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Prohibition in Rockingham County: Exploring a Digital Archive

Craig Schaefer

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Prohibition in Rockingham County: Exploring a Digital Archive

A Digital History Project with Exploring Rockingham's Past

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A thesis submitted to the Graduate Faculty of

JAMES MADISON UNIVERSITY

In

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Abstract

Prohibition in Rockingham County: Exploring a Digital Archive, is a digital prehistory thesis project that preserved and made select Prohibition-era records publicly available from the Rockingham County Courthouse. The records are now part of Exploring Rockingham's Past (ERP), an ongoing collaboration between James Madison University's (JMU) History Department, JMU Libraries, and the Rockingham County Circuit Court. These digital documents have been released into the public domain as keyword searchable and fully described PDFs at <https://omeka.lib.jmu.edu/erp/>. A digital exhibit is used to showcase the records: <https://sites.lib.jmu.edu/prohibition/>. The website introduces the reader to Prohibition but mainly strives to put the records in historical context and help users navigate and use the online collection.

I. The Research Project

Prohibition in Rockingham County: Exploring a Digital Archive is a digital history project that made rare documents from Rockingham County's storied past accessible to the public as part of the ERP initiative. Exploring Rockingham's Past (ERP) is a collaborative project between James Madison University and the Rockingham County Circuit Courthouse that is making rare documents from Rockingham County's storied past accessible to the public. This ongoing project will continue to digitize and publish collections from the courthouse's substantial archival materials, which have long been inaccessible to researchers.

This project resulted in over 12,000 pages of digitized court documents related to prohibition in early 20th-century Rockingham County. The 6,379 individual records have been added to the ERP digital archive and shared with the public in April 2019 during a reveal event at a local business establishment. A second goal of the project was to create a digital exhibit highlighting Prohibition in Rockingham County.

ERP is an ongoing project that will continue to digitize and publish collections from the courthouse's substantial archival materials, which have long been inaccessible to researchers. The publishing of archival documents and the creation of interpretive material from those documents—will allow the public to explore Rockingham's past on their own and see how emerging professional historians employ and interpret the same materials. Practical limits to infrastructure and personnel expertise have limited the availability of the

significant store of public records that document the history of Rockingham County and the state. The process began with identifying and organizing a set of legal records that could form a collection. These records were then digitized using enterprise-level flatbed scanners. JMU Libraries provided the space, equipment, and training needed to complete the digitization. Once the scanning was complete, the author worked with JMU librarians to combine related documents into multi-page PDF documents, to compress the large scanned images, and to perform text recognition on eligible (typed) documents. JMU metadata experts also helped to develop a plan to describe each multi-page document. Finally, the PDFs and corresponding descriptions (metadata) were uploaded into JMU's digital archive platform, powered by Omeka, is a free, open-source content management system from George Mason University.

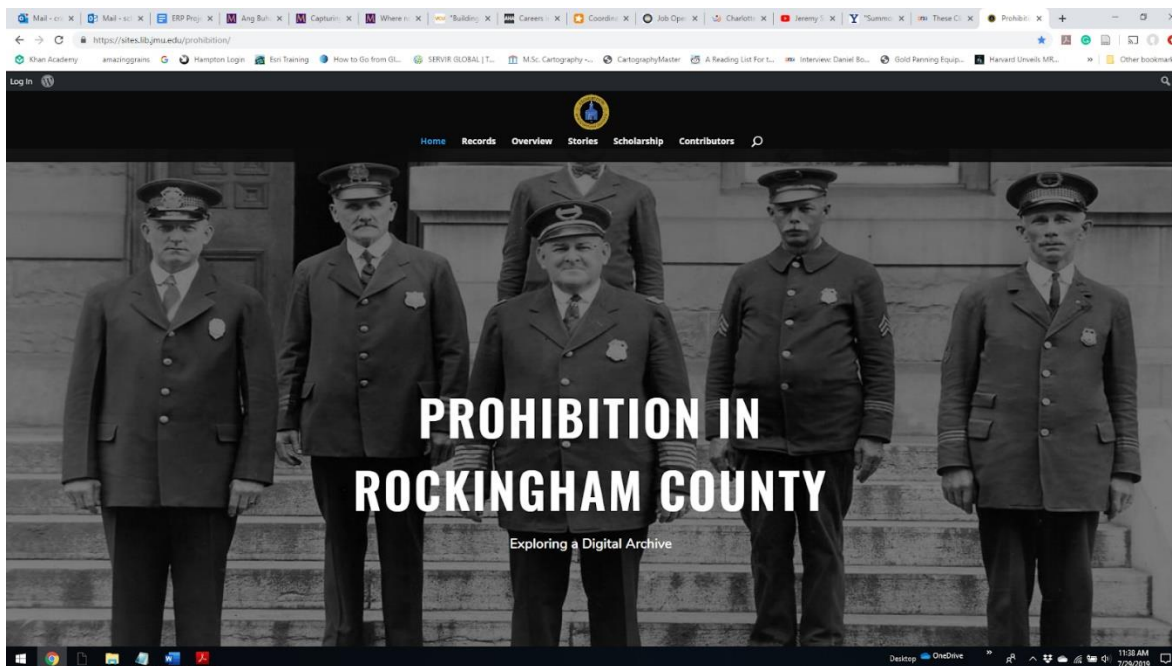
A primary goal of ERP since the beginning has been to leverage existing public resources to better fulfill the missions of both the Clerk of Court's office and JMU. Conditions at the courthouse put practical limits on the availability of court records that document the heritage of the county and state. This project applied contemporary archival methods—especially in the recent professional trend of “post-custodial” digital archiving wherein original records remain in the community while the university hosts the digital facsimile.

II. The Digital Exhibit

In addition to digitizing historical records, a digital exhibit was created to compliment the newly created ERP Prohibition collection. The interpretive website *Prohibition in Rockingham County: Exploring a Digital Archive* was designed to provide an overview of Prohibition and highlight the research potential of the ERP collection. This exhibit was built on the open-source content management system (CMS) WordPress and utilized the Divi theme. Ultimately, the information was divided into six sections: Home, Records, Overview, Stories, Scholarship, and Contributors.

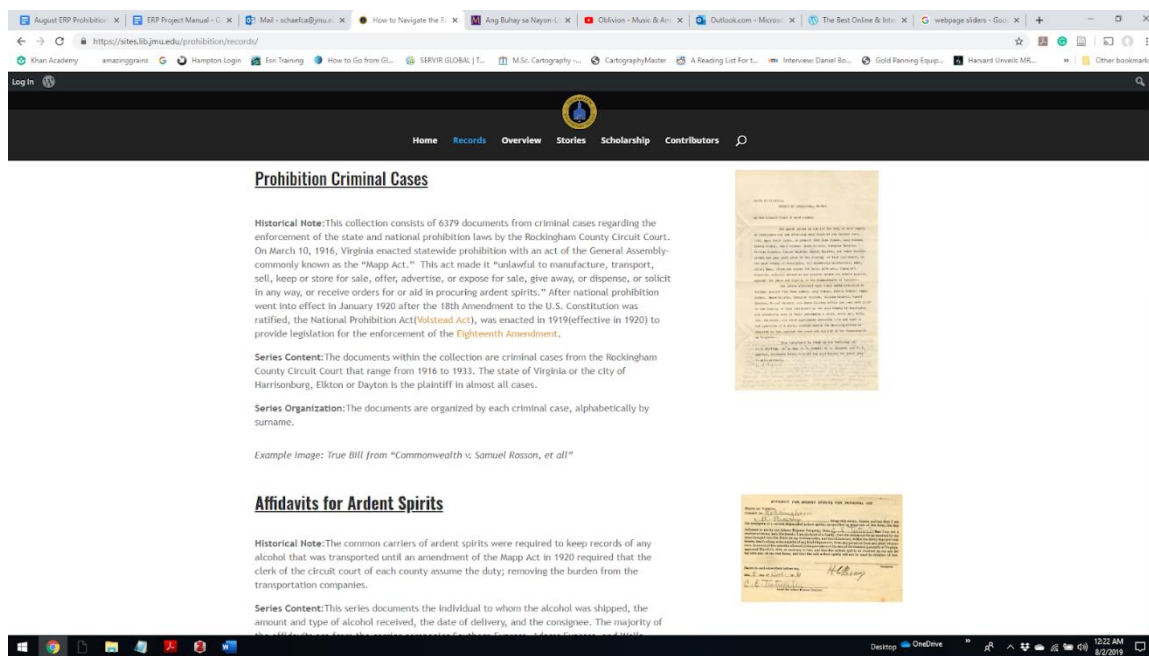
The interpretive website was designed with two main goals in mind. It was determined that the site needed to provide historical context for the records and introduce the reader to Prohibition. Secondly, the website needed to function as a guide to the ERP collections for those unfamiliar with navigating an academic archive. In addition to high-resolution images and informative articles, the website includes links, an interactive timeline, slides of historical documents, and more. The website also utilizes historical photographs and newspapers from outside of the ERP collections, adding to the aesthetic quality of the website while bringing attention to local historical sources outside of the ERP collections.

Figure 1: The home page for <https://sites.lib.jmu.edu/prohibition/>



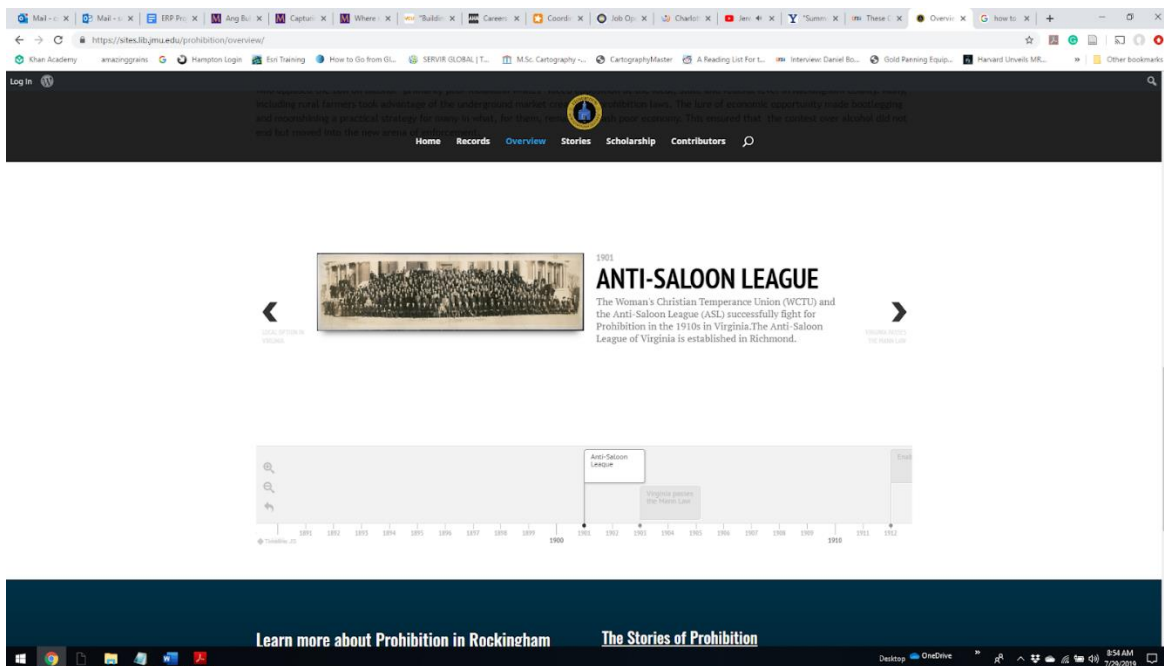
In order to fulfill the primary of making historical records available to the public, it was deemed necessary to have a section that would function as a guide to the digitized content. The Records section contains a description of each of the five series or subsections that comprise the Prohibition collection, which includes: Criminal Cases, Affidavits for Ardent Spirits, Liquor Inventory Records, Liquor License Application Records and Prohibition General Records.

Figure 2: The home page for Navigating the Records section.



The Overview section is used to display content that helps to place the records within a historical context through the use of a brief essay and timeline. The timeline is used to integrate local events into a larger national narrative. Particular emphasis was placed on the transition from statewide to national Prohibition in Virginia. The timeline contained sections titled Local Option in Virginia, Anti-Saloon League, Virginia Passes the Mann Law, Enabling Act, 1924 Referendum, Virginia Goes Dry, Eighteenth Amendment, Volstead Act, Cullen-Harrison Act, and Repeal.

Figure 3: The home page for the Historic Overview section.

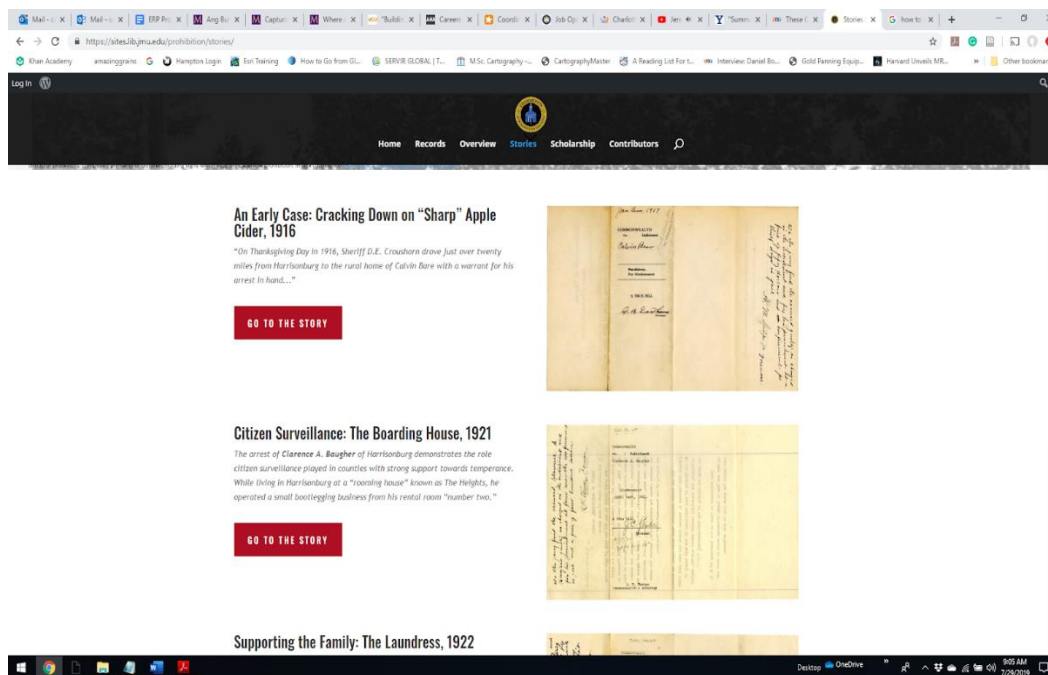


The next section, Stories, showcases original research of select records from the Prohibition collection. This section uses five mini-essays to provide the user with examples of potential research topics found within the collection: (See Appendix B for the entire content of the Stories section):

On Thanksgiving Day in 1916, Sheriff D.E. Croushorn drove just over twenty miles from Harrisonburg to the rural home of Calvin Bare with a warrant for his arrest in hand. A complaint had been made regarding the alleged storage of cider on Bare's property. As the Sheriff's car slowly moved up the gravel lane to the farm near "Brocks Gap," Bare walked out to greet the Sheriff. Croushorn quickly set about determining if a violation of Virginia's Prohibition Law had been committed. Without any pause for concern Bare freely admitted that he had two

barrels of cider in his newly built smokehouse. After “testing” the cider, Sheriff Croushorn determined that the cider was “sharp” and collected a sample from each barrel for analysis as it was likely above the alcohol content permitted under the Mapp Act.

Figure 4: The home page for the Stories section.



The last two sections of the website, Scholarship, and Contributors, function as an about section. These sections describe the methodology of the project and the background of the author. In Scholarship, there is a bibliography in addition to links outside of the website.

This project succeeded in adding material to the ERP website that can provide a valuable resource that serves both scholarly interests and the local community. The

digital exhibit is an interactive resource that hopefully encourages visitors to use the ERP digital collections to explore the past while gaining an understanding of how an emerging professional historian interprets the same records.

Appendix A: Content from Navigating the Records

(From: <https://sites.lib.jmu.edu/prohibition/>)

1: Prohibition Criminal Cases

Historical Note: This collection consists of 6379 documents from criminal cases regarding the enforcement of the state and national prohibition laws by the Rockingham County Circuit Court. On March 10, 1916, Virginia enacted statewide prohibition with an act of the General Assembly—commonly known as the “Mapp Act.” This act made it “unlawful to manufacture, transport, sell, keep or store for sale, offer, advertise, or expose for sale, give away, or dispense, or solicit in any way, or receive orders for or aid in procuring ardent spirits.” After national prohibition went into effect in January 1920 after the 18th Amendment to the U.S. Constitution was ratified, the National Prohibition Act(Volstead Act), was enacted in 1919(effective in 1920) to provide legislation for the enforcement of the Eighteenth Amendment.

Series Content: The documents within the collection are criminal cases from the Rockingham County Circuit Court that range from 1916 to 1933. The state of Virginia or the city of Harrisonburg, Elkton or Dayton is the plaintiff in almost all cases.

Series Organization: Abstract The documents are organized by each criminal case, alphabetically by surname.

Example image: True Bill from “Commonwealth v. Samuel Rosson, et all”

2: Affidavits for Ardent Spirits

Historical Note: The common carriers of ardent spirits were required to keep records of any alcohol that was transported until an amendment of the Mapp Act in 1920 required that the clerk of the circuit court of each county assume the duty; removing the burden from the transportation companies.

Series Content: This series documents the individual to whom the alcohol was shipped, the amount and type of alcohol received, the date of delivery, and the consignee. The majority of the affidavits are from the carrier companies Southern Express, Adams Express, and Wells Fargo.

Series Organization: They are alphabetically arranged by county locale and further organized chronologically.

Example Image: “Printed Affidavits form authorizing the transportation of medicinal alcohol to Bridgewater in Rockingham County Virginia for personal use in 1916.”

3: Liquor Inventory Records

Series Content: Contains inventory records of the alcohol on hand of commercial businesses who were permitted, by court license to sell alcohol.

Series Organization: These records are organized alphabetically by the name of the commercial entity.

Example Image: Monthly liquor record for Aldhizer and Sons Druggists.

4: Commercial Liquor License Applications

Series Content: Contains application materials for licenses for the manufacture, use, and sale of alcohol. Applicants include druggists, manufacturers, wholesalers, and various retail establishments.

Series Organization: These records are arranged alphabetically by the name of the commercial entity applying for a license.

Example Image: "Commercial liquor license application signed by David H. Alger"

5: General Prohibition Records

Series Content: Contains general correspondence and legal documents that do not necessarily belong to any individual criminal case, but provides additional context. The records include reports from the court clerk and local sheriffs, correspondence from the Virginia Prohibition Commissioner's office, correspondence from the Governor's office regarding pardons and other matters, as well as correspondence with

state authorities. Also includes petitions for a referendum on the sale of beer and wine in Rockingham County.

Topics addressed include the handling of ardent spirits, moonshine stills, and permits received by the Rockingham Circuit Court which include correspondence, reports, invoices, form letters, and inventories.

Example Image: “Report of all stills captured by the sheriff and his deputies in Rockingham County.”

Appendix B: Content from Historical Overview

(From: <https://sites.lib.jmu.edu/prohibition/>)

The United States has a long history with alcohol. Since the Early Republic, Americans developed an appetite for alcohol. In a world where drinking water was potentially harmful, alcohol played an essential role in people’s lives—beyond the purely recreational place that it holds today. Indeed, alcohol was prized as much for its medicinal properties as for its role as a social lubricant. Moreover, many rural Americans relied on distilled spirits as a tradable commodity in a cash-poor economy. In a mostly rural nation distilling alcohol turned farm surplus into trade units. Organized efforts to curtail the consumption of alcohol began in the 1820s when Protestant revivals focused on alcohol as a destructive influence on families and society. A larger Prohibition effort emerged in the late nineteenth century as part of a wave of reform movements in the 1890s.

The political success of temperance in Virginia was primarily due to the efforts of two Powerful political pressure groups, the Anti-Saloon League (ASL) and the Women's Christian Temperance Union (WCTU). In general, Virginians living in rural counties and small towns supported Prohibition while opposition coalesced around the business communities of larger cities who feared it would stifle business. Urban immigrant workers, African Americans and poor whites also largely opposed prohibition, but their influence was muted after the 1902 Virginia Constitution when many from these groups lost the right to vote.

The WCTU and evangelical preachers gained support for Prohibition and led the General Assembly to pass a "local option" law in 1886, allowing local governments to hold elections on prohibition. After 1900, the ASL in Virginia successfully lobbied for stricter legislation that further regulating the sale of alcohol. Methodist minister James Cannon Jr. helped lead Virginia to pass the Mann Law in 1903, which severely limited the sale of alcohol in areas without an active police force and required judges to approve any exceptions by issuing liquor licenses. the Mann Law also imposed heavy taxes on rural saloons, which served to drastically reduce the number of saloons in Virginia. By 1909 much of rural Virginia had outlawed the sale of alcohol.

After 1910 the ASL of Virginia increasingly viewed statewide prohibition as the next step. The ASL and the WCTU helped to push through an "enabling bill" in the General Assembly, which set up prohibition for a statewide vote on September 22, 1914. With overwhelming support from rural counties—at least

from those still eligible and motivated to vote—the measure passed, and statewide prohibition went into effect on November 1, 1916. The political contest in Rockingham between those who supported (known as dry) and those who opposed (wet) prohibition culminated in a dry victory in 1914. Rockingham voted in favor of state prohibition, 3230 in favor and 1039 against (The total 1910 population of the county was 34,903). Evangelical sentiments in rural counties propelled Virginia towards adopting statewide prohibition in 1916 and setting the stage for the later passage of the Eighteenth Amendment on 16 January 1919. Prohibition advocates were not satisfied with a symbolic victory and quickly drafted legislation that would ensure the strict enforcement of national prohibition. The Volstead Act was enacted in 1919 and went into effect in 1920 to provide legislation for the enforcement of the Eighteenth Amendment, which prohibited the manufacture and sale of alcoholic beverages nationally.

A defining feature of Prohibition in Rockingham is that the local government and law officials supported the federal and state prohibition laws. Those who opposed the ban on alcohol—primarily poor mountain whites—faced opposition at the local, state and federal level in Rockingham County. Many, including rural farmers, took advantage of the underground market created by prohibition laws. The lure of economic opportunity made bootlegging and moonshining a practical strategy for many in what, for them, remained a cash poor economy. This ensured that the contest over alcohol did not end but moved into the new arena of enforcement.

Appendix C: Content from Stories

(From: <https://sites.lib.jmu.edu/prohibition/>)

1. Enforcement: An Early Case: Cracking Down on "Sharp" Apple Cider

On Thanksgiving Day in 1916, Sheriff D.E. Croushorn drove just over twenty miles from Harrisonburg to the rural home of Calvin Bare with a warrant for his arrest in hand. A complaint had been made regarding the alleged storage of cider on Bare's property. As the Sheriff's car slowly moved up the gravel lane to the farm near "Brocks Gap", Bare walked out to greet the Sheriff. Croushorn quickly set about determining if a violation of Virginia's Prohibition Law had been committed. Without any pause for concern Bare freely admitted that he had two barrels of cider in his newly built smokehouse. After "testing" the cider, Sheriff Croushorn determined that the cider was "sharp" and collected a sample from each barrel for analysis as it was likely above the alcohol content permitted under the Mapp Act. Calvin Bare was indicted.

The prosecution's case rested on the alcohol content of the samples collected from Bare's cider barrels. This put an immediate strain on the resources of the Sheriff's department. Without the needed expertise with forensic chemical analysis, local law enforcement had to send alcohol samples to the State Chemist in Richmond, Virginia. The Chief of Police, Frank Dovel, of Harrisonburg, deemed this important enough to personally transport the samples to Richmond. Chief Dovel held the bottles at his boots on the floor of the railcar

to ensure the samples would not be damaged or affected by temperature changes that might dilute the alcoholic content.

During the early years of Prohibition, the underfunded state and federal authorities seemed to have relied on local enforcement entities to find their own means of complying with the new regulations.

Undeterred, Rockingham officials worked out a more efficient system to comply with the Virginia Prohibition Commission's (VPC) regulations. The answer came in the form of James C. Johnston, a chemistry professor at the State Normal School in Harrisonburg. Professor Johnston began performing all alcohol analyses for the Rockingham Circuit Court at his lab on campus. This arrangement allowed local authorities to avoid the lengthy process of acquiring an analysis from the State Chemist in Richmond through the mail or courier.

This practice proved to be a rather novel approach. In 1923 Frederick County officials were barred by the postmaster in Winchester from sending their ardent spirit samples in the mail to Richmond for analysis. Dismayed, the Frederick County Sheriff worried that "it would be impossible to secure [a] conviction in many cases unless the State chemist could come to Winchester or a state official carry such liquor to Richmond for analysis."

A report by the Daily News-Record in Harrisonburg detailed the use of Professor Johnston by Rockingham officials, concluding that a similar system could be used in Winchester, "[t]here is nothing to it."

The arrest and conviction of Calvin Bare demonstrate that local law officials intended to pursue an aggressive approach towards Prohibition.

Perhaps Bare's nonchalant attitude during the Sheriff's visit suggests that he expected to be exonerated at trial; however, his peers proved to be his harshest critics. Bare insisted that he was not selling his cider and that the cider was not intended to be intoxicating.

Numerous testimonies were brought in by both the state's attorney and the defense.

Calvin Bare's son Tom Bare also testified, claiming that of the "five barrels" of cider made by his father that "[t]wo barrels were used in making apple butter" and that everything was made "from apples grown on his[fathers] own place."

None of the testimonies swayed the jury. The results of the chemical analysis were not favorable for the defendant. As Bare's cider exceeded the allowed limit of 1% alcohol; the two samples were found to be 2.49% and 5.51% respectively. The jury based their final decision on the results of the analysis. Although the law allowed a man to distribute cider in his own home, the judge ruled that the structure containing the cider was not considered part of Bare's dwelling. The Bare case suggests that officials wanted to send a strong message to those that intended to violate Prohibition in Rockingham. The sensational Thanksgiving visit by the Sheriff, light penalty and Bare's release on a \$500 bail imply that the arrest functioned as a warning by local authorities that prohibition would be strictly enforced.

As the Great Depression deepened, poverty in rural Virginia worsened. Pressed by increasingly dire circumstances, many individuals turned to the perceived easy profits promised by bootlegging to see them through difficult times. As a result, federal agents and local enforcement officers found such economically vulnerable individuals easy targets for arrest. Resistance to Prohibition in Rockingham was less about temperance and political contest than about economic opportunism. With these records, the unique characteristics of prohibition in Rockingham can be better understood. Prohibition may have “failed,” but the attempt to ban alcohol and the enforcement of its laws had a profound effect—often adversely—for many people. This case demonstrates the expansion of the enforcement capabilities of local authorities. Also, the general lack of understanding that citizens had regarding the new laws is on full display. These themes and others can now be researched through these records.

2. Citizen Surveillance: The Boarding House

The arrest of Clarence A. Baugher of Harrisonburg demonstrates the role citizen surveillance played in counties with strong support towards temperance. While living in Harrisonburg at a “rooming house” known as The Heights, he operated a small bootlegging business from his rental room “number two.” The operator of the boarding house, Mary A. Dolan became suspicious of Clarence, claiming in court that strangers regularly came and went from the room with packages as well as Baugher’s regularly made “suspicious phone calls” to a store in Elkton, Virginia.

Baughner's use of the public phone initiated a chain of events that led to his arrest. After leaving for his work at a nearby construction site, Mrs. Dolan entered the room Baughner was renting and confirmed her suspicions. She immediately contacted a law officer who searched the room and found nearly 1.5 gallons of moonshine contained in three separate jars among his belongings.

Sheriff Dillard walked over to a nearby work site and found Clarence polishing a piece of timber. On the way back to the boarding house, Clarence confessed his deed. Perhaps seeking leniency he asked the Sheriff "on account of my little child, is there anything I can do?" Dillard said there was not. Ultimately, Baughner was found guilty and charged with four months imprisonment and a \$400 dollar fine.

Prohibition led to a greatly expanded penal system in the United States. This case raises the question regarding the pressures felt by citizens to inform on those who violated prohibition.

3. Supporting the Family

Not all women found dealing in alcoholic spirits, immoral or taboo. Individuals like the middle-aged Jennie Shirkey, who ran a laundry washing service from her home, risked violating Prohibition to make extra money. Arrested by Sheriff Dillard, Jennie and her daughter Evelyn were found guilty and received a \$50.00 fine each and one-month imprisonment for a first-time offense of "manufacturing and storing" ardent spirits. Her other three children were found not guilty by the jury and released without being charged. Moonshiners were not the only ones who violated prohibition laws out of economic

necessity. Although Jennie's situation is not fully known, the records suggest a hardscrabble existence. Her son Thomas posted bail for his mother, while Evelyn was taken into custody to serve out her sentence.

As the Great Depression deepened, poverty in rural Virginia worsened. Pressed by increasingly dire circumstances, many individuals turned to the perceived easy profits promised by bootlegging to see them through difficult times. As a result, federal agents and local enforcement officers found such economically vulnerable individuals easy targets for arrest. Resistance to Prohibition in Rockingham was less about temperance and political contest than about economic opportunism. With these records, the unique characteristics of prohibition in Rockingham can be better understood. Prohibition may have "failed," but the attempt to ban alcohol and the enforcement of its laws had a profound effect—often adversely—for many people.

4. Defending the Family

Rockingham Sheriff W.L. Dillard, three deputies, and Federal Revenue Agent J.L. Dirting approached a cluster of three homes located in "Brown Cove" at the "top of the Blue Ridge Mountain" near Grottoes on August 2nd, 1923. Two of the homes belonged to sisters Lucy and Emma Rosson who lived with their children. Their neighbor Isaac Gooden lived nearby with his wife Betty. As the officers approached the homes through the woods, they encountered three small stills amid a network of well-worn paths linking the stills to the nearby dwellings.

The next moments were chaotic. Alerted by her chickens, Betty Gooden, looked out her window and saw the approaching officers. In an attempt to give her family and neighbors a chance at escape, she called out “the revenues are coming!” In the ensuing chaos, one of the moonshiners fired a warning shot into the air. The deputies responded with shots of their own, later testifying that “around” twelve shots were fired as a warning to those attempting to flee. After the initial tumult, a total of ten individuals were arrested.

Another feature of Rockingham’s experience comes from the transcripts of the jury trial that followed the arrests that day. Kinship and community ties shaped the testimony of the suspects and, it seems, the verdict of the jury. Nearly all of the defendants provided an alibi or claimed ignorance of the moonshine operation. Instead, Lucy Rosson, took all responsibility for the operation of the stills, claiming “there was no one running those stills but me.”

During cross-examination, prosecutors questioned how she could have operated the stills on her own; Lucy defiantly repeated she was the only one who knew about the stills. Finally, in exasperation with the questioning, she retorted, “I done told you that there was no one running them stills but me, and I ain’t going to tell you no more.”

Lucy’s attempts to protect her family ultimately failed. The jury found all ten individuals guilty. Lucy was found guilty and sentenced to four months in jail and fined 200 dollars. The court did not penalize her for lying under oath, which could indicate that local officials were unwilling to punish her attempt to protect her family directly.

Historians and ethnographers acknowledge that family and community was an essential element of mountain culture that often supplied vital protection for

moonshiners. Historian Wilbur R. Miller demonstrates the ubiquitous role family and community played in facilitating the rise of moonshining in his book *Revenuers and Moonshiners*. Sometimes the act of defending family and loved ones ran to the extreme. In 1881 the Kentucky woman Susan Van Meter “jumped from a second-second story window, running two miles in her nightgown, to warn John[her lover] that a posse was after him.”

Although Lucy Rosson and Susan Van Meter lived in different regions and at different times, their stories demonstrate the lasting importance of family and community protection for moonshiners.

Finally, these records in general and the Rosson case in particular, help test the validity of such historical memory and the transmission of history by family lore. In her master’s thesis, *Moonshining in Rockingham County: A case study on oral traditions and folkways* Tiffany W. Cole demonstrates that local folklore remembers moonshining as “[a] practice deemed illegal by the federal government [and] is one that has been generally accepted, if not celebrated, by many community members in Rockingham County.” Indeed, in rural cash-poor environments, distilling surplus grain was an economic necessity and a cultural tradition passed down through the generations.

In 2010 Cole interviewed descendants of Rockingham moonshiners, two of them shared stories from the Prohibition era, 1916-1933. Peggy Shifflett, daughter and granddaughter

of a moonshining family, recalled, “everybody was making[moonshine] except for one family, and they were bootlegging it.” Grottoes resident Tammy Losh recalled that her “[E]x-husband, [and] his grandfather was

a moonshiner [sic]. And he had five children, so to support his family he made moonshine. That’s what they did.”

Validating such recollections can be tricky. Historical documents created by moonshiners during prohibition are exceedingly rare—, especially from small-batch illegal distillers. They rarely keep account books or other papers. The court records in this collection preserve for us—in testimony, affidavits, and witness accounts taken at the time—the words and actions of some of the participants. And when combined with oral histories taken later support or challenge our understanding of the history of moonshining. In this example, the sources suggest that the traditional family-oriented nature of moonshining in the Shenandoah Valley did indeed continue well into the twentieth century. While Prohibition certainly made moonshine a practical source of income and enticed many to do so purely out of profit.

Moonshining seems to have remained important economically in the cash-poor economy in which many rural mountain residents found themselves. Rockingham County was subject to economic hardships that many rural regions faced in the 1920s well before the Great Depression of the 1930s. This placed those who continued to rely on the economic and cultural functions of moonshine at direct odds with prohibition and its advocates, who viewed alcohol as nothing more than a destructive indulgence and, in the case of

Lucy Rosson, the jury seemed to acknowledge the role of kinship in their efforts to enforce Prohibition.

5. Repeal

National Prohibition ended with the ratification of the 21st Amendment on December 5th, 1933. Fourteen years earlier—seventeen in Virginia—Prohibition had succeeded with support from the temperance movement and political pressure from groups such as the Anti-Saloon League. However, resistance began almost immediately and grew steadily. As rural economies slowed in the later 1920s, many began calling for Prohibition's repeal. Bringing alcohol production and sales out of the shadows could mean legitimate jobs and taxable commerce. Voters and politicians soon added their calls for repeal as they began to back the movement to make alcohol legal again.

During the 1932 Presidential Campaign, Franklin D. Roosevelt ran on a platform supporting the repeal of Prohibition. As the 21st Amendment worked its way through each state's legislature, Roosevelt and his congressional allies sought a way to make the repeal of Prohibition a reality quickly. Their efforts resulted in an intermediate step. Effective April 7th, 1933 the Cullen-Harrison Act, legalized beverages containing no more than 3.2 percent of alcohol, which was comparatively weak. (By comparison, the popular Bud Light of today is 4.2 percent.) Millions of Americans celebrated the return of legal beer.

According to the Cullen-Harrison Act, each state was tasked to pass their own legislation to legalize the sale of low-alcohol beverages. Virginia did not enact its own legislation until August 17, 1933. For Rockingham County, the few months of difference mattered.

Harrisonburg Chief of Police, J.H. Boice, approached the rear entrance of Friddle's Restaurant located on Court Square in Harrisonburg, Va on June 17th, 1933. Finding the building locked, Boice and his men forced the door off its hinges and then proceeded to enter the building in their search for illegal liquors.

Boice's forced entry into the Friddle's Restaurant was part of a choreographed raid staged across the city of Harrisonburg that targeted six properties suspected of housing illegal spirits. The highly visible raid attracted a local crowd of hundreds, who watched as officers confiscated cases of ardent spirits from the restaurant and hauled them away.

The public attention garnered from the raids was likely the point Chief Boice was attempting to make, as he hoped that the raid would serve as a "test case" for Virginia, in regards to the legality of 3.2 percent beer.

Numerous complaints lodged by the citizens of Rockingham concerned about the significant presence of beer in Harrisonburg, prompting Chief Boice to carry out the raid. Seemingly unsure of its legal status himself, Boice reported to a reporter for the Harrisonburg Daily News-Record that "the police want to know where we stand on the 3.2 beer proposition."

Harrisonburg businessman E.L. Klingstein, perhaps sensing the winds of change, decided to take advantage of a business opportunity. Owner of the popular Friddle's Restaurant located on the Courthouse Square, Mr. Klingstein found himself in court defending his possession of thirty-four bottles of "amber fluid" confiscated during the raid of Friddle's Restaurant. Klingstein was not arrested during the raid, having been on his way to a V.F.W. Convention in Roanoke. After returning to Harrisonburg and being made aware of the raid, Klingstein notified the police that the beer was his property and vowed to "carry the case to the highest courts." Mr. Klingstein's connections to the business elites of Rockingham was established during the trial as Klingstein argued that he attempted to determine the legality of the 3.2% beer, by consulting four members of the Harrisonburg City Council and the City Attorney. Klingstein appealed to the economic situation of the times, "[I] told them as the United States had legalized 3.2 beer that I did not see why the council did not get together and get some revenue out of it for the city."

The willingness of council members to look into the matter regarding Klingstein suggests that a moderate view of Prohibition and Temperance was evident among some of the Rockingham elites by 1933.

In the end, Boice got his answer from the jury as the court issued instructions to them: if the defendant did not intend to violate the prohibition law but had done so inadvertently, the jail sentence could be dropped. The Jury found Mr. Klingstein guilty as charged and handed him a \$500 dollar fine for violation of the Virginia Prohibition Act, but served no jail time.

Whether Mr. Klingstein gambled on the hope that the will to carry out enforcement had run dry or was simply misinformed on the legality of the issue is unknown. Certainly though, a fog of ambiguity surrounded whether federal or state law should be observed in regards to Prohibition laws and regulations. The trial of Mr. Klingstein suggests that Rockingham County citizens were mixed in their acceptance of legal alcohol's return to the public sphere. This is shift in attitudes demonstrates that not everyone was celebrating the imminent repeal of national prohibition.

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