



THOMAS PINNEY



# A HISTORY OF WINE IN AMERICA

FROM PROHIBITION  
TO THE PRESENT



# 1

## FORMS OF LIFE IN A DRY WORLD

### THE VOLSTEAD ACT

On 16 January 1919 the senators of the Nebraska state legislature, by a vote of thirty-one to one, ratified the Eighteenth Amendment to the Constitution of the United States, prohibiting the sale of alcoholic drink throughout the nation. With the Nebraska vote, the amendment received the required support of two-thirds majority of the states for it to pass into law. Now it would become effective a year from the day of the clinching vote—that is, at midnight on 16 January 1920—and it seemed clear that at that time, the drinking of wine (to say nothing of beer and whiskey) must come to an end for the people of the United States. The language of the amendment was curt and uncompromising:

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.

To convert this sweeping command into practical administration, the U.S. Congress passed the National Prohibition Act on 28 October 1919, over the veto of President Wilson.<sup>1</sup> This piece of legislation was thereafter always called the Volstead Act, in reference to its ostensible author, Andrew Volstead, a veteran Republican congressman from Minnesota. Volstead's congressional career was devoted mostly to defending the interests of the farmers of the upper Midwest, but as a teetotaler and chairman of the House Judiciary Committee, he took on the task of drafting the bill that was to enforce Prohibition. Although

Volstead always said otherwise, it was generally understood that the real author of the bill was Wayne B. Wheeler, the animating spirit of the Anti-Saloon League, the main organizing power behind the successful drive for constitutional prohibition.<sup>2</sup> The act thus was an opportunity for the forces that had brought about Prohibition to dictate their terms to the nation.

The key provision of the Volstead Act was its definition of *intoxicating liquor* as anything containing more than 0.5 percent alcohol. The basis of the definition was simply the measure traditionally used for purposes of taxation, but its intent was obviously to cast the net of prohibition as widely as the most ambitious reformer could hope. The definition was devastating to the brewers of beer and the makers of wine. Unlike the distillers of spirits, who had always been the main target of the prohibition campaign, they had at least been able to hope, down to the last moment, that their produce would be spared and their livelihoods continue. The terms of the act extinguished that hope.

Yet the Volstead Act's severe notion of what constituted an intoxicating drink was modified by some important omissions and exceptions. The significance of these irregularities was probably not clearly grasped by the act's framers, but it became increasingly evident during the course of the Prohibition years. The act, like the amendment itself, did not specify "alcoholic" but only "intoxicating" drink; nor, like the amendment, did it prohibit any "use" or "purchase" of such drink—these important details, it has been said, are evidence of a practical recognition on the part of the Drys that they could not successfully achieve a "radical, bone-dry amendment."<sup>3</sup>

Both the act and the amendment were directed not against the consumer, but instead against the producer and dealer (the "traffic," in the language of the Anti-Saloon League). Thus the purchase, possession, and consumption of alcoholic beverages had no penalty attached to them. The bootlegger might be subject to the rigors of the law, but his customer was secure. People prudent enough to supply themselves before the trade shut down could enjoy their cellars with impunity.<sup>4</sup> And if they could manage, illegally, to replenish them, the supplies once in hand were theirs, legally, to drink and to share with friends. Apart from these omissions, the act was further weakened by an exception allowing heads of families to make up to 200 gallons annually of "fruit juices" exclusively for consumption in the home. The language of the provision was obscure and contradictory, but as we shall see, its effect was to license home winemaking.

Another exception allowed the production of alcohol for "non-beverage" purposes. Mostly, this meant the large-scale production of alcohol for industrial uses—in paints, solvents, and chemicals, and in the manufacturing processes for textiles, rubber goods, film, smokeless powder, and many other blameless products. There was also provision for winemaking itself to continue: Wine for sacramental use in Christian and Jewish congregations continued to be produced commercially. And since wine could be prescribed as medicine, or used in foods as a flavoring agent, winemakers who obtained permits could compete for those restricted markets too.

Such anomalies and exceptions point to the important fact that Prohibition, over the

fourteen years of its existence, was not one undeviating, uniform condition but a complicated, sometimes contradictory arrangement that passed through several distinct phases and that affected the country in different ways at different times. Since the history of wine in America is bound up with the fortunes of Prohibition, the changing developments in the drama that took place between the passage of the Eighteenth Amendment, which established it, and the Twenty-first, which repealed it, should be briefly sketched.

## THE PHASES OF PROHIBITION

At first, Prohibition seemed to work, especially if one took a restricted view of its aims. If, as has been plausibly argued, it was mainly concerned to curb the drinking of the American working class, then its first few years of operation were a decided success.<sup>5</sup> The legal sale of alcoholic drink of course disappeared, and by other measures, too, American drinking appeared to be on the way down: arrests for drunken driving and the number of cases of alcoholism were reported to be greatly reduced.<sup>6</sup> It could also be—and was—asserted that the general condition of the American workingman and his family was better under Prohibition than ever before.

Another sign of the early effectiveness of Prohibition is that to all appearances, drinking did not increase in those communities where it had not been established before—for instance, among women, and at most of America's colleges and universities. Yet another, more dubious result of the early operation of Prohibition was to increase the proportion of spirits in the total of what was actually drunk: if one was seeking merely an alcoholic jolt, and if it took no more trouble to get spirits than to get beer or wine, then beer and wine would lose out. And so they did. But that development could be of no concern to the Drys, who lumped all alcoholic drinks together under the heading of Demon Rum. And in the early going, as reports came in of the newly sobered style of the nation, their cry was a triumphant "long live Prohibition."

The legality of Prohibition was challenged almost at once and from many directions. Since the ratification of the Eighteenth Amendment came on a vote of state legislatures, it was argued that the people had not been properly heard from: there ought to have been popular referendums instead. In Ohio, in 1919, such a referendum was in fact held, and it overturned the earlier vote of the legislature in favor of ratification. But the Supreme Court upheld the legislature against the referendum, and so that hope went glimmering. The constitutionality of the amendment was challenged repeatedly in the courts on various grounds: it was an encroachment on states' rights and on local self-government; it invaded privacy; it was an illicit act of legislation in the guise of a constitutional change. No doubt there were other arguments too.

Nothing worked. The Supreme Court, under Chief Justice William Howard Taft, uniformly repelled all attacks on the amendment, not only in the early years of Prohibition but to the very end.<sup>7</sup> No amendment to the constitution had ever been repealed; and in

the early years of Prohibition there seemed little reason to suppose that the Eighteenth would prove to be the exception. The exuberant certainty of the Drys broke out in extravagant imagery. Evangelist Billy Sunday proclaimed that you could no more repeal the amendment “than you could dam Niagara Falls with toothpicks.” As late as 1930, when cracks had already appeared throughout the structure of Prohibition, Senator Morris Shepard, a Dry from Texas, declared that “there is as much chance of repealing the Eighteenth Amendment as there is for a hummingbird to fly to the planet Mars with the Washington Monument tied to its tail.”

Despite such boastings, a process of erosion was going on. It showed itself in one way as a problem of enforcement. To patch up leaks in the law, new legislation had to be passed, such as the Wills-Campbell Act (1921), which restricted the quantity of beer and wine that doctors could prescribe for medicinal use. A more serious sign of trouble was the harsh provision of punishment in the Jones Act of 1929. This was a late stage in the evolution of Prohibition, and the extent to which the law was being violated may be guessed at from the desperation of the measure: where the Volstead Act prescribed penalties of up to six months’ imprisonment *or* a thousand dollars for a first offense, the Jones Act imposed five years *and* ten thousand dollars.<sup>8</sup>

The difficulties of enforcement were partly caused by a growing sentiment that the law did not deserve to be obeyed. The enemies of Prohibition—despairing at the impossibility, as it seemed, of repealing the Eighteenth Amendment and baffled by the repeated failure of efforts to modify the law in any way—often turned to a simple policy of nullification: if the law could not be changed, then it would be ignored. Quite respectable people argued for this view: a former president of Yale University, for example, and the distinguished journalist Walter Lippmann.<sup>9</sup> And what such respected public figures were prepared to set forth in public must surely have been acted on by great numbers of ordinary and anonymous citizens in private.

Another sign of change was the reluctance of many states to take an active hand in enforcing Prohibition. The second section of the Eighteenth Amendment provided that “the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.” *Concurrent power* was interpreted to mean that the federal law could be paralleled or even strengthened by state law. The intention of this provision was to respect the laws of those states that already had Prohibition, especially if those laws were as tough as or tougher than the Volstead Act. The Drys also hoped that the states would help keep down the cost to the federal government of policing Prohibition by enforcing their own laws. The “concurrent” clause created a legal confusion, since offenders might be prosecuted twice for the same crime, once by the state and again by the federal authorities—a kind of double jeopardy. But in fact, the concurrent system offered a target that the Wets could hit with some effect, even while the Eighteenth Amendment itself seemed secure against all assaults. In New York in 1923, the Democratic governor, Al Smith, in response to popular pressure signed a bill repealing the state’s prohibition legislation. This did nothing to alter the conditions of national Prohibition, but it regis-

tered, in terms that politicians could understand, popular resentment of the state of things. By 1927, only a few states were spending any money to enforce their own Prohibition laws, and thereafter many states, well in advance of Repeal, did away with their concurrent laws.<sup>10</sup>

The main energy of the developing Wet counterattack went into efforts to secure not repeal but modification. Repeal, in the middle of the Prohibition era, still looked like an impossible task. But perhaps the bone-dry definition enshrined in the Volstead Act—nothing over 0.5 percent alcohol allowed—could be changed.<sup>11</sup> The aim was to modify the act so as to allow, as a first step, the legalization of 2.75 percent beer.<sup>12</sup> Later, the legalization of so-called light wines was added to the objectives of the campaign. Congressional hearings on the proposed modifications were held in 1924 and again in 1926, but the hopeful were disappointed on each occasion.<sup>13</sup> The time was not yet ripe for lawmakers to venture the risk.

Meanwhile, the country seemed to be growing restless under the law. The docile acceptance of Prohibition that marked the first years, at least according to some observers, had now disappeared. Arrests for violations of the Volstead Act went up, not down. More important, the popular impression was growing that Prohibition had proved to be a failure: it didn't prevent drinking, but on the contrary only produced a nation of lawbreakers. Such, at any rate, was the theme of the Wet propagandists, whose main strategy now lay in discrediting the effectiveness of the law. What the truth of the matter was—if there was any clear truth—is probably impossible to know now. While the Wets proclaimed the failure of the experiment, the Drys just as noisily asserted its success. The choice of evidence, and the method of interpreting it, were determined by the purposes of the disputants: neither side had any trouble in making a case for its own view of the question.<sup>14</sup>

Whatever the reality, the *idea*—some have called it a fiction or a myth—that Prohibition was a failure began to win out over the doctrine of its success.<sup>15</sup> With this shift, the third and terminal stage of national Prohibition began. Leading the attack for the Wets was the Association Against the Prohibition Amendment (AAPA), founded in 1919 in the last, futile days of the struggle against the Eighteenth Amendment, but reorganized in 1928 and now operating in the excited hope that repeal was possible. The organization in its new form was a combination of the rich, the well known, and the reactionary. They were at least as much concerned with states' rights and limitations on big government as they were with such issues as the morality of drinking or the social effects of the saloon.<sup>16</sup>

The opposition to federal authority that animated the AAPA leadership is clear in the resolution they adopted early in 1928: they were determined to work for “entire repeal of the Eighteenth Amendment,” they said, for the simple and sufficient reason that Prohibition “never should be the business of the Federal Government.”<sup>17</sup> They were working in an atmosphere greatly changed since the beginning of Prohibition, nearly a decade earlier. The impetus of evangelical reform that had originally impelled the Drys to triumph had now run down. Resistance—overt or silent—to the enforcement of the

law had grown more and more stubborn, and the “failure” of Prohibition had become more and more an article of public faith. The initiative had now passed from the Drys, who had had their chance and lost it, to the Wets, who like all oppositions were rich in promises.

An opportunity arose in the 1928 presidential elections. Both parties attempted, more or less successfully, to avoid making clear commitments on the matter of Prohibition. But the outcry over the failure of the law could not be wholly evaded: Herbert Hoover, the Republican candidate, was prompted to promise an investigation into the question. Following his election, he performed his promise by appointing a national commission on law observance and enforcement, called the Wickersham Commission after its chairman, a former U.S. attorney general, George Wickersham. The commission was charged to review “the entire federal system of jurisprudence and the administration of laws” and did so in a series of fourteen lengthy reports. But its main business was with the enforcement of Prohibition, and its report on that subject, published in five volumes early in 1931, got all the attention.<sup>18</sup> The Wickersham report fully reflects the confusion and contradictions of opinion about what Prohibition actually was and what it actually did.

The commission interviewed representatives of every segment of the community, ordered special research inquiries, collected the opinions of experts, listened to the testimony of Wets and Drys of all stripes, and accumulated the statistics and documents of official agencies. The outcome, perhaps inevitably, was deeply contradictory. President Hoover, in transmitting the report, announced that the commissioners had concluded in favor of Prohibition. And so they had: the official recommendation was against repeal. But it was not much in favor of Prohibition as it had so far been known, and the evidence it had collected seemed, as much as anything, to confirm the charges of the AAPA that Prohibition didn’t work. The general sense that the commission’s report contradicted itself was put into verse by Franklin P. Adams in his *New York World* “Conning Tower”:

Prohibition is an awful flop.  
We like it.  
It can’t stop what it’s meant to stop.  
We like it.  
It’s left a trail of graft and slime,  
It don’t prohibit worth a dime,  
It’s filled our land with vice and crime.  
Nevertheless, we’re for it.<sup>19</sup>

The AAPA, which had had much to say to the Wickersham Commission, was soon joined by other like-minded groups. The Voluntary Committee of Lawyers, founded early in 1929, brought together a number of distinguished New York City attorneys whose influence was out of all proportion to their numbers, though membership was soon extended outside New York to other cities.<sup>20</sup> Another group, calling itself the Crusaders, was formed in Cleve-

land in 1929 to recruit young men to the cause of repeal. The religious zeal implicit in the name is a clear expression of the shift of righteousness from Dry to Wet.<sup>21</sup> Most important of the new organizations to appear in the wake of the AAPA was the Women's Organization for National Prohibition Reform, organized in 1929 under Pauline Sabin, the socially prominent wife of a wealthy New York banker. At its first convention, in 1930, the Women's Organization roundly declared for repeal: "We are convinced that National Prohibition is fundamentally wrong," the conference resolved, mainly because Prohibition was opposed to the Constitution—the women agreed with the political position of the AAPA, to which the new organization was closely allied.<sup>22</sup> By 1933 the Women's Organization claimed a membership of nearly 1.5 million women. Even allowing for inflation in the figure, the group was certainly the biggest of the anti-Prohibition associations, though it aimed more at prestige than at mere numbers in its membership.<sup>23</sup>

It was also, symbolically at least, the unkindest cut of all to the embattled Drys. The defection of women from the Dry standard, which, it had been supposed, they would defend to the last, was a blow as serious as it was unexpected. According to Mrs. Sabin's own testimony, she had been inspired to form the Women's Organization when she heard Mrs. Ella Boole, the veteran head of the Woman's Christian Temperance Union (WCTU), assert at a Congressional hearing in 1928 that she, Mrs. Boole, represented "the women of America." Mrs. Sabin thought to herself, *Well, lady, here's one woman you don't represent.*<sup>24</sup> She thereupon founded the Women's Organization. She was, inevitably, vilified as a traitress, but she proved quite capable of defending herself with energy and aplomb.

The last, and irrecoverable, stroke was the Great Depression. After the moral argument, the economic argument had always been the reliance of the Drys: Prohibition was prosperity. After the crash of 1929, when the nation faced economic disaster, that argument too was taken from their hands. The Wets, for their part, could and did make as many claims for the certain economic benefits of repeal as the Drys had before them for the economic benefits of Prohibition. Repeal, it was said, would generate such revenues as would pay off the federal deficit.<sup>25</sup> It would also generate new jobs, so it was promised; and on this point organized labor eagerly joined in the agitation for repeal. So did the farmers: agricultural surpluses had depressed prices throughout the decade. The promise of a new market for grain to make beer and spirits was impossible to resist.

By the time of the presidential elections of 1932, the question of Prohibition hardly seemed problematic any longer; it had been absorbed into larger economic issues. It had also become identified with party politics. Hoover and the Republicans were, to their considerable discomfort, identified with the Eighteenth Amendment. Roosevelt—who had at best a wavering and cautious record on the question—and the Democrats were now firmly identified with repeal.<sup>26</sup>

After Roosevelt's landslide victory, the lame-duck Congress immediately acted on what was seen as a Wet mandate. A resolution for repeal passed the Senate on 16 February 1933 and the House on 20 February; it was then submitted to the states for ratification—not by the legislatures, as had been the done with the Eighteenth Amendment, but by



specially elected conventions, so that “the people” could be heard directly on the question. On 5 December 1933 the necessary two-thirds majority of the states was secured by the vote of the Utah convention—but this was by now merely a pro forma action. The outcome had long been foreseen, since the conventions had been elected earlier, and their votes were foregone conclusions. The ratification of the Twenty-first Amendment, repealing the Eighteenth, had been achieved in well under a year’s time from the beginning of the formal process—the first-ever repeal of a constitutional amendment in American history.<sup>27</sup>

The newly elected Congress that met in March 1933 at once enacted alterations to the Volstead Act—alterations that had been repeatedly but vainly sought in the past but that now could hardly be granted fast enough. In early April all restrictions were lifted on medical prescriptions of whiskey.<sup>28</sup> At the same time, the Volstead Act was altered by the so-called Cullen Beer Act (after Representative Thomas Henry Cullen, Democrat of New York) to allow the sale of 3.2 percent beer, at least in those nineteen states whose laws did not still obstruct this federal permission. According to one historian, the return of beer on 7 April 1933, even at 3.2 percent, produced a more excited binge than the actual moment of Repeal, eight months later.<sup>29</sup> Wine was allowed back at the same time, but only on the same terms as beer—that is, at a strength of 3.2 percent alcohol.

## THE WINE INDUSTRY UNDER PROHIBITION

It is now time to turn back and inquire into the fate of wine and winemaking during the complex history of the Prohibition era.

After the Volstead Act first passed, all was predictably confusion and gloom; some people might choose to think that it was all a bad dream and would soon go away, but after passage it was hard for even the most stubborn to be hopeful. The giant of the American wine industry, the California Wine Association (CWA), began to take itself apart and dispose of the pieces as soon as Prohibition seemed certain. At the peak of its operations the CWA had distributed more than 80 percent of California’s wine, the produce of some fifty-two wineries under such distinguished labels as Brun and Chaix, De Turk, Greystone, and Italian Swiss Colony.<sup>30</sup> Now it concentrated on selling off as much of its stock as it possibly could in a race against the Prohibition deadline, and for a time at least, it made no more wine. Others, large and small, entered the same race against time in selling their wine. Louis Petri recalled that his grandfather sold wine from his San Francisco cellar “right up to the last hour. . . . They started maybe at 25 or 30 cents a gallon. The last of it was sold at a couple of dollars a gallon. . . . They were lined up for blocks, people with jugs, as if there would never be another gallon of wine produced in the world.”<sup>31</sup> Philip Wagner tells of a million-dollar shipment of 10,000 cases of sparkling wine and 7,000 barrels of still wine that left San Francisco for the Far East at the last minute, 31 December 1919.<sup>32</sup> One of the few shrewd enough to exploit the coming of Prohibition on a large scale was H. O. Lanza, then living in upstate New York and later a power on the Califor-

nia wine scene. He bought 1.3 million gallons of wine from the CWA and sold it at a high profit in the interval between the passage of the constitutional amendment and the coming into force of the Volstead Act.<sup>33</sup>

Wine, however, did not simply disappear. In order to make this point clear, it will be necessary to load the narrative with a great many statistics, but the point is worth making because it is not generally understood. There were in storage at the outset of Prohibition some 17 million gallons of wine in the United States—down 30 million gallons from the preceding year, the result of the panic selling that went on in the final Wet year.<sup>34</sup> The regular market for the wine left in storage was now, of course, gone, but in fact the Volstead Act allowed wine to be used in a number of ways. Wine could be prescribed as medicine. It could be used in food or in tobacco as flavoring: thus the Colonial Grape Products Company during Prohibition had an extensive trade with Campbell's Soup for sherry as a seasoning, and with the Bayuk Cigar Company for wine to cure tobacco leaves.<sup>35</sup> Wine was permitted to rabbis and priests for the celebration of the sacraments; it could be distilled and the resulting spirits used in a variety of applications (in fortifying sacramental wines, for example); it could be turned to vinegar and sold. All of this was allowed by the language of the amendment, which prohibited manufacture only for "beverage purposes."

These permitted outlets were, however, comparatively small and inelastic. The quantity of wine for sacramental use, for example, never exceeded 3 million gallons in a year, and averaged much less than that.<sup>36</sup> Yet wine for sacramental use appears to have been the largest single legal market open to the industry. Wine tonics were the next largest part of the market, varying from half a million to a million gallons a year. The quantities of wine prescribed as medicine and of wine used as flavoring were too small to mean much, though the flavoring category grew steadily during the Prohibition years.<sup>37</sup> The scale of continued commercial production was by no means inconsiderable; it is, in fact, quite surprising to discover just how considerable it was during the time that the sale of alcoholic beverages was forbidden by the nation's basic law. This anomaly is explained by the fact that established wineries were allowed, if they applied for the appropriate permits, to make wine and store it, in recognition of the fact that crops of wine grapes continued to be produced. Having made the wine, they could sell it only for the approved nonbeverage uses: but they might keep it indefinitely, again under permit. The arrangement made little sense, but so it was. When Repeal came at last, there was a lot of wine waiting to be sold—most of it, despite what one would expect, having been made during the Prohibition years themselves.

Even so, the production of wine was only a fraction of what it once had been, and it continued to decline. In 1921, before other arrangements to dispose of the grape crop were firmly established, more than 20 million gallons of wine were made. The next year the figure was just over 6 million. There was a sudden spurt of production in 1923 and 1924, when rain damage compelled growers to salvage their substandard grapes as wine rather than send them to the fresh market.<sup>38</sup> Another spurt occurred in 1929. The crop

in that year was a short one, but there was by that time a deliberate effort to divert grapes away from the unremunerative fresh market into wine. The figures sagged to their lowest point in 1930: under the combined weight of the Depression and national Prohibition, the United States managed to produce a bare 3 million gallons of wine in that difficult year.

The stocks of wine held in American wineries during Prohibition hovered around an average of 25 million gallons: the lowest figure was the 17 million gallons in 1920 already mentioned; the highest was the 31 million gallons of 1924.<sup>39</sup> The point is that, at any time during Prohibition, there was a lot of wine legally made and legally stored by licensed wineries in the United States. Indeed, the records of the Prohibition authorities housed at the University of California, Davis, cover more than five hundred wineries and winemakers who, at one time or another during Prohibition, made or stored wine in California. The reports of the revenue men are sometimes detailed enough to let us see with some particularity what these Prohibition wines were. A little more than half were dry table wines. In 1930, for example, there were 1 million gallons of Angelica in storage in California, 4 million of claret, 2.5 million of port, and 3.75 million of sherry. The leading white wine was “riesling” (by which any dry white wine might be meant) at 1,647,968 gallons. In New York State, Catawba and, again, riesling led the way; more exotic items included 35,000 gallons of Cabernet in California, 27,000 gallons of Ives Seedling in Ohio, and 97,000 gallons of Barbera in New York (presumably the latter was all of California origin).<sup>40</sup>

As annual wine production declined, so inevitably did the number of wineries still holding licenses. In 1922 there were 919 bonded wineries—694 in California, 123 in New York, 28 in Ohio, 15 each in Missouri and New Jersey, the rest scattered over fourteen other states. Each year these numbers diminished, mostly, one supposes, because the owners of wineries increasingly lost hope that the day on which they might sell their wine in the ordinary way would ever come. Relatively few of the hundreds of wineries that were legally bonded at the outset of Prohibition were in fact making wine on a regular basis. They were merely storehouses for a commodity that could not be much used but that could not simply be thrown away. In order to produce wine they must obtain a permit from the Bureau of Prohibition. In the first half of 1920 the bureau issued only 242 permits to manufacture. How many of these permits were issued to wineries is not stated, but the total would include the distillers of industrial alcohol.<sup>41</sup>

By 1933, the last year of Prohibition, the number of bonded wineries had dwindled to 268: California had 177; New York, 50; Ohio, 9; Missouri, 3; New Jersey, 10; a few more were scattered over what were now only eleven other states.<sup>42</sup> Paradoxically, at the lowest ebb in the number of wineries, in 1933, the production of wine shot up to more than 18 million gallons, now that Repeal was confidently expected.<sup>43</sup>

In view of these figures, it is hardly correct to say that Prohibition put an end to the American wine industry. According to the official statistics, nearly 135 million gallons of wine were produced by bonded wineries in the fourteen vintages of the Prohibition years,

and nearly 43 million gallons of this wine were legally sold for permitted uses.<sup>44</sup> But, of course, even though the industry was not absolutely finished off, it was seriously diminished, obstructed, and distorted.

The simplest and most common response to Prohibition on the part of American wineries was to go out of business rather than try to stay alive by undertaking new enterprises. The equipment for making wine—crushers, stemmers, presses, tanks, filters—and the ovals, casks, and barrels for storing it were not of much use for anything else. Thus the capital machinery of the winemaker could neither be used nor sold in the United States.<sup>45</sup> The winery building might well be put to some other use, but only after its furnishings had been cleared away and somehow disposed of. The winemakers themselves had to find some other line of work.

A typical case—only one among very many—was the Hammondsport Wine Company, of Hammondsport, New York, the center of sparkling-wine production in the eastern United States.<sup>46</sup> The company, which produced Golden Age Champagne from native hybrid grapes, had never been very prosperous. As Prohibition neared, the directors considered, without enthusiasm, the idea of going into the grape juice business. The prospect was not sufficiently attractive, and in 1920 it was decided to wind up the business and pay off the stockholders if anything should remain after the debts were met.

As its main asset, the company had 3,000 cases of sparkling wine on hand, with an estimated value of \$35,000. It also had unofficial—and illegal—offers of \$100 a case for the wine. At that price, the company would have been able to pay off its \$50,000 indebtedness and have a handsome \$250,000 left over to distribute to the shareholders, who would otherwise be left with nothing for their investment. But the wine could not be legally sold at all. Faced with this impasse, the directors went on helplessly waiting and hoping that they might realize something from the sale of a winery that no one wanted and that could not be used.

At the end of 1921, the Hammondsport people were surprised to learn that a majority interest in the company was now in the hands of new stockholders, people from New York City unknown to the old officers of the company. The new stockholders held a meeting to elect new directors, and very shortly thereafter the stock of wine stored in the company's cellars began mysteriously to shrink. By June 1922, when the Internal Revenue Service men moved in, only 300 cases were left at the plant. The winery was then sold at public auction to satisfy the government's claim to back taxes on the vanished wine. But the new owners had paid far less for the property than they had illegally realized on the wine, and they seem to have entirely escaped prosecution. The missing Golden Age Champagne, it was said, had been disposed of under "foreign labels" and had no doubt brought very fancy prices indeed. The original stockholders, however, got next to nothing, the government was defrauded, and Hammondsport had already lost a local industry.

A few miles to the northwest of Hammondsport, in Naples, at the foot of Canandaigua Lake, the firm of Widmer's Wine Cellars illustrated another response to Prohibition. Widmer's was a much larger operation than the Hammondsport Wine Company, and per-

haps the relatively large scale of the business made it seem not only more important but more possible to run a winery under Prohibition. It was, indeed, a struggle, but it was done. Widmer's Wine Cellars had been founded by a Swiss immigrant, John Jacob Widmer, in 1888; it now became Widmer Grape Products Industry, since *wine* had been deleted from the official vocabulary of the United States. Widmer was still in control of the winery and would continue to be until 1924, when he sold it to his sons Carl, Frank, and Will; they operated it through Prohibition and afterward.<sup>47</sup>

Running a winery under Prohibition left one between Scylla and Charybdis: since processing grapes to make an alcoholic beverage was illegal under the basic law of the land, anyone handling grapes was closely policed so that the dangerous trade he engaged in was not allowed to pass over into criminality. At the same time, since "intoxicating liquors" *could* be produced for purposes other than drinking, the Department of the Treasury continued its traditional surveillance of the winemakers in order to guard the revenue. These doubled attentions, from police and from revenue officers, generated a welter of permits, regulations, forms, reports, bonds, and other bureaucratic restraints. Only a very determined person would be prepared to cope with them.

The Widmers obtained their basic operating license, permit A, from the federal Prohibition Administration.<sup>48</sup> This permit authorized them to produce up to 90,000 gallons of wine per quarter, a figure presumably based on the winery's past production. To the basic permit A they added permit H, allowing them to withdraw up to 1,500 gallons of wine per quarter for the manufacture of flavoring syrups for soft drinks. Permit H required a bond of \$30,000. Permit K allowed the Widmers to produce cider in what had been a winery; and permit L allowed them to receive wines to be dealcoholized for beverage purposes (a trade that never amounted to much). All traffic in wine—whether withdrawing it from one's own stocks to be converted to some legal form, or buying it from some other source—was carried on by means of "permits to purchase intoxicating liquors for other than beverage purposes." These permits were issued by the Prohibition Administration, and the transactions that the agency authorized were closely monitored. The slightest irregularity in the reports was instantly challenged and a strict accounting demanded by both the Internal Revenue Service and the Prohibition Administration. The enforcement of Prohibition upon the nation at large was woefully inadequate, and most people who could pay the prices were able to indulge their tastes without effective restraint from the law. But for a law-abiding winemaker, the case was very different. He was visible, he was on record, and he was thus helplessly vulnerable to regulation and interference.

The Widmers never, during Prohibition, produced wine in the quantity legally allowed to them by their basic permit—360,000 gallons a year. They seem instead to have drawn on the stocks that they had already on hand at the beginning of Prohibition. In 1922, for example, they had about 120,000 gallons of wine; the next year, the figure was about 105,000 gallons. But in 1927 they produced 30,000 gallons, to add to the 98,000 gallons already in storage. And as the prospect of Repeal became more and more certain, they increased production against the coming of the new day, as did all the other winemakers who had

survived the drought. Their inventory for 1933, at the end of the last year of Prohibition, shows that they had 362,000 gallons on hand, nearly a third of which had been produced in that year's vintage. So by the end of Prohibition the Widmers had more wine than they had had on hand at the beginning. They were thus rather better prepared than most to meet the demand for decent wine when Repeal came. Even as late as 1936 Widmer's was able to offer "Prohibition" wines: port from 1920 and 1925, sherry from 1924 and 1927.<sup>49</sup>

Grape juice was, so to speak, the Widmers' bread and butter during Prohibition. In this, too, they had an advantage, for they had been making grape juice since 1912 and had a considerable establishment devoted to it by the time Prohibition arrived. They continued to produce it long after Repeal. Selling grape juice was a highly competitive business during Prohibition, however, and it is doubtful that Widmer's share of the market would use up the grapes available. Besides, it was mainly the Concord that was used for grape juice: what was to be done with all the other varieties of native grape in New York State vineyards, the Catawbas, Delawares, Elviras, and Dutchesses from which the region's white wines, and especially its sparkling wines, had traditionally been made?

Everything that ingenuity could suggest and desperation venture seems to have been tried or at least considered. They inquired into the production of grapeseed oil for cooking, of dried grape skins for stock feed, and of argol and lees for industrial use. They made grape jellies and grape sauces, and they invented a wine tonic that seems to have had a good success. The variety of resource displayed is summed up on the company's letterhead in 1933, on which the following list of products appears: "Altar wines, wine tonics, wine sauces, mint sauces, wine jellies, mint jellies, fruit jellies, grape jellies, grape syrups, grape pomace, medicinal wines, grape concentrates, de-alcoholized wines, manufacturing wines, rum and brandy jellies, rum and brandy sauces, cider for vinegar stock, manufacturing wine syrups, sweet cider in glass and bulk, creme de menthe wine cordial de-alcoholized." Widmer's wine tonics were available with a port, sherry, or tokay base and could be bought without prescription, so they helped to soak up some wine. They were sold at "not over 22% alcohol," and they can hardly have provided much sensual gratification: the ingredients, apart from the wine, were dextrose, peptone, and sodium of glycerophosphate crystals. I leave to medical opinion the question whether such a compound had useful tonic principles. It did, however, help the Widmers to struggle on to the day of Repeal.

The experiences illustrated by the Hammondsport Wine Company and by Widmer's were general in the winemaking regions. Outside New York and California there were few wineries large enough to manage the diversification improvised by the Widmers: the old Sandusky, Ohio, firms of Engels and Krudwig, M. Hommel, and Sweet Valley Wine Company were among them. Many held on in more or less the position that they had been in when Prohibition came into force, keeping their wine in storage and perhaps even adding to it on occasion, but unable to do anything with it. So after a few years they were likely to succumb. Most of the small-scale wineries in such states as Virginia, New Jersey, Ohio, and Missouri were extinguished—one reason among others that winemaking

has been so slow to recover in those places. It is particularly puzzling that there should have been almost no vestige of life left in the Missouri industry. One suggested explanation is that the winegrowers of the state, who were mostly German and had made a point of preserving their German identity, had suffered badly during World War I from the virulent anti-Germanism of the time. Prohibition had followed hard on the heels of the war, and the Missouri Germans, who had been bullied into an all-American style (they ceased to teach German in the Hermann schools in 1918), were not about to do anything that might make them seem other than law-abiding Americans.

The point that Prohibition did not create a single, uniform condition of things is very fully illustrated by the situation in California.<sup>50</sup> At the beginning of Prohibition, there were nearly seven hundred wineries in California holding licenses from the Bureau of Prohibition to store, to make, or to sell wine. They were of all sizes, from the very smallest to the very largest, and they were scattered through every winemaking region of the state. The winemakers who had the toughest time were the small producers with a merely local traffic. They could be licensed to hold on to the wine already in storage, and even to produce more if they could not otherwise deal with their grapes, but more often than not they had no way to get rid of what they made and could not afford to keep what they had in sound condition. Giosue Agostini of Healdsburg, for example, took out a license to make wine in 1920, and continued to make a little in succeeding years. But by 1929 it had all gone sour: the wine was dry table wine, and there was no demand for that in the legal markets. By 1931 Agostini's winery, described as "quite a large one" before Prohibition, was almost derelict. The once-solid structure was now an "old dilapidated building with a shingle roof. . . . The cooperage is old and some of the tanks are about to collapse, and all of the wine is spoiled." Agostini had to petition to have the wine destroyed (that is, allowed to run down the drain: such an operation had to be closely supervised so that the wine was not "diverted"). Agostini meantime earned his living as a dairyman, but he had at least persisted longer than others.

For another example, Blanche Marie Albertz of Cloverdale took out the necessary permits in 1920, but in 1924 the inspectors found that "no interest has been taken to keep the wine in good condition. The wine has evaporated and the containers remain unfilled. . . . The containers were covered with dust and spider webs. There is no desire to make more wine." Three years later all the wine that remained was run down the drain and the permits surrendered. The Hollis Black winery in Cloverdale, one of the highly regarded wineries of Sonoma County, also saw most of its wine go bad: in 1931 the winery converted 22,000 gallons of wine into vinegar and returned its permits to the authorities. (Black, however, reentered the trade after Repeal.) One of the pioneer names in Sonoma winemaking, Dresel and Company, went through the same dismal process. Carl Dresel, who was born on the property in 1851, made a little wine during Prohibition in order to salvage the grapes from his vineyard that could not be sold as fresh fruit. By 1930 he, too, decided to wind up the business, converted his wine into vinegar, and requested the return of his bond from the authorities. The firm was not revived by Repeal.

In Napa County a typical small producer was Peter Jaeger of Yountville, who made, under the usual permit, a small quantity of wine after 1920. In 1923 the Prohibition director declined to renew Jaeger's permit, on the grounds that there could be no real market for the wine, and "it is not believed advisable to encourage the continued manufacturing of wine where the outlet is so limited, the supply far exceeding the demand." Jaeger soon found the truth of this; in 1925 the wine was dumped and Jaeger's bond canceled. Another longtime Napa winegrower, one with connections going back to the early days of the industry there, was John H. Wheeler, who had become secretary of the State Board of Viticultural Commissioners soon after its founding in 1880. Wheeler, whose winery was at Zinfandel Lane, south of St. Helena, had been replanting his vineyards to walnuts and other crops in anticipation of the coming of Prohibition, but he still had some 60 acres of vines in 1924. He made only a little wine during Prohibition, but he could not manage to get rid of even that little and had to ask the authorities for permission to dump it. In 1930 the operation was wound up, and though Wheeler reopened his winery on Repeal, he was by then an old man, able to continue for only a few years.

One anecdote recorded by a Prohibition Administration inspector suggests how perverse the situation must have seemed to the people who grew grapes, made wine, and then had to stand by while the wine deteriorated in storage. John Cereghino, whose winery was near Concord, discontinued business in 1919 but then made 7,520 gallons of wine in 1922 without filing with the authorities. When the inspectors came to ask why, he answered that he meant only to make grape juice from the unsold grapes in his vineyard, but the stuff turned to wine. He then paid the required taxes. The next year, Cereghino died. When the inspectors called again in 1927, they found that the wine was now down to 1,040 gallons, and they demanded of Mrs. Cereghino by what authority she had removed wine from bonded premises. She replied, "What do you expect me and my children and my help to drink? Water?" The agent who reported this encounter was more amused than angry, and concluded that there were no signs of "wilful intent to break the law." In the next year Mrs. Cereghino, like so many others, reported that the wine was spoiled and requested that it be destroyed under official supervision. It was.

Larger, better-known wineries than those just mentioned did not fare much better. Paul Masson, for example, who had a great reputation for champagne and table wines, found that he could not sell them in the tiny, legal nonbeverage market: that is, as medicinal or sacramental wines (though he produced what he called a medicinal champagne). He had some 500 acres of vineyards, but Masson made little wine through most of the Prohibition years.<sup>51</sup> In 1932, when prospects were clearly changing, he applied for permission to resume winemaking. The inspector sent to analyze the wines that Masson then still had on hand reported that they were all so acidic that he doubted whether they could be "ameliorated and saved," even though the winery was "operated by one of the best known winemakers in California, and believed to have been maintained in the best possible condition, as to cooperage etc."

The famous To-Kalon Vineyard, at Oakville in the Napa Valley, had all sorts of trou-



bles: the manager was fined in 1925 for “illegal possession.” In the next year an inspector reported that “this winemaker does not bear a good reputation for honesty,” and in 1927 the winery’s application for a renewal of its permit was disapproved, even though no evidence of wrongdoing had been provided. The permit was later restored, but an inspector’s report in 1932 tells a sad story: the winery was in poor condition; the wine mostly old, kept in a dirt-floored space; the tanks leaking; bungs loosely fitted; some wine still fermenting in storage; vinegar flies abounding; wines not properly racked; tanks not properly cleaned and sulfited. The only winemaking instruments on the premises were “one gauging rod, 1 wantage [deficiency] rod, and 1 Saccarometer [*sic*] (not serviceable).” And yet this had once been one of the model wineries of the Valley. When the winery was wholly destroyed by fire in 1939, there was no wine on the premises.<sup>52</sup>

There were cases, a few at any rate, in which a winery quietly held on and managed to stay in reasonably good shape. Fountaingrove, in Santa Rosa, made wine regularly, succeeded in selling some of it, and kept what it had in good condition, or so the inspectors reported. Felix Salmina, at St. Helena, managed in the same way: he made a little wine each year, after most of his grapes had been disposed of in the fresh market, and, the inspectors said, kept it in good condition. When Repeal came, he had nearly 300,000 gallons of wine on hand, ready to sell.<sup>53</sup> Andrew Mattei, a Swiss who had developed his Fresno County winery to a capacity of 3 million gallons before Prohibition, also operated in a diminished but uninterrupted way.<sup>54</sup> Samuele Sebastiani, in Sonoma, contrived to hang on to his property by diversifying into any opportunities that arose: he owned rental properties, and he built a theater, a cannery, a bowling alley, and a skating rink. When Repeal came, he still had a winery.<sup>55</sup>

No winery could be said to have flourished under Prohibition, but a few of the very largest did contrive to dominate such markets as existed. Beaulieu is perhaps the best-known instance. It enjoyed most-favored status with the Catholic diocese of San Francisco and was able to continue production uninterruptedly as a supplier of altar wine. Not only that, but demand reached such a point that Beaulieu took over the Wentz Brothers property on a lease so that it could add Wentz’s well-regarded white wines to its range of sacramental wines.<sup>56</sup> Colonial Grape Products, a combination of wineries around the state carpentered together in 1920 from parts of the wreck of the CWA, produced a good deal of wine at one location or another, mostly for distillation into high-proof brandy or for conversion to vinegar—though it also sold quite a lot of wine in the New York market.<sup>57</sup> But it could not keep up all its properties equally. The distinguished La Perla winery in Napa County—perhaps the best of the lot—fell into decay. In 1927, of the 50,000 gallons of wine then on hand at La Perla, only 600 were regarded as “fit for consumption” (were consumption allowed); the rest would have to be distilled. The decline of the property had gone so far by Repeal that the winery could not be revived, and in 1935 it expired. The Italian Vineyard Company, Secundo Guasti’s large enterprise at Cucamonga, maintained itself mostly by shipments of grapes to the home winemaking market from its huge vineyards (“the largest in the world,” the company boasted), but kept the winery go-

ing too: it made concentrates, and when all other outlets were closed, it made wine. An inspection in 1925 reported that the entire plant was in full operation, and by 1930 the inventory at Cucamonga showed more than 2.5 million gallons of wine on hand. Perhaps this was the largest operation in all of California. It included wines under the whole gamut of borrowed names that characterized provincial California: claret, burgundy, riesling, sauterne, marsala, tokay, port, malaga, sherry.

There were, improbably, even new winemaking enterprises founded during the Prohibition years. The Christian Brothers, already operating a winery at Martinez, bought and moved into the much larger Theodore Gier winery in Napa County in 1930. Louis Martini entered the market for grape products in 1923 in a large winery formerly belonging to the CWA at Kingsburg, in the Central Valley, and prospered there sufficiently to be able to build a completely new winery in St. Helena just before Repeal.

These were notable exceptions, however. For the most part, the winemaking that went on during Prohibition was not undertaken with any hope that the wine could be sold but only as a salvage operation when all other means to get rid of a grape crop had failed: one reads such explanations again and again in the records of the federal authorities: “an emergency measure to salvage unsaleable grapes”; “it depended largely upon the market for grapes, as to whether or not wines would be produced”; “we cannot otherwise dispose of our grapes”; “will make wine only in order to salvage the crop”; “the only purpose in maintaining the winery is to use it for . . . salvaging grapes not otherwise marketable.”

There were, inevitably, licensed wineries whose wines flowed into the illegal traffic and were put to the purpose outlawed by the Eighteenth Amendment by being consumed as a beverage, but not very many. It is not easy to get distinct information on this head, since one had to be caught selling wine illegally in order to enter into the record. The commissioner of the Internal Revenue Service reported in 1923 that thirty-eight wineries had been seized for violating the law and that convictions had been secured against most of them, but he gave no further details.<sup>58</sup> Wineries obviously operated at some risk, yet Leon Adams recalled that the restaurants of San Francisco were well supplied by small wineries in the Bay Area that continued to work despite Prohibition. A winemaker in the Hecker Pass said that the Prohibition agents knew what the wineries were doing and that the wineries knew that the agents knew, but that “everybody got along as best they could.”<sup>59</sup> That story would seem to be confirmed by Everett Crosby’s recollection of the practice in Pleasanton, in the Livermore valley; there, he says, the mayor and his aides were regularly to be seen through the unshuttered windows of the speakeasy across the street from city hall as they stood at the bar drinking the local red wine.<sup>60</sup> Over on Monterey Bay, the Bargetto family served Sunday dinners to the public with wine from the barrels stored in the basement; the dinner was \$2.50 and included a bottle of wine for every four diners. If a diner wanted more, the young daughter of the house fetched it from the basement for another \$2.50.<sup>61</sup> In Boulder Creek, the hotel operated by the Locatelli family was a principal outlet for the wine they produced in their winery and continued to serve that purpose through the Prohibition years.<sup>62</sup> But it is to be noted that all of these operations

were hardly to be distinguished from home winemaking and thus only accidentally or intermittently subject to the interference of the law.

For its part, the federal government reported fairly large seizures of illegal wine, though there is no indication of where it might have come from. In 1923, for example, the revenue men seized a reported 490,000 gallons of wine; nearly half of this total was seized in California, and one supposes that it came from the local grapes. New York contributed nearly 100,000 gallons to the total, but much of that was probably smuggled from various sources. It is interesting to note that 44,000 gallons were seized in Louisiana, which had a long-established partiality for French wines.<sup>63</sup>

On the whole, however, it seems clear that licensed American wineries had only a negligible part in the notorious bootleg trade that is supposed to have operated almost at will under Prohibition. Lurid stories abound of bootleggers careening down the midnight roads of the wine country, pursued by revenue men; of wine flowing from the staved-in heads of confiscated barrels and running down the gutters of city streets; of raids on speakeasies whose patrons fled in panic to avoid arrest (presumably they were ignorant of the fact that drinking liquor was not criminal—only the seller was liable). These are the clichés, the popular stereotypes, in the American imagination of Prohibition, and the forbidden booze that was the cause of it all certainly included wine. But such images have little or nothing to do with the wineries that existed before Prohibition and managed to endure through it.

These licensed wineries were under close supervision; it was known precisely how much wine they had on hand and what sort of wine it was. If any discrepancy occurred between what was on the record and what the inspectors actually found on the premises, an explanation was at once demanded. Under such close surveillance, the winemaker had little chance to cheat, whatever his wishes might have been. Inspectors could, of course, be bought off, but presumably not all of them were venal.<sup>64</sup> In the second place, the produce of legitimate wineries was not in (illegal) demand when one could legally make wine at home, or in a rented basement, or in a convenient warehouse. The supply of grapes was unlimited and unpoliced. The law permitted home winemaking and had no means of confining it, once begun, within those limits. Only the eradication of the vineyards could have prevented wholesale unlicensed winemaking, and as will be seen, the nation's vineyards, so far from disappearing, doubled in acreage under Prohibition. There was certainly a large traffic in illegal wine, but practically speaking, it had little to do with the licensed American winemaking establishment.

## VITICULTURE AND HOME WINEMAKING

While the winemakers struggled to keep alive some fragments of their business, things were very different among the grape growers. There were prophecies of doom for the growers as the shadow of Prohibition neared: the small farmers who had invested years of work in their vines would, at a stroke, lose their markets and be driven from the land,

or so people said. The vineyardists of the Lake Erie islands, their representative declared in Congress, would be pauperized should the Volstead Bill pass into law; as for the growers of California, it would cost them \$2 million just to dig up their vines after Prohibition had put an end to their use.<sup>65</sup> The State Board of Viticultural Commissioners in California and the University of California, recognizing the need to assist the grape growers in these desperate circumstances, undertook to develop alternative products from grapes: there were experiments in dehydrating grapes and in condensing grape syrup from fresh grape juice. At the beginning of Prohibition there was even some effort made to promote such processes. But the doctors despaired of their patient. F. T. Bioletti and W. V. Cruess, two most eminent names among the experts, published a discouraged bulletin in May 1919, after the passage of the Eighteenth Amendment but before the passage of the Volstead Act, under the title "Possible Uses for Wine-Grape Vineyards." They concluded that the possible uses were few indeed. One could dry grapes for hog feed, but that would not cover the costs of production; neither would converting grapes to industrial alcohol. Grape syrup could not compete with syrups from cane, sorghum, or sugar beets; it was, Bioletti and Cruess thought, "hopeless" to try to compete against the established taste for grape juice from the eastern Concord grape. In a prediction that proved spectacularly wrong, they saw no prospect for selling fresh grapes. Some of the San Joaquin vineyards, they thought, might be grafted over to table grapes, but that would be impossible in the wine-grape vineyards of the coastal regions: "It seems inevitable . . . that most of the wine grapes of this region will have to be abandoned or removed."<sup>66</sup>

As it happened, there was no need at all to search after alternative uses for the produce of California's vineyards.<sup>67</sup> The California vineyardists had already established a growing trade in fresh grapes for the East Coast to supply home winemakers. Now that trade shot up explosively, and growers were delighted to find that their crop was more eagerly sought after than ever before, largely by buyers from the East who came with money in their pockets.<sup>68</sup> These buyers were, as Carl Wente recalled, "an odd group," working without offices: "Trading began *after* grapes had been packaged, a car loaded and a bill of lading issued to the buyer. In the hotel lobby or on the street corner, bidding for this car went on, and the car could be sold by the original buyer only to be re-sold once or several times thereafter. A car which had been originally destined for Pittsburgh might eventually be re-routed to New York City."<sup>69</sup> Grapes that had been selling for \$25 a ton were now bid for at prices two and three times that figure. In the first vintage of the Prohibition era, 1920, more than 26,000 railroad cars of fresh grapes rolled out of California.<sup>70</sup> The railroads scrambled to grab a share of this huge market—it exceeded 72,000 carloads in 1927—and developed facilities for distributing the crop in terminal cities such as Chicago, Newark, and Boston.<sup>71</sup>

In conditions like this, a booming growth in vineyards began at once.<sup>72</sup> Bearing vineyard acreage in California in 1920 was about 300,000 acres; by 1927, the peak year, it touched 577,000. The figures of grape production doubled in six years, from 1.25 million tons in 1920 to 2.5 million in 1927.<sup>73</sup> The situation for growers in other states, though not as heatedly expansive as in California, was prosperous enough. By 1926 there were,

for example, 4,000 new acres planted to grapes in Missouri and 7,300 in Arkansas.<sup>74</sup> In Ohio, production reached a record 29,000 tons in 1926, and the figures for other grape-growing states such as Michigan, New York, and Pennsylvania all show large rises in average production in the first half of the 1920s. Even Nebraska, hardly thought of as a land suited to the grape, joined in the rush. Its vineyards produced nearly 1,250 tons of grapes in 1919, and “the crops in recent years have been even larger.”<sup>75</sup> In 1925 the grape crop outside California totaled half a million tons, precisely double the level of 1920.<sup>76</sup>

#### **SECTION 29: “NONINTOXICATING IN FACT”**

The reason for this startling result of Prohibition was simple: the nation had turned to home winemaking. No one had imagined that the demand would be remotely like what it proved to be. Andrew Volstead, someone said, should be enshrined as the patron saint of the San Joaquin Valley.<sup>77</sup> It is curious to reflect on the possibility that Prohibition, if it had only continued long enough, might at last have done what no other agency has yet succeeded in doing, and made the United States a nation of wine drinkers.<sup>78</sup> Since the wine made at home—or in illegal small-scale wineries in basements and garages across the country—did not enter into the official record, one can only guess at how much was actually made. The members of the Wickersham Commission made such a guess in their report; using a conservative set of possibilities as a basis, they came up with the conclusion that an average 111 million gallons of wine were produced in each year from 1922 to 1929 in American homes.<sup>79</sup> That figure compares with the 55 million gallons of commercial production in 1919, just before Prohibition descended; thus, just as grape production had done, so wine production doubled in the first five years of Prohibition.

The salvation of viticulture in the country came about through an obscurely expressed and much-disputed proviso in the text of the Volstead Act. Section 29, Title II, of the act reads thus:

The penalties provided in this chapter against the manufacture of liquor without a permit shall not apply to a person manufacturing nonintoxicating cider and fruit juice exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar.<sup>80</sup>

The section is on the face of it somewhat awkward, since it merely lifts a penalty instead of creating some distinct privilege. It presented many difficulties in interpretation and application, but most of them were resolved in favor of what was presumably its original intent—to authorize home winemaking without interference from the officers of the law. A history of this text (so far as it can be known) and an elucidation (so far as it can be given) should be of interest, considering the importance it had for the fate of grapes and wine in America.



FIGURE 1

How grapes were sold to home winemakers. The grapes were packed in so-called California lugs holding about 24 pounds and shipped in a cattle car for the sake of the ventilation provided by the open slats. (From *California Grape Grower* 13 [October 1932]; reprinted with permission from *Wines and Vines*.)

The section was not introduced into the Volstead Act until after it had passed the House of Representatives and gone on to the Senate for debate.<sup>81</sup> There, Section 29 was inserted and agreed to, even though it was recognized as a remarkable and confusing exception: What *were* “fruit juices,” and how were they “manufactured”? Why, if they were “nonintoxicating,” should they have to be exempted from the prohibition against intoxicating liquors? What did *nonintoxicating* mean?<sup>82</sup> On these points the question of home wine-making depended, for in subsequent rulings made by the Bureau of Prohibition and in a succession of judgments in a number of trials, it appeared that *fruit juices* must include wine, and that *nonintoxicating* meant “nonintoxicating in fact” rather than the Volstead Act’s statutory 0.5 percent alcohol.<sup>83</sup> Whether the intention of Section 29 had been to produce this result is not entirely clear, but it seems most likely. One version of its history holds that the section was introduced because some senators were anxious about the farm vote and feared the anger of the apple growers if their cider market should be taken from them. Much more circumstantial and persuasive is an account given by the veteran winemaker and tireless promoter of wine Paul Garrett.<sup>84</sup>

According to Garrett, Section 29 came about in the following manner. During the course of the debates on the Volstead Bill, Garrett attended a hearing in Washington at which the grape growers pleaded their case against the bill. The meeting, as Garrett recalled, was dominated not by the senator presiding but by the Reverend E. C. Dinwiddie, veteran legislative superintendent of the Anti-Saloon League, who repeatedly assured the growers that he had no wish to injure any agricultural interests. He was prepared even to allow the continued production of wine, since he was confident that it could be dealcoholized before being sold and that it would find a ready market. Taking this hint, Garrett called on Dinwiddie and his even more potent associate, Wayne B. Wheeler, at the offices of the Anti-Saloon League: they assured him that they did not wish to cause the loss of any crops. After further discussions, the text of Section 29 was inserted by Wheeler

and Dinwiddie into the Volstead Bill, originally with the word *wine* in it; when that word was objected to in Congress, the term *fruit juices* was substituted, and the proviso that such fruit juices be nonintoxicating was added. Garrett then represented to Dinwiddie and Wheeler that these changes made the exception pointless: what had “nonintoxicating fruit juices” to do with wine? But he was reassured by them that this curious formula would serve the purpose. Garrett’s account is not quite clear on the point, but apparently Dinwiddie and Wheeler were prepared to disregard the Volstead Bill’s definition of *intoxicating* and to accept wine made at home as “nonintoxicating in fact.” None of them had any idea that the scale of home winemaking would be what it turned out to be. But, as Garrett concluded, the key point was that home winemaking was “specifically provided for” and was “intended by the framers of the bill.”<sup>85</sup>

This account seems to be essentially confirmed by the testimony of both Wheeler and Volstead himself. Wheeler said that the framers of the Volstead Act left the term *nonintoxicating* undefined in Section 29 because they knew that home producers would not have the means of making exact measurements of the alcoholic content in their “fruit juices.” If they were held to a strict standard, the courts would not be able to handle the burden of cases; anyone might be charged for the most trivial of infractions by a hostile neighbor or a disgruntled associate. It was enough that everyone knew what the legal limit was and that anything beyond that limit was illegal.<sup>86</sup> Volstead remembered the situation thus:

In the conference between the two Houses we wrote into the [Volstead] act a proviso to the effect that a person might make nonintoxicating cider and fruit juices. The question as to what construction will be put upon that is still open, except to this extent, former Attorney General Palmer positively held that a person could make his cider or his fruit juices and leave them in his home, no matter how strong they might become, which practically means that a man can make cider and wine in the house. . . . it might contain quite a little more than one-half of one per cent without being intoxicating, and that was the object of keeping that provision in. Otherwise the expression “nonintoxicating” would mean nothing.<sup>87</sup>

The Bureau of Prohibition, the agency of the Treasury Department created to administer the Volstead Act, evidently took the Garrett-Volstead view of the question. The bureau ruled on it as early as June 1920, affirming then that the word *nonintoxicating* in Section 29 did not mean what the Volstead Act said but rather meant “nonintoxicating in fact,” and therefore not necessarily subject to the provisions of the act.<sup>88</sup> Things were quietly left in this agreeably indeterminate state until 1923, when a congressman from Maryland, John Philip Hill, determined to compel the Bureau of Prohibition to clarify Section 29.

Hill—a Baltimore lawyer who had been decorated for his services in the war, had taught government at Harvard and Johns Hopkins, had been U.S. Attorney for Maryland, and now sat in the House of Representatives as a Republican congressman—was no ordinary moonshiner. He was in a good position to stir up trouble, he enjoyed publicity, and he had a cause—indeed, he already had a reputation as one of the noisiest opponents of

Prohibition in the House. He wanted to modify the Volstead Act in order to allow the production of 2.75 percent beer, and he thought that he could do so by forcing the government to admit that *nonintoxicating* would in fact permit a good deal more alcohol than the limit set by the Volstead Act.<sup>89</sup> Accordingly, he made some wine in the fall of 1923 at his house in Baltimore, and then loudly advertised the fact that he had done so. He invited the analysts of the Bureau of Prohibition to his house and presented them with samples of his wine (made from New York juice); they duly certified that it was in fact wine, and that the samples offered to them ran from 3 percent to almost 12 percent alcohol. The wary authorities responded only by securing a temporary injunction against Hill and padlocking his wine room.

The next fall, Hill tried again. This time he made cider from the apples growing in the orchard behind his house, and then publicly invited all those who agreed with the aims of his campaign to come to his house on Saturday, 20 September 1924, to “inspect and try a glass of . . . home-made cider.”<sup>90</sup> A crowd responded—estimates varied from five hundred to two thousand “guests”—though Wheeler, the power of the Anti-Saloon League, and Roy Haynes, head of the Bureau of Prohibition, were not among them, despite the fact that Hill had made a point of inviting them especially.

To his great satisfaction, Hill was now indicted, though not arrested, for the illegal manufacture of wine and cider. The case was referred to district court in Baltimore, and there the judge held that the defendant was entitled to show evidence that his cider was not intoxicating “in fact”—in other words, that the definition of *intoxicating* in the Volstead Act did not apply to home production of alcoholic drink. The question was then put to the jury, which decided that Hill’s cider did not, in fact, intoxicate.<sup>91</sup>

The *New York Times*, in editorializing on the case, agreed that it had revealed a gross contradiction in the act, but doubted that it would do anything to modify the rules “in the direction of common sense.”<sup>92</sup> And the *Times* was right. Hill pressed his bill in favor of 2.75 beer to no avail, and then dropped out of national politics. The case was, however, of great value to the grape growers and home winemakers of the country, for the precedent that it set stood up in the courts thereafter. Until Hill began agitating for a ruling, home winemaking had gone on largely undisturbed, indeed, but in uncertainty regarding its status under the law. Now it was certainly legal, as long as the result was “nonintoxicating in fact”; and since no one knew what “intoxicating in fact” was, the Prohibition men took the prudent course and usually left the home winemakers alone.

Not all of the nation’s home winemakers began with fresh grapes.<sup>93</sup> Many of them worked instead either with grape juices purchased from a commercial source or with grape concentrate, available at any time of the year. In this way, by producing either juice or concentrate, a few wineries could stay alive and share some crumbs from the grape growers’ more prosperous table. Grape concentrate was made by a number of wineries now converted to “grape products”: Italian Swiss Colony, for example, offered both fresh juices and its Moonmist concentrate in zinfandel, sherry, riesling, and muscatel styles throughout the Prohibition era.<sup>94</sup> Colonial Grape Products supplied juices and concentrates from

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[Figure 2 here]



FIGURE 2  
Congressman John Philip Hill making “fruit juices” at his home in Baltimore. (From *California Grape Grower* 6 [October 1925]; reprinted with permission from *Wines and Vines*.)



its plants in Elk Grove, Napa, and St. Helena, as did L. M. Martini from Kingsburg, to name only a few.

The Prohibition-era records of the George Lonz Winery, on Middle Bass Island, Lake Erie, show us in clear detail a section of the many Americans who took up winemaking at home.<sup>95</sup> The Lonz Winery had been in business since 1884, established by George Lonz's father. Now it carried on by selling fresh juice—Delaware, Concord, and Catawba from the Lake Erie islands—to a growing list of customers throughout the Midwest, but especially to the Germans of Ohio. Hein, Winkler, Kalman, Steinbrecher, Eichorn—such were the names of Lonz's customers. After them, the main traffic was with the residents of Detroit. The juice was shipped off the island in white oak kegs varying from 10 to 50 gallons in capacity. The top price, reached in 1924, was \$1.75 a gallon for Delaware grape juice; by the Depression year of 1932 this had slipped to \$1.20 a gallon, but even at that Lonz was certainly making far more from a ton of grapes in this form than he ever did as a pre-Prohibition winemaker. Printed instructions on how to convert the juice to wine were sent with the kegs: the recipe for Catawba, for example, was 20 gallons of Catawba juice to 15 pounds of sugar and 6 gallons of water, stored at a temperature of 70 degrees Fahrenheit. The instructions allowed that the juice could be kept from fermentation by pasteurizing it, and that it could be converted to vinegar after fermentation by exposing it to the air. But it was quite clear that the intent of the “directions on the care and preservation of Lonz's Grape Juice right from the press” was to make wine. Sometimes there were anxieties about the law. One customer in Flint, Michigan, wrote to cancel his order in 1923 because, he said, the local revenue officers were keeping track of juice shipments so that they could call later “for the purpose of testing the alcoholic content” of the result. This proved to be a false alarm, however, and neither Lonz nor his customers seem to have been much troubled by the Prohibition officers.

Lonz's customers included doctors, engineers, newspapermen, bankers, lawyers—the

whole range of professions—as well as ordinary working people and some very rich men too: the president of the Continental Bank in Detroit, the president of Columbia Motors, and the president of the Ohio Bell Telephone Company, for instance. There were advertising men, accountants, city officials, and at least one artist of distinction: Eliel Saarinen, the architect, then resident at Cranbrook Academy, was a Lonz customer.<sup>96</sup> So too, most improbably, was the president of the Ohio WCTU, who wrote Lonz to thank him for his grape juice: “Instead of doing anything that curses the race,” she said, “you are its benefactor.” Can she have read his advertisements? Perhaps not. Most of Lonz’s advertising appears to have been carried on by word of mouth, and some customers later acted as his agents for the sale of juice.

Not all of them, of course, were entirely happy customers: amateur winemaking is too chancy a business for that. Lonz’s correspondence is full of plaintive letters from people whose juice ran into trouble: it went sour, or it wouldn’t ferment, or it turned to vinegar; it might blow the bung from the keg, or it might burst the bottles it went into; and after all had been done according to rule it still might turn cloudy and turbid. If needed, Lonz would send a man to superintend things, but the service does not seem to have been much sought after. People took their chances, and though the failures must have been many, the successes—they could never have been very good—were enough to keep things going. In 1928 Lonz bought a new Cadillac and made a two-month trip to France and Germany.

The early instructions sent out by Lonz were careful at least to cite the federal regulations that disallowed any use of homemade wine outside the home. The word *wine* was never used, and the text appealed to customers to help prevent abuses of the privileges they had been given. But by 1932, when repeal was beginning to seem possible, the word *wine* was freely used in Lonz’s literature, and his product had become Lonz Wine Juices.

## AFTER THE BOOM

The flourishing condition of viticulture under Prohibition did not last. The high-pressure development of vineyards had, by 1926, produced a supply greater than demand, and in an entirely unregulated market, prices crashed.<sup>97</sup> The problem was greatly complicated by the fact that growers had only a few weeks in the year in which to sell fresh grapes, mostly in cities far distant from the source. The means for disposing of the fresh crop were sometimes of the most primitive. Often the grower or an agent (or sometimes the grower’s son) would accompany the loaded cars to the distant railroad yards and sell them directly to buyers at the door of the car. More often the load would be offered at auction, subject to every accident of the local market. Young John Parducci, at the age of fourteen, was sent to board in New Jersey so that he could superintend the sale of grapes shipped by his father from Mendocino County:

We’d open the cars up and people walked down this ramp, which was about a quarter of a mile long with cars on both sides. They would look at these grapes and take down the num-

ber of the car and go to the auction market, and when the car came up they would bid on it. If it brought a profit to us, we sold it; if it didn't bring a profit, we'd hold it over for a day or two.<sup>98</sup>

But, he added, "grapes deteriorated very fast after the long trip, and we did not dare to keep them too long."<sup>99</sup> The market thus operated under panic conditions every year.

Another serious problem had developed in the vineyards; it was not recognized at the time, but it proved to be among the most damaging and enduring results of Prohibition. The great explosion of grape planting that took place under Prohibition was not of grapes suited to making good wine but of grapes fit to be transported long distances and capable of attracting an uninstructed buyer—shipping grapes rather than true wine grapes. Home winemakers a continent away from the major source of grapes naturally wanted fruit that stood up well to the rigors of a long transport over deserts and mountains and broiling prairies. No wine grape of high quality could withstand such an ordeal. The result, very soon established, was that California vineyards were more and more planted or grafted over to tough, good-looking grapes capable of holding up under shipment but of decidedly inferior merit for winemaking. No matter: they looked better, and so they sold better. In 1931, for example, of the 15,000 cars of black juice grapes shipped from California, almost 6,000 cars were of Alicante Bouschet, a dark, coarse grape of splendid color and form but of marginal value for wine. The other leading varieties were Carignane (3,000 cars), a good but undistinguished grape, and Zinfandel (3,000 cars), an excellent type but very susceptible to rot and far from its best when grown in the Central Valley vineyards, as many of the grapes shipped out were. The situation for white grapes was, if anything, even worse. The leading white varieties were Malaga (1,765 cars), a table grape, and Muscat (2,700 cars), presumably the Muscat of Alexandria, primarily a raisin grape.<sup>100</sup> The varieties nowadays associated with fine wine in California—Zinfandel excepted—did not effectively enter into the shipment of grapes during Prohibition. It is true that there never *had* been a large acreage of such grapes in the state, but Prohibition diminished what had been there.

Prohibition thus encouraged a double-barreled mistake: too many grapes, and when Repeal came, too many grapes of the wrong kind. From the point of view of the winemaker, the vineyards had been deeply degraded. Except for Zinfandel (more often than not planted in the wrong region), superior red varieties were hardly to be found. The case with white wine grapes was even worse. There had not been many before Prohibition, and the demand for them among home winemakers was very restricted. By the time Repeal arrived, they had virtually disappeared. So at the end of Prohibition the vineyards abounded in raisin and table grapes and were almost destitute of wine grapes of any quality. This gross imbalance in the composition of California's vineyards entailed problems that plagued the industry for the next generation: raisin and table grapes were in perennial surplus, wine grapes of quality in perennial shortage. The extent to which Califor-

nia wine—not just in the first years of Repeal but to this day—comes from table and raisin varieties is depressing to contemplate. In the average figures for 1933–35, California wineries crushed 317,000 tons of wine grapes and 302,000 tons of raisin and table grapes. Even in 1937, the figures were 466,000 to 455,000.<sup>101</sup> Such proportions had to mean a severe debasement of the average level of quality, especially when it is considered that mostly the poorer grades of table and raisin varieties—those that could not be sold in the market to which they properly belonged—were diverted to the wineries. A comparable shift in the character of eastern wines seems also to have occurred as the plebeian Concord took over more and more from such varieties as the Catawba and the Delaware. This development had perhaps more to do with the expansive market for grape juice than with the demands of home winemakers. But the result was the same: wine grapes lost out.

After the collapse of 1926 it was clear that something had to be done. The California Vineyardists Association (CVA) was created at the end of that year to act as an industry-wide agency: marketing, advertising, inspection, research, lobbying, and the production of grape products all fell within its scope, but devising methods of orderly marketing was its main object.<sup>102</sup> It was to be voluntary but would charge fees for its services, and it hoped to secure the cooperation of the entire trade. But the CVA's plan for orderly marketing depended heavily on the simple, desperate expedient of leaving much of the grape crop unharvested. On that basis it did not get very far: it came too late to the vintage of 1927 to affect the dreary results of that year, and things were little better in 1928. By that time the directors saw that only if the members entered into firm contractual obligations could the CVA do much to affect the depressed market for fresh grapes, but by then the depression was too deep. The CVA claimed to have twelve thousand grower-members at the beginning of its existence and to have increased its membership thereafter.<sup>103</sup> But it ceased operations around 1932 and officially disappeared in 1936. Before it expired, however, it had generated a powerful child.

This was an organization called Fruit Industries, created in 1929 by a combination of the largest producers of “grape products” in California—that is, by the remnants of the old winemaking industry, as distinguished from the grape growers. Fruit Industries emerged from one of the elements of the CVA, its Grape Products Division, a loose affiliation formed in 1927 to develop products from and markets for the troublesome annual surplus of the California grape crop.<sup>104</sup> The possibilities for such a body suddenly altered in 1929 when, as a part of President Hoover's scheme to rescue American agriculture from its years of economic depression, the Agricultural Marketing Act was passed. This act created the Federal Farm Board, which presided over a large fund to be used for “stabilizing” the production of major agricultural commodities. Growers, according to the plan, would organize cooperatives; the Farm Board would lend them money; and with that money the co-ops would buy up surpluses, control production, and supervise marketing. Thus all would be rationalized. The fledgling Grape Products Division of the CVA

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[Figure 3 here]



FIGURE 3

A California vineyard in the San Joaquin Valley pulled up, not at the beginning but near the end of Prohibition, after the collapse of prices in the late 1920s. (Courtesy of the Wine Institute.)

fitted quite nicely into this scheme, for its members already controlled most of the grape products business in California.

They now reorganized themselves as a marketing co-op under the name of Fruit Industries, which took over all the plants, stock, and businesses of the participating firms.<sup>105</sup> Paul Garrett, though identified with eastern grapes and wines, was the owner of large California properties and became the chairman of the board and the public personality of Fruit Industries; its executive director was Donald Conn, the man behind the formation of the CWA.<sup>106</sup> By October 1929 they had secured a million-dollar loan from the Federal Farm Board.

But what were they to do with it? Their task was to absorb as much of the California surplus grape crop as they could, but the sale of wine was just as illegal now as it had been before the Farm Board was invented, and the market for grape tonics, grape jellies, and grape sauces was not going to offer much hope. The plan, then, was to promote grape concentrate as it had never yet been promoted.<sup>107</sup> And that plan depended on the Bureau of Prohibition. Would it cooperate? Conn and other officers of Fruit Industries went to

Washington looking for assurances and promptly received them. Mabel Walker Willebrandt, the assistant attorney general in charge of prosecutions under the Volstead Act, declared that the sale of concentrates and their use under the provisions of Section 29 of the act were perfectly legal. The director of the Bureau of Prohibition, Dr. Doran, issued a circular to his agents reaffirming that they were not to interfere with the shipment or sale of “juice grapes, grape juice and concentrates” and that the home winemaker was to be left undisturbed.<sup>108</sup> For its part, Fruit Industries promised, as the announcement of its formation put it, “rigid adherence to the requirements of the National Prohibition Act.”<sup>109</sup>

Secure behind the authority of the Bureau of Prohibition and furnished with public money from the Farm Board, Fruit Industries could now go to work on the promotion of its grape concentrate, called Vine-Glo. Here the irrepressible Garrett at once showed his bold inventiveness. He proposed a committee of three referees who would publicly guide the sales policy of Fruit Industries: Dr. Dinwiddie, of the Anti-Saloon League; Mrs. Lenna Yost, legislative superintendent of the WCTU; and Willebrandt, the assistant attorney general. The Farm Board refused to approve the scheme, but its audacity is pleasant to contemplate. And Dr. Dinwiddie actually agreed to serve!<sup>110</sup> There were other promotional high jinks too. When, as a part of its opening sales campaign, Vine-Glo entered the Chicago market late in 1930, the papers reported that Al Capone was preparing to treat it with a strong arm. On the heels of this story, Conn of Fruit Industries issued a press release asserting that Fruit Industries would not be intimidated but would “take its chances with the racketeers. It will protect the law, itself, its agencies, and its customers.” After a few days of furor in the press, most people concluded that the whole thing was a promotional stunt, as no doubt it was.<sup>111</sup>

Meantime, Vine-Glo did reasonably well in the market. It came in eight varieties and so had something to offer to everyone: port, Virginia Dare (Garrett’s famous brand of scuppernong wine), muscatel, tokay, sauterne, riesling, claret, and burgundy. Conn reported that a million gallons were sold in fiscal 1929–30 and that sales of more than 2 million gallons were expected in the next year. That would account for some 80,000 tons of California grapes, a significant contribution to the stabilization at which the Farm Board aimed. The gratified board continued its support of Fruit Industries, lending it another million in 1930.<sup>112</sup>

The special appeal of Vine-Glo, as opposed to the many other concentrates on the market, was its quasiofficial character: backed by the Farm Board and carrying the assurance of its advertisements that the stuff was “legal in your own home,” Vine-Glo could be bought without apology or explanation by the most timid householder. This note of public rectitude was reinforced by the device of selling it (at first) exclusively through drugstores. Another selling point was the comprehensiveness of the service offered. The Vine-Glo people would not only sell the concentrate but deliver it to the purchaser’s home, supervise its fermentation, and then bottle the result—the householder had only to pay for it and then to drink it.<sup>113</sup> And all was legal—or at least it was, briefly.

The promotion of Vine-Glo immediately produced an outburst of protest from the Dry forces, an outburst that was intensified when it was learned that Willebrandt, who

had left government service in mid 1929, was now the attorney representing Fruit Industries and Vine-Glo in Washington, D.C. The woman who, in her capacity as assistant attorney general in charge of prosecuting crimes against the Volstead Act, had pronounced Vine-Glo legal was now its paid defender. Thus she was both judge and advocate in this case, and though her behavior was, in every technical sense, perfectly proper, poor Willebrandt came in for much abuse. At the same time the public authorities, embarrassed by the outcry over Vine-Glo, began to think again about the legality of such frank promotion of winemaking. The Farm Board continued its support of Fruit Industries, making another million-dollar loan in October 1931. But at almost the same time, a federal court ruled that Section 29 of the Volstead Act permitted the householder to make his “fruit juices” only from fresh grapes, not from concentrate.<sup>114</sup> Frightened by this sudden turn, Conn of Fruit Industries announced in November 1931 that the company would give up its Vine-Glo program. This “voluntary” decision was soon made compulsory by a ruling of the Prohibition director excluding grape concentrate from the protection offered by Section 29 of the Volstead Act. The adventure of Vine-Glo was over.<sup>115</sup>

In the meantime, other signs of activity in the winegrowing world were starting to appear as the long-desired repeal began to seem possible. The overconfident promises of the Vine-Glo promotion had backfired, but it is observable from about 1930 that the word *wine* was returning to the national vocabulary, or at least to the vocabulary of those who worked with grapes. The persistence of winemaking throughout Prohibition has already been stressed. The collapse of the fresh-grape trade in 1926 was a reason for more winemakers to take a chance on converting into wine the grapes that no one wanted; they could have little assurance that they could ever sell what they made, but it seemed better to do so than to let the crop rot on the vines. As one veteran grower and winemaker from the Santa Clara Valley, Norbert Mirassou, recalled, if some of the larger wineries had not made wine and stored it for the growers before Repeal, “there would have been a lot more grape growers that would have gone broke than what did go broke.”<sup>116</sup> Cribari and Bisceglia Brothers were among those wineries that made an early return to production, but there were many others. The chance that Al Smith, an avowed Wet, might win the presidential election in 1928 caused a hopeful burst of winemaking in that year, though the hopeful were disappointed.

As the coming of Repeal passed from hope to near certainty, the business began to warm up quickly. At vintage time in 1932—when, apparently, the prospect of Roosevelt’s election seemed so clear that everyone knew what was going to happen—the *California Grower* reported that the Department of Prohibition was granting winemaking permits to “responsible growers” and that “a number of owners of unused wineries . . . plan this year to crush their surplus grapes and make wine.”<sup>117</sup> And so they did—a total of more than 13 million gallons in 1932.<sup>118</sup> The number of licensed wineries in California at the beginning of 1933, 177, had leaped to 380 by the end of the year, the moment of Repeal, and they managed to produce nearly 20 million gallons of wine in that year, while the country still lay under the law of Prohibition.<sup>119</sup> Notable in retrospect among these new

wineries licensed in anticipation of Repeal was that of the brothers Gallo, whose business would grow in a generation to be the largest winemaking enterprise in the world. They received a permit to make up to 50,000 gallons of wine in September 1933. On 8 December 1933, three days after Repeal, they requested an amended permit for an “additional 130,000 gallons of wine which we have already manufactured.” Such irregularity would have put the brothers in hot water with the Prohibition authorities, but in the first dawn of Repeal no trouble was made.<sup>120</sup>

At the end of 1932 another step toward the reemergence of wine was made with the formation of the Grape Growers League of California. The league was organized with the help of Leon Adams, a San Francisco journalist who was inspired by a mission to “civilize American drinking.”<sup>121</sup> In the pursuit of that vision he later assisted in the foundation of the Wine Institute and in its activities aimed at making wine an important and unquestioned part of American life. Adams remained active in the cause for more than sixty years, and through the publication of his *Wines of America* he became the standard authority on the subject.<sup>122</sup>

Despite its name, the Grape Growers League was clearly an organization of interests having to do with wine—its aim was to “protect the interests of every phase of the grape and wine industry.”<sup>123</sup> There was no longer any mealy-mouthed talk of grape products. The league, which was a direct ancestor of the Wine Institute, announced that it would work toward the immediate legalization of light wines and to that end would cooperate with “the grape growers and winemakers in New York, Ohio, New Jersey, Michigan, Missouri, Pennsylvania and other grape states.”<sup>124</sup> The representatives of the league managed to get a hearing before the House Committee on Ways and Means, arguing for the legalization of wine.<sup>125</sup> The manufacturers of equipment that might have a use in winemaking also scented the change in the air: an advertisement for irrigation pumps early in 1933 touted the combination of “light wines and pumps.” It was as though Prohibition no longer existed, though it certainly still did in every legal sense.<sup>126</sup> Even the federal government acted as though Prohibition had already expired: the appropriation for enforcement was cut, and the attorney general dismissed half of the Bureau of Prohibition’s agents in June 1933.<sup>127</sup>

But the effort to get light wines (that is, unfortified dry table wines) legalized proved surprisingly difficult, for no very good or apparent reason. The difficulty suggests that the grape growers and winemakers were not very powerful politically: California, where most of the grapes and wine came from, was still a remote and underpopulated place. The effective agitation for repeal was largely an eastern affair, and beer and spirits were far more prominent objectives than wine ever was. Thus the Volstead Act was successfully amended to allow the sale of 3.2 percent beer, but all efforts to get light wine—something around 10 percent is what the winemakers proposed—attached to the beer bill failed. Instead, the measure for wine was determined by the measure for beer: 3.2 in either case, even though the winemakers protested, quite rightly, that there was no such thing as a 3.2 wine.<sup>128</sup> This permission—which went into operation on 7 April 1933, the



day that beer “came back”—was of very doubtful promise to the winemakers. Wine drinkers wanted no such watery compromise, and people merely curious about wine would form very wrong notions if their experience began with such ersatz fluids.

Leon Adams says that the campaign for light wines was scuttled in the Senate when a senator from California, William Gibbs McAdoo, himself only a reluctant Wet, agreed to a single formula for both beer and wine as a means of speeding the bill’s passage.<sup>129</sup> The winemakers tried again with a bill for the legalization of wine sponsored by Congressman Clarence Lea, but it died in the Ways and Means committee in June 1933. Lea argued that since the Volstead act already permitted homemade wine, which certainly reached about 10 degrees of “nonintoxicating” alcohol, the legalization of such wine would only recognize what was already permitted.<sup>130</sup> A flood of petitions from California poured in supporting this proposition. But the idea that the Volstead Act could be modified to include wine evidently had little support in high places. A memo from President Roosevelt in response to pleas from the California delegation in the House of Representatives put it clearly: “I am convinced,” Roosevelt wrote, “that 10% is unconstitutional.”<sup>131</sup>

Nevertheless, since no one knew exactly how long it might be before repeal actually came to pass and since 3.2 was the formula offered in the meantime, some wineries decided that they might as well give it a try. The first to hit the market were a 3.2 claret and “sparkling burgundy” (both Concord-based) put out by the old New Jersey winery of H. T. Dewey and Sons at its New York retail store. The store, according to report, was mobbed by eager customers, who were limited to two bottles each.<sup>132</sup> Other winemakers soon followed Dewey’s lead, though perhaps somewhat shamefacedly. Shewan-Jones of Lodi put out a sparkling white called *La Conquista*; Scatena Brothers of Healdsburg offered a sparkling *Clarette*; and Italian Swiss Colony had a burgundy and sauterne. The editor of *California Grape Grower*, who had once worked for Italian Swiss Colony in its great days under Andrea Sbarboro and Pietro Rossi, loyally affirmed that “the new products are excellent,” but he could not repress an outburst of regret: “Oh, for a glass of the old Tipo, red or white.”<sup>133</sup>

Mercifully, the day of 3.2 wine was brief. When Repeal arrived on 5 December 1933, low-alcohol wines at once disappeared as real wine flowed into the channels of distribution.<sup>134</sup>

## WHAT DID PROHIBITION DO?

In one view, it did very little. From what has been said to this point, it must be obvious that Prohibition did not put an end either to the growing of wine grapes or to the production of wine in this country. It may even, as has been suggested, have done something toward familiarizing Americans with wine (and the names of some wine grapes) through the opportunity of home winemaking—the largest of the loopholes in the clumsy structure of Prohibition. The acreage of American vineyards at the end of the Prohibition era was substantially greater than it had been at the beginning.<sup>135</sup> American wineries, at the moment of Repeal, held about 48 million gallons of wine. Thus wine and wine-making seem to have survived the long drought in remarkably vigorous condition.

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Incidentally, Prohibition put an end to the CWA, the near-monopoly power that had controlled California wine since the 1890s. The demise of the CWA cleared the way for a renewal of competition after Repeal, and even though the Drys certainly did not intend it that way, this development was probably one of the constructive results of Prohibition.

But in another sense Prohibition did a great deal, all of it bad from the point of view of winegrowing. For nearly fourteen years, Prohibition had associated wine with illegality, and though there is no way to measure the effects of such association, it cannot have been without disturbing consequences. The still-persistent American tendency to think of wine—in common with other alcoholic drinks—only in either-or terms must also have been powerfully reinforced by Prohibition: either one drinks (with the unexpressed qualifier “too much”) or one does not drink at all. The moderate, regular consumption of wine as an indispensable adjunct to food simply does not seem to have entered into the American imagination of desirable practices. Prohibition may well have been a symptom rather than a cause of this condition, but it made official the disappearance of a true temperance into the artificial and fantastic opposition between excess and abstinence.<sup>136</sup>

For nearly fourteen years most Americans had no access to anything resembling good wine. Home winemaking is all very well, but without good materials (almost impossible to find at any distance from the vineyards), good methods (unlikely in improvised conditions), and intelligent guidance (hardly to be expected), the results at best cannot have been better than mediocre and at worst were certainly appalling. The idea of wine must have been soon degraded: *basement rotgut*, *red ink*, *dago red*, and like terms express the popular notion that inevitably formed under such conditions.

Even had the conditions for winemaking at home been better, good wine would not have resulted, for as we have seen, good wine grapes had been driven from American vineyards in favor of less suitable varieties or of table and raisin types—and for many years to come, these dominated the supply of grapes destined for American wine.

The material damage wrought by Prohibition was of course most obvious in the number of American wineries that had gone out of business, fallen into decay, or been put to other purposes. The 917 licensed wineries of 1922 had shrunk to 268 by 1933, a net loss of 649 establishments, large and small.<sup>137</sup> A good many of them returned to life under the revivifying power of Repeal, but nothing could undo the disruptions that the long suspension had created. When the Rip van Winkle of American wine woke up again, it was to find that its cooperage had dried out and fallen to pieces, its machines had rusted and become obsolete, its channels of distribution had clogged, its markets had dissolved, and its name had been forgotten. No research had been carried out. No instruction had been given to a younger generation. A tradition had been broken, and an orderly growth cut off. In this condition the American wine industry returned to free life—in the midst of the deepest economic depression that the country had ever known. Whatever normal conditions might be, they were certainly not to be expected now.