but the greater the distance from Kansas, the higher the price. Five dollars a pint was demanded in Detroit, which meant that the consumer in that city paid forty-five times the amount received by the producer. Big profits could be made from bootlegging, but they obviously accrued to the middleman.

The reputation of the best deep shaft enabled sellers in Chicago, Detroit, New York, and elsewhere to command exorbitant prices. While at a Coleman Company meeting in Chicago, one Kansan had the opportunity to confirm the far reach and reputation of deep shaft. A bellboy knocked on the hotel door one night and announced that he had liquor for sale. “I want to tell you,” he said, “it’s Number 50 Camp, that’s Crawford County, the finest there is.”26

Repeal of the Eighteenth Amendment depressed the Balkans industry as the consequence of competition from sellers of legally distilled spirits. The price of deep shaft dropped to $1.10 a gallon in 1934, remembered one bootlegger. With his profit at five cents a gallon, he abandoned manufacturing and entered the distribution end of the business exclusively. He obtained legally made liquor in Missouri for illegal sale in Kansas, which had rejected the Twenty-first Amendment.27 By the time that Kansans repealed the prohibitory amendment to the state constitution in the 1948 referendum, only a few producers of deep shaft were still in business.

Bootsleggers sold their wares to anyone with the price, and, consequently, should be regarded as a great democratic influence. Yet, it is not too elli to identify a few well-known consumers of deep shaft. Journalist and historian Bernad de Voto, noted for his affiliation with Harper’s, was a 1933 guest lecturer at Pittsburg State University in Crawford County. When his guide inquired why de Voto had agreed to speak there, de Voto explained that deep shaft had been popular in New York and he wanted to visit its place of origin.28 Another

21. Pittsburg Daily Headlight, February 20, October 21, 1925. Although the mining camp in which these deaths occurred was reported by the newspaper to be “Edson,” other sources, including area maps indicate that the name was Edison.22. Interview with J. S. T., retired chemist and businessman familiar with cooking techniques and equipment used by bootleggers, October 10, 1986.
23. Interview with J. R.
24. Interview with J. S.
26. Interview with P. S.
27. Interview with J. R.
buyer, not nationally known at the time, was Harry S.
Truman who once allegedly uttered the line, "I’m no
advocate of whiskey as a steady diet but on occasion it
can do heaps of good." The son of a bootlegger recalled
that

some of the people...buying liquor from us were
affiliated with Truman. In fact, Truman himself came
to this house. Harry Truman...wasn't President then,
he was just Truman...This was when he was in Kan-
sas City, and he was in a clique...He would come
or his friends would come and buy many a gallon of
boozc....Truman was a nobody to me then, just a
man.49

Bootlegging had more danger than excitement and
more hardship than glamour. Even good profits seldom
adequately compensated for the dangers, one of which
was the explosion of stills. Explosions were common,
even a small still could erupt with seismic force.
One bootlegger nearly lost his partner when a ten-gallon
drum detonated. The explosive force skewed a small
house on its foundation, lifted a heavy wood cookstove
and set it down a foot from its original location, and
startled the entire neighborhood. Six women in the
house somehow escaped injury.49

Less fortunate was the bootlegger whose body was
found on the ground within reach of his still in a dugout
on the bank of a creek near Girard. The bootlegger had
served a jail term or two on prohibition violations. The
Crawford County coroner was notified of the body and
its location by a man who was summoned to the scene
by an unidentified caller. After a search along the creek,
the coroner and two men found a place on the bank
loosely strewn with hay that would hide the dugout to
any but the intense searcher. The bootlegger was pro-
nounced dead from suffocation and fumes from the
whiskey he was cooking.49

Hijackers were a greater danger than volatile and
unsafe stills. The violence endemic to bootlegging may
be overstated, but it was a part of the business. Hijackers
were the nemesis of the honest and industrious boot-
legger, who normally took careful precautions against
them. Armed, often with sawed-off shotguns and unin-
hibited in the use of violence, hijackers were a ruthless
menace. They were most successful when they became
familiar with a bootlegger’s operation by posing as a
buyer or using his acquaintances to gain his confidence.
These ruses were used in one hijacking when a neigh-
bor brought men to the home of a bootlegger. They
wanted whiskey, which the bootlegger agreed to sell.
A woman recounted the “night of fright” that she
experienced as a girl fifty years ago.

When it was time for payment, the three men stood
up and circled the room. They all had guns in their
hands and announced that it was a “stickup.” One girl
screamed and collapsed on the sofa....The runners
called to those outside to come inside the house or they
would shoot those who were in the house...An elder
son spoke out and told everyone to take it easy, as it
wasn't worth anyone's life. One runner went to look in
the bedroom. Mother pleaded with him not to hurt the
baby boy asleep in the bedroom. When he came back
from the bedroom, they backed out of the house with
guns drawn, ran for their car and raced away.49

This family was fortunate that no one was injured
or killed. Hijackers were less restrained with Pittsburg
roadhouse proprietor and World War I veteran Tom
Bonini. He was set up for a hijacking by a Joplin,
Missouri, man who claimed to have customers for sixty
gallons of whiskey. A Pittsburg couple accompanied
Bonini and the man to pick up the whiskey at Camp 42,
which was near Columbus in Cherokee County, and
drove to a dissolve section of Joplin, where two men
waited them. They and the Joplin man escorted Bonini
into a house and shot him when he resisted. The testi-
mony of the Pittsburg couple, who fled when shots
were fired, and neighbors led to first degree murder
charges against four men.49

A former bootlegger observed that law officers usu-
ally knew who was bootlegging, and the bootleggers
understood perfectly what they could get away with
legally.49 Guile, caution, and familiarity with the rules,
not necessarily concealed identities, explain the boot-
leggers' ability to elude detection and the snare of
the enforcement and legal systems. Bootleggers were
usually highly circumspect. They conducted business
only with persons they knew, whenever possible, or
those who came recommended. They avoided con-
spicuous behavior and were tight with confidences.
They maintained close watch on their stills and were
attentive to security in their operations. Many relied
upon adept concealment to evade the law.

The term “deep shaft” itself conveys the impression
that only abandoned mines were used for clandestine
manufacture and as caches, but that often was not the
case. Empty houses, barns, bedrooms, chicken houses,
caves, and inaccessible spots in the hills and woods

29. Interview with P. J.
30. Interview with J. R.
32. Patrick G. O'Brien, "These Ladies Served Strong Drink,"
33. Pittsburg Headlight, May 19, 21, and 22, 1928.
34. Interview with J. R.
were likely to conceal stills. Bootleggers could be ingenious in their camouflage. Law officers once found a model distillery concealed by a haystack atop the basement of an old house that had a roof level with the ground, and on another occasion officers uncovered a still that operated beneath a street in Capaldo.

Coal mines were, however, favorite locations for stills, and they afforded nearly perfect concealment. Often several hundred feet deep, mines ran long distances, with tight, dark places passable only by crawling on hands and knees. Separate entrances, which could be used to haul supplies into the mines and facilitate escape, were easily hidden and helped to confound the law. Consequently, many pursuers stood next to mines and never knew that they contained stills.

Sellers concealed finished products in interesting places while they awaited customers. One woman seller kept her supply in sewing machine drawers; and mattresses, traps in house and garage floors and walls, attic, hedgerows, false cellars, farm buildings, and holes below fence posts were commonly used. The ultimate cache was on the west side of Pittsburgh in the houses where smallpox victims had been confined. When the houses closed, bootleggers found a different use for them. According to one person familiar with bootleggers, they “kept a lot of goods there and people were afraid to go into that area—afraid the pox germs were still there.”

The stealth and ingenuity of bootleggers challenged law officers whose success at apprehension required extreme diligence, which many appeared to lack. Even conscientious and able officers could be frustrated in the Balkans, where they encountered intractable problems from the very nature of bootlegging in an inhospitable social climate and a countryside that aided elusion.

Bootleggers, however, did not enjoy anything close to immunity. Law enforcement was often unsystematic and uneven in intensity, but continuous. Hundreds of raids were made against cooks and sellers in the 1920s and 1930s, and thousands of arrests were made for a range of prohibition offenses. Newspaper reports at various intervals often indicated more arrests for prohibition transgressions than any category of illegal activity, including traffic violations.

Available data can only suggest the general situation and trends. A 1924 Pittsburgh police report, for example, revealed that arrests for prohibition violations had increased annually since 1920. The five-year arrest totals were: intoxication, 1,247; driving while intoxicated, 146; dry violations, 235; and selling, 26. City police made a record 855 arrests in 1924 for prohibition infractions, including 430 for home brew, which was not a category in the five-year report.36 When the statistics for Pittsburgh, the largest city in the region with a population of eighteen thousand, are amplified to the scale of Crawford and Cherokee counties, it contributes to an understanding of the amount of bootlegging and wetness in the Balkans.

The limited and often vague data available are interesting and useful, but inconclusive on important aspects. Data that appear definite often reveal less than expected on close examination. Arrest statistics, for example, cannot be assumed to accurately reflect the amount of prohibition violations. Extant data basically indicate that arrests related to prohibition offenses increased annually from 1925 to 1933. This may reflect more bootlegging or greater vigilance by law officers in their duty, or both.

One reason for the jump in arrests in the late 1920s and early 1930s was greater activity by federal agents in the Balkans. Although Kansas arrests statistics in federal reports do not specify location, the newspapers and bootleggers confirm that federal agents made southeastern Kansas a top target.37 Humorless and compulsive agents like W. W. “Snake” Thompson spilled into Crawford and Cherokee counties and seemed ubiquitous. They had an influence. Snake forced bootleggers to become more circumspect and scared at least one into a strictly legal livelihood. These agents relied heavily on “stool pigeons” in the towns and mining camps, and one person bitterly recollected those who were willing to spy on neighbors and sell the information.38

Federal activity in the Balkans may have been belated, but an end of the neglect was signified by one of the largest raids in the central United States in the early morning of June 28, 1930. With 105 arrest warrants, thirty federal officers struck swiftly against the biggest cooks and sellers, whose names had been obtained in a month-long secret investigation. Within one week, ninety-five arrests and arraignments had resulted, and courts were still trying cases the next year.39

Concerted law enforcement caused bootleggers inconvenience, income, and occasional jail and prison time, but no evidence supports the conclusion that it

35. Interview with F. J.
36. Pittsburgh Daily Headlight, October 9, 1924, and January 1, 1925.
38. Interview with E. B., relative of bootleggers, October 12, 1987; written recollections from E. B., October 14, 1986.
39. News of the raid appeared in the Pittsburgh Headlight, June 28, 1930, and reports on its repercussions continued long into 1931.
In 1925 an intense prohibition enforcement campaign was initiated by A. H. Carl, Crawford County attorney, and his posse known as Carl's Raiders. Shown are some of the Raiders with confiscated stills and homemade liquor.
ever threatened the bootlegging industry with extinction. Officials might claim progress toward that goal, but many observers reported the contrary. One informant, paid to identify Crawford County bootleggers, wrote the governor in 1926 that stills abandoned when he left the Balkans years earlier, but he found on his return that "they had become more numerous. Some few are being caught, but still the country is a den of liquor producers, most of them being foreigners." The same situation was reported three years later in Cherokee County where, the governor was informed, "the most extensive manufacturer of corn whiskey" existed. Makers and sellers, alleged to "pay regular sums to county enforcement officials for protection," were "repeatedly arrested, convicted and fined." As late as 1937, a national magazine reported that deep shafts were still available where there was bootlegging, including cities as distant as New York. When most bootleggers finally went out of business, law enforcement was less the reason than stark economics, including the loss of Balkans customers to legal sellers in Missouri.

Law officers were on the front line against bootleggers. It was occasionally almost impossible to distinguish between the good and the bad in the contest, and the pursuers and the pursued often had much in common. Although the contest had aspects of a game, it could be a starkly grave one with freedom and safety at stake. Bootleggers, therefore, used a variety of ruses, relied on luck, and resorted to bribery of the local officers and federal agents who threshed the broken and often densely vegetated country.

Prohibition enforcement is a subject that eludes authoritative judgments. Cookers and sellers had widely varied experiences with law officials, whom the former bootleggers described as highly divergent in personality, ability, and integrity. Swings in enforcement intensity and inconsistency in individual officer behavior led different bootleggers to have conflicting views of the same person, who might even evoke contradictory feelings from a single bootlegger.

Some bootleggers and law authorities formed a kind of bond from the fact that they knew each other and had the common experience of pursued and pursuer. This helps to explain the testimony of limited enmity.

40. Roy L. Buffington to Ben Paulen, 1926, Records of the Governor’s Office, Correspondence Files, Ben S. Paulen, Box 22, 25, folder 10 “Prohibition.” Archives Department, Kansas State Historical Society (KSHS).

41. Mr. and Mrs. Henry Mitchell to Clyde M. Reed, February 7, 1929, Records of the Governor’s Office, Correspondence Files, Clyde M. Reed, Box 18, “Prohibition.” Archives Department, KSHS.


That bond enabled predictability and thereby comparative safety in their contest. One prohibition agent had sufficient confidence in the rules to take his daughter along while he tracked down stills and cornered bootleggers. This bond worked against excessive violence between the two sides, but did not eliminate all danger and friction.

Animus occasionally flared between the protagonists, but rarely were feelings intense enough to wish the worst calamity on an enemy. Both bootleggers and officers, however, tended to view each other without enmity and with a sense of detachment. Both sides had their jobs, and they were seldom influenced by personalities or diverted by personal vendettas.

These mutual attitudes accounted for the negligible violence between bootleggers and law officers, but incidents occurred. A twenty-pound dynamite charge made kindling of the rear part of Undersheriff O. M. Lamb’s home in Girard, Crawford County, at 11:45 p.m., on January 15, 1921. Lamb had received Black Hand threats when he raided and dumped the contents of a still. Retaliation was swift. No person was seriously injured in the explosion, although Lamb’s father was buried under a pile of debris and his two sons were nearly crushed by a sewing machine and door that were blown onto their bed. Houses a mile away had broken windows and the blast was heard for miles. The explosion was Lamb’s second narrow escape from death in less than a week. When serving a warrant on January 2, he was attacked with an axe and left with a two-inch gash on the back of his head. Lamb earned his salary that week.

Although nearly infinite opportunities for violence arose between bootleggers and law officers, no homicide was recorded from their encounters between 1920 and 1930. A case of mistaken identity between raiding parties near Columbus resulted in the only publicized fatality. Two groups of officers failed to inform each other that they planned to hit the same mine. When they collided and mistook the other for bootleggers, shooting erupted and killed one deputy constable and seriously wounded one deputy sheriff.

Law officers often overlooked violations and exhibited leniency toward bootleggers for reasons that ranged from decency to venality. Many officers and officials in the legal system experienced conflict between duty and solicitude for the bootlegger. They knew the economic desperation that was responsible for
boodlegging, and they were aware of the repercussions of heavy fines and jail sentences. Numerous officials lamented the ethical dilemma of diligent enforcement when the arrest of a bootlegger would relegate the man's wife and children to uncertain charity while he was in jail. Although enforcement officials who made allowances on humane grounds were guilty of dereliction, they should be judged on different grounds than rapacious ones. Even the honest and widely detested Snake Thompson was known to succumb to human weakness, as when he caught a bootlegger with several hundred gallons of wine and warned rather than arrested him.  

Attitudes of law officers influenced the amount of diligence exhibited in their work, and the fact was that some were definitely unenthusiastic about prohibition, even buying and drinking deep shaft while they raided and arrested cookers and sellers. Numerous officers considered prohibition not as a mission but just a law to be enforced irrespective of personal sentiment. Because enforcement allowed latitude on the part of officers, however, bootleggers often benefited from their rapidness. Responsible officers may have been compelled to fulfill their duty, but not necessarily with great zeal.

Although Balkans drys might object to official laxity and leniency toward bootleggers, their real complaint was that the enforcement, prosecution, and judicial systems were enveloped by malfeasance. Palpable, widespread, and habitual bootlegging and drinking led to dry accusations, for example, that Crawford County had a license system for the sale of liquor. This was based upon easy acquisition of deep shaft, the fact that the average bootlegging conviction entailed a $100 fine and thirty-day jail sentence, and the practice to parole one half of the guilty.

Dry frustrations encouraged politicians to occasionally adopt platforms to eradicate the illicit industry and wring out the Balkans. That was the case with A. H. Carl, elected Crawford County attorney in a “clean-up” campaign and organizer of the controversial Carl’s Raiders. Accusing officials of leniency toward and complicity with bootleggers, he formed his own posse and began an assiduous and well-published enforcement campaign in early 1925. Within months, however, the State of Kansas instituted a successful ouster suit against Carl on a variety of charges from the collection of fees for services not performed to negligence in the prosecution of prohibition violators and arresting persons solely to collect fees. Carl, however, had defenders who insisted that a conspiracy forced him from office for being too conscientious.

The extent of dishonesty in the enforcement, prosecution, and judicial systems cannot be defined with precision. One problem already described is the delineation between greed and compassion. The second problem is that the scale and nature of official malfeasance changed intermittently in the 1920s and 1930s, and even the same location often experienced alternate phases of honest and dishonest officials. Bootleggers, however, testify that they encountered some official malfeasance everywhere at every time.

The third problem is to judge between appearances and realities. One person, who held public office with legal duties, admitted that many practices gave the impression of official laxity and even culpability, but he argued that official behavior was widely misinterpreted. Bootleggers and their lawyers, he insisted, knew the devices to escape severe penalties, and prosecutors and judges often were influenced by extenuating circumstances. This former official defended the basic integrity of the legal and political institutions, but he admitted to abuses, although not of the scope often charged.

Former bootleggers and some persons associated with enforcement and politics have a fundamentally different version. Some bootleggers, for example, described a system of fees paid to a Crawford County attorney based upon volume of production in return for immunity. A respected attorney, who defended many bootleggers in court, verified the system, described it in detail, and identified the perpetrators.

The above fee system was common knowledge, but unobtrusive; however, no attempt was made to hide complicity between bootleggers and public officials in some Cherokee County towns and camps at certain times. Persons kept stills in shacks behind their houses and conducted their illegal activity in full public view and without fear of law officers. Residents recalled that even had law authorities been blind, they could not

45. Interview with W. T., who recounted his visit with a Crawford County sheriff on the dilemma of his job, May 6, 1983. Interview with B. H., June 18, 1983.
46. Interview with J. R. In an interview on May 6, 1983, H. G. recounted a deep shaft sale to a local lawyer.
47. Interview with H. C. For one example of attitudes of persons in law enforcement, E. S., a retired law officer, in an interview on May 20, 1983, described enforcing prohibition laws as just part of his job and not one he particularly enjoyed.
48. Pittsburg Daily Headlight, October 11, 1925.
49. An interview with O. T., a former member of Carl’s Raiders, on June 6, 1983, was highly useful on the operations and politics surrounding the Raiders. O. T. thought that Carl was the victim of a conspiracy, and even some bootleggers share that opinion.
50. Interview with B. H.
51. Interview with J. G.
have avoided the marsh aroma that hung like ground fog in towns like Roseland and Carona. They testified that it surpassed belief for any person not to know about bootlegging, reciting the names of and anecdotes about bribed officials and describing the prodigious influence of bootleggers in the county.  

Although some authorities gratuitously showed leniency, many expected and received payment from bootleggers. Nearly every former bootlegger had knowledge of bribery of local, state, and federal officials. Some gave cogent details of transactions with law officers, prosecutors, and court officials. The bribery system was often complex and included many conditions and qualifications that frequently led to misunderstandings and afforded bootleggers only limited immunity. 

Although many officials were accused of nefarious conduct, only several names aroused the emotions of persons interviewed. According to those interviewed, these were hypocritical officials who made extravagant displays of prohibition enforcement but were not immune to the blandishments of bootleggers. Many bootleggers avoided detection or enjoyed immunity from law officers and public officials, and they were subjected to "justice in the raw," which is the phrase one lawyer used to describe the Balkans legal system. Many bootleggers paid fines and served jail and prison time. Federal court was the harshest, and defendants were routinely failed guilty. An attorney remembered that many bootleggers appeared for trial with bags packed ready to begin serving their sentence as soon as it was pronounced.

Justice in the Balkans, however, worked differently, like everything else. When law officers raided an operation, arrested, and charged both husband and wife, the spouses often agreed between themselves to protect the main income earner. Consequently, the lesser provider pled guilty while the main earner protested innocence. Conviction of just one defendant usually satisfied a prosecutor, and the defendant's gender was immaterial. This meant that an innocent woman occasionally served time at the "chicken farm," the women's penitentiary at Lansing, while the guilty man remained free to continue the business and support the family. When the woman ran the operation, which was less often the case, the man sometimes served the sentence she should have received. This kind of arrangement often seemed the only way a family could avoid destitution. Long-term separation often involved stark loneliness, grueling hardship, and near indigency in that generation, irrespective of the spouse who went to jail.

A commentary both on Balkans justice and the economic situation was the availability of persons willing to go to jail for pay. These persons pled guilty and served time in the place of the bootlegger for a dollar a day, and also had the luxury of a roof over his head and three meals a day.

Based largely on the accounts of former bootleggers and persons conversant with its various aspects, this article has described phases of the Kansas Balkans bootlegging culture between 1920 and 1940. Although bootlegging elicits images of excitement and even glamour, they only tenuously resemble reality. Largely pushed into bootlegging for economic survival, bootleggers and sellers had risks and dangers seldom warranted by the profits. Anyone who equates glamour and bootlegging should reflect on the statement by a man who made his living from it for twenty-three years: "I had no education, learned everything the hard way, and paid for everything, and sometimes it [the price] was too high."

52. Interview with J. N. D., October 11, 1986. Also useful was an interview with P. T., who was a cook while a young man, October 11, 1986.

53. J. R., for example, described many encounters with officials, and gave thorough details of his arrangements with them. He also recited violations that officials overlooked without being bribed. Although federal officers were considered less receptive to bribery, H. G. witnessed payment of an agent in return for advance information on raids.

54. Interview with J. G.

55. Ibid.

56. Ibid.