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Using Historical Court Cases to Explore Prohibition

Kristina Maldre
National Archives at Chicago

“That’s the indictment filed against Al Capone for tax evasion,” an archivist shared. After starting as the Education Specialist at the National Archives at Chicago, one of the first records I examined was the document that brought down Al Capone. Impressed, as are most visitors, I was delighted to find more. Prohibition-related arrests and gangster antics abound in our U.S. District Court records. For example, a south-side Chicago police officer was arrested for unlawfully possessing and transporting five gallons of wine on the east-side of Chicago and sent to the U.S. Penitentiary at Leavenworth for fifteen months. Earl “Hymie” Weiss was shot and killed in front of Chicago’s Holy Name Cathedral as a prohibition court case pended against him.

As a regional branch of the National Archives, the National Archives at Chicago collects, protects, and makes available federal records created in the six Great Lakes states of Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin. Over fifty percent of our holdings are federal court records.

The intrigue of prohibition tales and the intricacy of court records present a unique opportunity for classroom use. Integrating historic court records into your social studies curriculum can help strengthen students’ literacy skill set and build historical understanding of social tensions and cultural conflicts of the 1920s.

Court documents can be difficult to read because of challenging vocabulary and unfamiliar procedures. Yet prohibition tales often seduce students into a chase to discover the stories. Social studies educators can capitalize on this interest to reinforce reading strategies with a structured dissection of court records. For example, the “What’s the Story?” criminal court case analysis sheet found at the end of this essay provides a framework to guide students’ examination and work on the literacy skills of summarizing and inferring.¹ Whereas the “legal vocabulary in a snap” bookmark helps build a vocabulary set by referencing and noting unfamiliar legal terms.

The court records themselves can help further students understanding of prohibition by expanding textbook insights and challenging common perceptions. For example, reading the charges listed in the indictment in *Criminal Case 14678* involving Hymie Weiss “the defendants did possess the said certain quantity of intoxicating liquor . . . [and] unlawfully did knowingly transport through the streets of Chicago . . . without first obtaining a permit from the Commissioner of Internal Revenue so to do, the said certain large quantity of intoxicating

¹ These ideas and others can be found in the following sources. Oswego Community Unit School District 308. *Oswego Works for Literacy Handbook*, Oswego, IL: Self-published, 2003. Allen, Janet. *Reading History: A Practical Guide to Improving Literacy*. New York: Oxford University Press, 2005.

liquor,”² reinforces the content of the 18th amendment, which outlawed the “manufacture, sale, or transportation of intoxicating liquors,”³ and builds understanding about the objectives and enforcement of prohibition found in the Volstead Act. The Volstead Act focused on stopping the sale and distribution of alcohol, yet did not directly forbid alcohol consumption. With permits, alcohol could be used for medicinal and sacramental purposes. A careful reading of prohibition indictments may also raise additional questions for exploration such as: Why would defendants have been charged with simply possessing a certain quantity of alcohol?

Case files that contain verdicts and if applicable sentences, allow students to see the prohibition penalties in action and discuss the challenges of enforcement. The Volstead Act noted that a first time violation could result in a fine of \$1,000 and imprisonment for up to six months. Yet specific cases such as *Criminal Case: 14683*⁴ where a Chicago police officer was sentenced to fifteen months at Leavenworth Federal Penitentiary encourages students to ponder the enforcement of prohibition and the perception that police freely participated without punishment.

During on-site workshops at our facility, teachers investigated the two court cases listed above and others that ran the spectrum from pedestrian prohibition arrests to those involving infamous gangsters like Al Capone. The contents of these criminal court case files varied greatly depending on what the court saved and accessioned to the archives. Educators most often encountered an indictment and verdict in the case files. Though some case files included other documents, such as death certificates, arrest warrants, and petitions filed by defense attorneys challenging the indictments. As part of the investigation process teachers used both of the aforementioned analysis tools to examine criminal court cases. They commented on their structure and functionality. During our reflection period one educator shared, “This [“What’s the Story?”] sheet forced us to really examine and read the documents. Creating a timeline was a great way to make sense of the story.” “I can see using these documents with this sheet in my class in small groups. . . each receiving a case.”

I followed up with this particular workshop teacher about his use of these primary sources in the classroom. After discussing the cultural conflict of the 1920s, the causes of prohibition, and outlining the basics of the eighteenth amendment and the Volstead Act, this Illinois high school teacher, split his AP US history class into small groups, gave each group a different court case in its entirety, and asked them to ascertain what happened in their case using the “What’s the Story?” analysis sheet. Then the class gathered as one large group to share their findings. The class discovered that court records supported earlier conversations about prohibition, yet there were contradictions, further questions and in some cases frustration. Were arrests of police officers common? Were people of certain ethnic backgrounds arrested more than others? Why were

² CR14678: *The United States of America vs. Earl Weiss, alias Hymie Weiss; Frank Foster, alias Frank Frost; and Edward Vogel, alias Edward Vaughn*, United States District Court, Northern District of Illinois, Eastern Division.

³ United States Constitution, Eighteenth Amendment. Found in *The Americans* textbook, 2008 Illinois edition on page 170.

⁴ CR14683: *The United States of America vs. Michael Wynn and Thomas Havigon*, United States District Court, Northern District of Illinois, Eastern Division.

women in none of the cases we examined? How many people got away with it and weren't charged? Further examination of court cases in our holdings, as well as the work of other historians can begin the process of answering these questions and others that may arise.⁵ Questions aside, in the end, these students gained an understanding of the "noble experiment" of prohibition and sharpened their analysis and literacy skills.

Samples from criminal cases 14683 and 14678 follow. If you are eager to examine the these cases in their entirety, bring court records into your classroom, or learn more about professional development opportunities and the holdings of the National Archives at Chicago please contact Kris Maldre, Education Specialist at kristina.maldre@nara.gov.

The documents featured in this article are available in CD format upon request and will be posted on our facebook page (www.facebook.com/nationalarchiveschicago) and web site (www.archives.gov/great-lakes) shortly.

⁵ A simple (almost embarrassingly short) list of prohibition resources follows: National Archives and Records Administration Digital Classroom, *Teaching with Documents: the Volstead Act and Related Prohibition Documents* at <http://www.archives.gov/education/lessons/volstead-act/>. The Gilder Lehrman Institute of American History, *Modules on Major Topics in American History: The 1920s* at <http://www.gilderlehrman.org/teachers/module17/index.html>. Duis, Perry. *The Saloon: Public Drinking in Chicago and Boston, 1880-1920*. Champaign: University of Illinois Press, 1983; Kyvig, David. *Law, Alcohol, and Order: Perspectives on National Prohibition*. Westport, CT: Greenwood, 1985; Okrent, Daniel. *Last Call: The Rise and Fall of Prohibition*. New York: Scribner, 2010.