

## **Boardwalk Empire of the Air: Aerial Bootlegging in Prohibition Era America**

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### **Abstract**

Though minimized in the historiography of air commerce, aerial smuggling was a significant factor in the growth of American civil aviation during the 1920s and '30s. While aviators engaged in bootlegging liquor – an illicit, if popular activity – for reasons of personal gain, I argue that the airplane's disruptive ability to abrogate physical, geopolitical, legal, and social boundaries resonated culturally in ways that enabled the rapid growth of smuggling beyond the motivations of simple greed and adventurism. This underlying disruptive discourse emerged in the decade before Prohibition and as aviation became commonplace, it required negotiations both in aeronautical culture and in a nation that eagerly embraced the airplane while shaping a technological identity through "air-mindedness." If Prohibition bootlegging and air-mindedness were compatible in the minds of many Americans, alien and narcotic smuggling by airplane represented far greater transgressions and greatly complicated this new technological identity.

## Introduction

On June 6, 1931, Customs officials acting on a tip, arrested Los Angeles millionaire oil tycoon and airline entrepreneur Erle P. Halliburton (founder of the Halliburton megacorporation) along with his chief pilot, Frank Glennan, after crossing the border from Mexico to land at El Paso, Texas. Ten cases of high-grade liquor were discovered in his personal Ford 5-AT Tri-Motor “The Cementer.” Halliburton paid the then staggering sum of \$13,000 as a fine for tariff evasion, but avoided felony prosecution, unlike the vast majority of other aerial smugglers of the era. A little less than three years later, Glennan, still acting as Halliburton’s pilot, perished in the crash of a Bellanca Skyrocket in Mexico, twenty-eight miles south of Fabens, Texas. The Coast Guard Intelligence Division determined that Glennan was still engaged in smuggling, acting in concert with the manager of the El Paso Municipal Airport, A. E. Johnson, though this time the contraband was not liquor, but narcotics.<sup>1</sup>

Ed Musick, Pan American Airways’ lead clipper pilot and newsreel hero from the late twenties to the mid-thirties, first rose to prominence as chief pilot of Aeromarine Airways, the nation’s first airline of domestic and international significance. Aeromarine’s management and investors formed the company to capitalize on Prohibition by flying passengers to Cuba, the Bahamas and other destinations where Americans could freely imbibe. Musick acted as the airline’s voice and public face. He also actively directed a program of liquor smuggling that would, by any definition, be organized crime. Evidence suggests ties with traditional mob organizations, including Al Capone’s.<sup>2</sup> While no documentation has emerged of Aeromarine’s management actively directing smuggling, Musick’s criminality appears to have been so prolific that it appears highly unlikely that there was not a corporate policy of illicit activity.

The involvement of Halliburton, a prominent businessman, and Musick, a prominent aeronautical pioneer raises significant questions. Both had strong stakes in establishing the commercial legitimacy of aviation, so why risk engaging in such an illicit activity? Given that the traditional narratives of aviation in the Prohibition-era scarcely mention smuggling, does their participation suggest a much larger role for criminality in the development of the airplane when the historiography has framed the emergence of American aeronautical commerce almost exclusively in terms of air mail and barnstorming? If smuggling did indeed form a significant part of early aeronautical commerce, how did American society negotiate the tension between lawlessness and the rhetoric of the airplane as a beneficent agent of social change?

The negotiations inherent to these questions played out first as theoretical conundrums for policy experts, but historical contingency in the form of the First World War and federal Prohibition suppressed these concerns until they exploded onto the national stage. Though criminal enterprises were employing the airplane as early as 1911, international tensions in Europe and North America meant that smuggling did not reemerge until 1918. While aerial smuggling did appear as a European problem as well as a North American problem, federal Prohibition established a culture of aerial criminality in North America that rapidly outpaced the expansion of European smuggling.

From the Progressive perspective, the implementation of the Volstead Act, and the Eighteenth Amendment to the Constitution that created Prohibition, represented the beneficent reorientation of the newly risen modern federal state's power for social transformation inward from its wartime focus on the exhaustive cycle of preparedness, mobilization, and industrialization. The negotiation between the state and society in these transactions resulted in significant cultural turbulence. Progressives had watched distraught as social mores regarding sexuality and abstention in all its forms were undercut as the nation embraced the trappings of modernism. Combined with the hundreds of thousands of returning young men exposed to unsavory foreign influences, Prohibition provided the rhetoric of a return to order for many Americans, even those who found the idea of temperance personally problematic. As one commentator put it, "the unsettled state of the public mind caused by the War is gradually returning to normalcy" and Prohibition was the mechanism that was making it happen.<sup>3</sup>

### **The Historiographic Problem**

The scholarly historiography of aerial smuggling is remarkably limited in scope. While Roger Bilstein, David Courtwright and several other scholars have acknowledged aerial smuggling as a component of interwar aviation, such mentions are often of the footnote variety mentioned in passing as mere anecdotal evidence of the wide range of applications with which aviation became associated in the early postwar years. Given the problems of accessing evidence, this cursory assessment of the significance of aerial smuggling as a minor curiosity is understandable and is representative of a much larger scholarly challenge in the field of Prohibition enforcement, which also suffers from the loss and misplacement of the official records of the Bureau of Prohibition in its various forms, along with its allied agencies. Besides

minimizing the significance and legacy of aerial smuggling in defining aviation's role in the creation of an American twentieth century technological identity, these narrative surveys also overlook the role of aerial smuggling in defining the airplane as a socially, politically, and economically disruptive technology even before the First World War. This is particularly important as the international response to these concerns drove an internationalist response to this technology that was fairly exceptional in the realm of emerging technologies. While this legacy has been recognized in the field of aviation law, it has been almost entirely ignored in the field of aerospace and transport history.

In aeronautical terms, peace meant the flooding of a nascent civil aviation industry with cheap surplus aircraft and thousands of unfulfilled and rambunctious young veteran aviators who did not have the chance to slake their thirst for adventure in the skies over Western Europe. Though a number of first person accounts and journalists drew attention to the intersection of Prohibition and the emergence of barnstorming culture, it is curiously absent or skirted in the most highly regarded scholarly studies of the period. For instance, Joseph Corn ignores it entirely in his *Winged Gospel*.

Roger Bilstein in *Flight Patterns* gives voice to Benny Howard, designer of bootlegging airplanes, who stated, "The thing that built aviation to start with ... that really held its pants up ... was the bootlegging." Howard is the anecdotal representative of aerial bootlegging for most scholars who at least acknowledge the existence of interwar aerial criminality. Bilstein characterizes Howard's perspective as, "Barnstormers helped keep up interest in aviation, but only the bootleggers consistently put money in it." This astounding assessment passes without further comment on the part of Bilstein. If what Howard said has a grain of truth, then it deserves further investigation beyond what aerospace historians have given it thus far.

David Courtwright in his *Sky as Frontier* echoes Bilstein noting, "In a way the 1919 Volstead Act, rather than the 1925 Kelly Bill, provided the first federal subsidy to commercial aviation" so that "at a time when joy riding prices were declining, liquor runs kept pilots in the air." Again, in spite of the significant implications of this assessment, Courtwright does not press the issue further. If smuggling did sustain, if not energize, commercial aviation in the United States, then why not map that causality further? A simple answer is that it is not easily done due to the nature of illicit activity and the record keeping associated with it.

The historiography of Prohibition does a slightly better job of acknowledging the airplane. However, even here, the topic remains largely a footnote as the capacity of airplanes paled in comparison with what came over borders by boat and overland transport. There can be no doubt that Prohibition was far more important to the social construction of the airplane than the airplane was to the social construction of Prohibition. Yet, there is some admirable scholarship, including Anne Funderburg's *Bootleggers and Beer Barons of the Prohibition Era*, which features an entire chapter on the airplane's role in bootlegging. Unfortunately, she is unable to quantify the place of the airplane in the larger context and even she resorts to the anecdotal approach to laundry listing sundry episodes. Similar narrative interludes may be found in Sally Ling's *Run the Rum In: South Florida During Prohibition* and John Kobler's *Ardent Spirits: The Rise and Fall of Prohibition*.

### **Documenting the Culture of Aerial Smuggling**

Fortunately, new digital media archives are now making it possible to not only determine the scale and scope of aerial smuggling by searching across hundreds of newspapers. Where previously, scholars were only able to point to its existence with a handful of accounts, it is now possible also to map the most direct encounters between smugglers and Prohibition enforcement as well as the dynamic evolution of the rhetoric of aerial criminality. Given that most smugglers appeared to have successfully evaded the law, we can view the expansive coverage of aerial smuggling between the world wars as the mere tip of the iceberg of airborne illicit activity. Most useful in this regard are the emergence of the vast text-searchable databases that have developed in the past five years, including Proquest Historical Newspapers, Newspapers.com, and Google News.

In the process of research for this paper, I chronicled over 500 distinct events or instances of popular discourse on aerial smuggling reported in the popular press. These reveal four significant insights. The first is the notion expressed by Bilstein, Courtwright, and others that smuggling was simply an outgrowth of barnstormers simply looking for additional work as the novelty and thrill of flight on the part of the general public wore off is only partially true, and significantly minimizes the implications of aerial smuggling. If barnstorming had largely run its course by the late 1920s, aeronautical smuggling was already thriving by the early 1920s. While some memoirists do draw a link to their participation in smuggling to barnstorming, popular

media accounts give clear evidence of a vibrant smuggling culture that was concurrent with the rise of barnstorming in the immediate aftermath of the First World War. Given that much of the smuggling was done in seaplanes that were wholly unsuited to barnstorming, the culture of American aerial criminality in the Prohibition era is only tangentially tied to the changing nature of barnstorming.

A second is that alien and narcotics smuggling by airplane developed more slowly than aerial bootlegging, but not by much. If popular morality drew sharp distinctions between the ambivalence for bootlegging and the abhorrence for human and drug smuggling, many aviators appear to have moved between the activities, even if many memoirists echoed the popular view of aerial morality. The connection between aerial bootlegging and other forms of smuggling is particularly important as it established an enduring culture of aerial criminality in the United States that not only endured through the end of federal Prohibition, but that also continues to this day.

Thirdly, the federal response to criminality and the other concerns inherent in the growth of civil aviation in the form of the 1926 Air Commerce Act did not yield significant changes in the long term resulting from the registration of aircraft and the licensing of pilots. If 1928 appears not to have been a particularly active year in aerial smuggling, the preceding and succeeding years were. The introduction of cabin monoplanes and multi-engine transports in the late 1920s appear to have only made smuggling more popular, efficient, and profitable in the era of air regulation than it had been before.

Lastly, the media accounts chart the rise of a national discourse around the culture of aerial smuggling that inculcated popular values by establishing rhetorical tropes of normal and deviant aeronautical behavior. This further developed a spectrum of criminality that, on one end, tolerated aerial bootlegging, which often served the purpose of underlining the progress of aviation in integrating American society – i.e. if the airplane is good for bootlegging, it must be good at other, more beneficent, activities. At the other end of the spectrum, was the trope of the nihilistic criminal enterprise that employed aviators without scruples who would (according to the mythology) jettison their human cargo of smuggled Chinese aliens from a trapdoor in the bottom of their airplane at the first sign of trouble. This type of nuanced evaluation of aerial criminality and its social construction has thus far been overlooked by scholars.

While the problems of relying on press accounts for evidence are numerous, they are by far the most prevalent source on the topic. Few smugglers recorded their experiences in unrepentant form. As Prohibition ended and smuggling became largely associated with the distinctly anti-social smuggling of aliens and narcotics, American aviation was also moving to new standards of professional conduct that minimized the tolerance for adventurism and anti-authoritarianism embodied by aerial bootleggers. Most aviators with smuggling backgrounds permanently chose to conceal their participation in their activities. As a result, only a handful of memoirists have left detailed accounts of their activities. The best of these is Slat's Rodgers' who smuggled on the Mexican border. He not only smuggled, but was a moonshiner who oversaw manufacturing and distribution. Where Rodgers wore his criminality proudly, Bert "Fish" Hassell regarded his smuggling activities as just a short chapter in an expansive and remarkable career as both a commercial pilot and military air commander.

In 1967, Ed Bergman, in an article for *Private Pilot* magazine, interviewed the members of Florida's OX5 Club chapter (an organization of "pioneering" aviators) on their experiences in Prohibition era smuggling on the Bimini to Miami run, he noted that, "While history does not look unkindly on the blockade runners of the Revolutionary War, time and television have shamefully tarnished the image of all who were once involved in the illegal liquor traffic. Mainly for this reason, they confine their reminiscing to such selective gatherings. None as yet have published their memoirs."<sup>4</sup>

The most significant barrier to scholarly study of American aerial criminality has been the paucity of federal records. Scholars might reasonably assume the existence of an extensive array of records from the numerous federal, state, and local agencies that acted in opposition to smugglers. However, there is a surprising gulf in the historical record. The Bureau of Prohibition that acted as the coordinating entity for Prohibition enforcement bounced from one administrative umbrella to another, which resulted in a scattering of its official records, though this alone does not appear to account for the minimal documentation of enforcement activities.

### **Aerial Smuggling as Disruptive Discourse**

Aerial smuggling may have been an unintended consequence of powered flight, but it was most definitely not unanticipated. By 1906, European customs officials had already begun to identify aerial smuggling as a forthcoming problem in tariff avoidance.<sup>5</sup> Though heavier-than-air

flight had yet to become commonplace, the press was anticipating its popular use. These concerns continued to grow through the decade so that by 1909, government officials in Great Britain were beginning to identify commodities well suited to aerial smuggling. Topping the list was saccharine at which had a \$0.14USD/oz tariff.<sup>6</sup>

The United States began consideration of the problem soon after the *Los Angeles Express* newspaper opined that, “Tariffs may not be completely upset by aerial navigation, but smuggling is likely to become too easy to be interesting. Criminals will be able to work comparatively without fear unless the police also take flight.”<sup>7</sup> The *Sioux City Journal* argued, “With the advent of the practical airship the whole protective service is, so to speak, thrown ‘up in the air.’ Preventing smuggling over the border becomes a matter of keeping track of everywhere in Mexico, Cuba, or Canada.”<sup>8</sup>

Romantic sentiments for the lure of aerial smuggling also emerged early in the development of the airplane. The *Tombstone Weekly Epitaph* waxed, “When our flying machine is completed, we shall go into the systematic smuggling business. We can carry light valuables by night, drop them down on a feather bed on the other side, load up with dutiable commodities and return before daylight, while the customs officers are shooting at lightning bugs under the impression they are aerial smugglers.”<sup>9</sup> The degree to which populist commentators were willing to proclaim the downfall of the tariff system with the emergence of tariff-avoiding aircraft highlights period concerns over economic protectionism.<sup>10</sup>

These concerns were not unique to Americans and aerial smuggling was part of a more expansive international discourse on the disruptive implications of aeronautical commerce that came to a boil in 1910. Paul Fauchille was perhaps the most eloquent on the subject, noting both the inadequacy of maritime law which did not address the problem of crimes committed by one nation’s aircraft over another’s territory, as well as the need for international consensus in the form of conferences and treaties.<sup>11</sup> Such conferences did occur before the First World War, but the cataclysm prevented the implementation of substantive international agreements. In the United States, the relatively slow pace of aeronautical development meant that the problem of aerial smuggling was largely a theoretical exercise. Nonetheless, aerial smuggling was not entirely a hypothetical fiction in the pre-war years on either side of the Atlantic.

The popular speculation and romanticization of the new air age soon resulted in real policies, even if aeronautical technology was not fully ready for the rigors of illicit transport. In

May 1910, the Mexican government approached President Taft's Secretary of State, Philander Knox, to regulate aerial smuggling across the U.S. southern border. Ostensibly to control tariff violations, the Mexican government had a clear interest in suppressing the movement of aircraft and aerial mercenaries from the United States in support of revolutionaries and bandits.

However, most American observers recognized the problem of smuggling over the southern border as less of a problem in international relations than as a remarkably novel development in the debate between protectionism and free markets. The *Washington Post* asked, "Are airships destined to break down tariff barriers and make trade between the United States and Mexico or Canada as free as it is between the States of the Union?" Most significantly, the negotiations that occurred between the U.S. and Mexico identified aircraft registration as essential to the process.<sup>12</sup>

The first documented aerial smuggling occurred in March 1911 when Italian aviator Antonio Smeroglio crashed while carrying "dutiable goods" over the Mount Cenis pass after penetrating the French border. Despite breaking two legs and his collar bone, he survived to be taken into custody.<sup>13</sup> Given that the first operational military use of an airplane did not occur until seven months later, the forgotten Smeroglio is due for recognition as one of the first aviators to demonstrate the practicality of heavier-than-air flight in an operational context.<sup>14</sup>

### **The Scope of Aerial Smuggling**

Only a month after the armistice in 1918, accounts of aerial bootlegging were generating public commentary and legislative action. Rumors emerged of smuggling into newly dry Florida, which prompted the specific targeting of airplanes by the state legislature, which also encouraged newly-dry Ohio to follow suit.<sup>15</sup> West Virginia and Michigan also engaged with the problem of aerial smuggling before the onset of federal Prohibition.<sup>16</sup> Wisconsin saw the potential of the airplane as a flying saloon where imbibers could venture to avoid earthly laws and began their only legislative response.<sup>17</sup> Federal concerns followed shortly thereafter, centered on reports of aerial trafficking across the lower Rio Grande.<sup>18</sup> By June 1919, aerial narcotic smuggling had become a serious concern, and by May 1921 alien smuggling had been identified as such a significant problem on the southern border that the Bureau of Immigration had to initiate formal dialogues with the National Advisory Committee on Aeronautics to evaluate countermeasures.<sup>19</sup>

Leading Canadian ace, Billy Bishop, gleefully provided “some hope for the must-have-champagners” when he stated, “if America really goes dry, I have no doubt airplanes will be used to smuggle liquor.” He went on to voice a common perspective on the emerging question of aerial criminality – “aerial navigation on a great scale will make this artificial civilization of ours more complex and puzzling than ever ... but time will bring remedies for every evil and the good the development of the new science will do more than counterbalance the harm.”<sup>20</sup> This trope of benefits outweighing the “unintended consequences” is consistent throughout Prohibition era assessments of the implications of aerial smuggling. They are also not exceptional as the same rhetoric applies to the application of military aviation generally, and the bombing of civilians specifically. It is also all too familiar to students of the twentieth century history of technology.

Quantifying the extent and rapidity of growth in aerial smuggling is difficult. At the end of Prohibition, the Coast Guard Intelligence Division assessed that just in the illicit rum traffic between the Bahamas and the East Coast, between fifty and seventy aircraft were active, mostly land planes. Even that assessment may have been a gross underestimate as, “An observer at West End and Bimini recently counted twenty-one planes at the former place and sixteen at the latter, a total of thirty-seven planes at the two places, all of which were being used for the smuggling of contraband to Florida.”

Given the number of other Bahamian venues, aircraft en route, the aircraft based in Florida, and aircraft that smuggled further afield from the Bahamas, an estimate of over one hundred airplanes engaging in illicit commerce between Miami and south Florida may be a better assessment. Unfortunately, the Coast Guard lacked any more detailed surveys for other regions, though anecdotal evidence points to prolific activity in south Texas, some in southern California, between Vancouver and Seattle, and of course between Chicago and the Canadian border, which appears to be the near equal of the Miami aerial trade. Outside these hotspots, routine reports of smuggling aircraft occurred across the length of the southern and northern borders. Moonshiners also employed airplanes for internal transport and first person accounts testify to complex domestic networks of aerial transport. Taken as a whole, these reports suggest that even in the early years of Prohibition that upwards of one hundred aircraft were engaged in criminal transport and that by the end, five times that number is not an unreasonable estimate.<sup>21</sup>

Between June 30, 1932 and June 30, 1933, federal authorities seized thirty-five aircraft for smuggling. Given the reports of crashes of smuggling aircraft and a ten percent loss rate, the

five hundred aircraft estimate appears justifiable. Given that the Coast Guard established that there were only 550 aircraft in airline service at the time, the implications are staggering.<sup>22</sup> Even if the loss rate was twice as high, over two hundred aircraft would have been in use at one time. These are astounding figures, if they could be supported by better evidence, as the net profits of this activity would almost certainly be in excess of all legitimate commercial aeronautical activity combined at that time. Regardless of the exact quantification, it is obvious that the scholarly histories of American interwar aviation have grossly underestimated the significance of illicit activity.

For instance, Al Capone's Chicago air operations alone (run by his brother Ralph) claimed to own twenty aircraft of their own, which does not even account for the huge number of independent rings allied to Capone, or operating in competition with him, who had their own air fleets.<sup>23</sup> Blaise "King Canada" Diesbourg, aka "King of the Airplanes," was a French Canadian who handled the Canadian-side logistics for Al Capone's bootlegging operations over the Great Lakes. Diesbourg realized that the airplane overcame many problems of using boats, which could be interdicted on the rivers and lakes and which were frozen in place for much of the year. He organized five airfields with which to operate, including the use of underground and undetectable storage cisterns. By the time Diesbourg had negotiated his arrangements with Capone, who had his own fleet of "'planes, old bombers – each had a pit on it about long enough to hold twenty-five cases of whiskey.'"<sup>24</sup>

### **The Experience of Aerial Smuggling**

Slats Rodgers as the most unrepentant of the bootleg aviator memoirists, provides the most insightful, if not entertaining, window into the experience of bootlegging – at least to the extent that such memoirs can be considered reliable. His career began before federal Prohibition when he smuggled liquor into "dry" Oklahoma from "wet" Texas on trains and then in cars. Profits allowed the former aviator to buy a Lincoln Standard biplane. Why did Rodgers shift from terrestrial smuggling to an aerial form? He regarded the airplane as a ticket to "big time" smuggling. While others were already efficiently bridging the border with liquor smuggling, the internal infrastructure in Texas in 1919 was "not anything but ... little chunks of paving with miles and miles of mud and sand and maybe a little gravel in between. Driving was hell. And there was all the chance in the world for getting caught on that long, slow creep across Texas."<sup>25</sup>

Rodgers soon moved into what appears to have been a close link with barnstorming and bootlegging. Barnstorming allowed aviators to move to new locations in border regions and distribute liquor broadly without drawing undue attention. Rodgers found that barnstorming quickly saturated a market that banked on the novelty of flight and that smuggling kept aviation interesting and profitable. If the public drew a strong line between bootlegging and more nefarious forms of aerial smuggling, Rodgers makes clear that line was easily crossed as he and his racketeer/supplier from the Mexican side of the border “operated together, six or seven years, dealing in liquor, arms and ammunition, watches, perfumes, silk, and even smuggling Chinamen in.”<sup>26</sup> He did so with the complicity of Army Air Services officers at Fort McIntosh in Laredo as well as at Brooks Field in San Antonio having bought them off with whiskey. A single load of Whiskey in the Lincoln Standard brought in \$8000 (about \$106,000 in 2014 dollars).

Perhaps the most important observation from Rodgers’ memoir is that the airplane was part of an integrated multi-modal transportation network that employed movement “by car, by truck, by train, sometimes even on freights.”<sup>27</sup> His movements were not without risk and the enormous profits created an equal zeal among federal law enforcement. His aircraft sustained small arms damage while crossing the border, but he discovered that by acquiring an identical looking aircraft, he could decoy Prohibition agents easily.

Colonel Bert “Fish” Haskell, who had pioneered operations at Chicago’s Midway Airport, was also a prolific bootlegger, though only for two years (as compared to Rodger’s seven). Like many most aerial bootleggers, Haskell’s time as a smuggler was only one chapter of a much longer career. In the mid-twenties, he found that bootlegging offered greater reward than airmail flying and was less hazardous. He operated out of the Lincoln School of Aviation in Nebraska which used flight instruction and barnstorming as cover for operations that ran beer and whiskey from both Canada and Mexico to customers in Omaha and Lincoln. The activity was highly organized and the operation was well supported with ample infrastructure including warning systems of Dry agents in the area along with safe houses and safe landing sites. Haskell noted that none of the pilots in the operation were ever caught. Hassell was also an active co-conspirator with Musick, while he was running the Detroit to Cleveland leg of Aeromarine’s operations.<sup>28</sup>

In 1933, Bert Acosta, a famed record-setting aviator with ties to notables such as Richard Byrd and Clarence Chamberlain, authored an extensive five-part series for the *Brooklyn Daily*

*Eagle* on the culture of aerial smuggling. Much of Acosta's writings reflected persistent tropes over the prior decade and a half of Prohibition-centered smuggling. However, this was possibly the only attempt at a comprehensive narrative of illicit aerial activity in America up to that time. Though filled with unsupportable generalizations, Acosta's writing appears to have considerable impact on the popular culture of aerial smuggling.<sup>29</sup>

He reinforced a moral hierarchy in which bootleggers were mostly just misguided or down-on-their-luck pilots just looking to survive in difficult times, but in which alien smugglers were a morally bankrupt class of aviators. Narcotic smugglers were the lowest form of adventurer – the ultimate sell out. Narcotics were popularly seen as so far outside the norm that they were not suitable as a topic for pulp action films under Hays motion picture production code. Instead, alien smuggling became the go-to topic for depicting air-minded villains. Acosta's account reinforced a favored unsubstantiated trope of the aeronautical underworld as depicted by Hollywood – the trap door for jettisoning passengers upon aerial interception.<sup>30</sup>

No newspaper or official accounts are in evidence that support Acosta's claims for the existence of such modifications, though some bootlegging airplanes were rumored to have this capability. Nonetheless, Hollywood embraced it as a plot device. Aerial alien smuggling became a popular theme through the mid to late 1930s in radio and motion picture serials. The transgressing airplane was no longer a tool of aerial Robin Hoods who dispensed booze to thirsty patrons with a wink and a nudge. Americans who routinely read of the airborne horrors inflicted on populations in China, Spain, and Ethiopia, were increasingly eager to celebrate the airborne law enforcer, whether Coast Guardsman or Border Patrolman as the newest form of aeronautical hero who defeated the villain who would misuse the beneficent airplane in acts of evil.

## **Conclusion**

The widespread lawlessness of American aviators in the Prohibition era appears in tension with the expansive political and cultural campaigns to legitimize and normalize aviation in American society for the establishment of an "air-minded" nation. The criminality of prominent aviators like Erle Halliburton and Ed Musick points to an apparent contradiction between normative and deviant behavior that can only be explained by the existence of broader discourse that posited aerial smuggling as a disruptive techno-cultural practice that was complementary to the broader rhetoric of the airplane as a socially transformative innovation.

The legacy of the airplane's role in illicit activity between 1911 and 1939 has long been underrepresented. The use of the airplane in unregulated or illegal commerce at a time when active aeronautical commerce was still a significant unknown provided a degree of confidence that might otherwise have existed. The culture of smuggling fed the stereotype of the adventurous tough-guy aviator and seems to have increased the appeal of the profession. Aerial smuggling forced the nation to ask, if criminals were already air-minded, shouldn't the rest of the country be as well?

Prohibition was enabled by the shift towards increased state authority in the mobilization of the First World War. It was also doomed by that same mobilization as many worldly veterans found the dry movement arcane in aftermath of the cataclysm and social upheaval with which they had been associated. Air-mindedness represented an opposite – a break from the “grounded” thinking that had led to war and the hope for a diminution for the rigid veneration of boundaries that was inherent in nationalistic militarism. If tariffs and Prohibition were the stuff of excessively rigid state control, the airplane represented an undoing of the old notions of interchange between nations, whether civil or military. Aviators perceived themselves at the forefront of this disruptive modernism. Thus, smuggling was not simply an immoral act perpetrated by an aviator fallen on hard times – it was an exciting fulfillment of the airplane to free commerce from antiquated thinking.

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<sup>1</sup> “Plane and Owner Held on Charges: E. P. Halliburton, Oil Man and Pilot Seized and Ship Taken as Liquor Carrier” *Los Angeles Times*, June 7, 1931, B1; “Oil Man Faces El Paso Trial: May Return E. P. Halliburton on Hooch Charge” *El Paso Herald-Post* (El Paso, Texas), 1; Memorandum, re: Airplane Activities (week of April Eighth) from J.B. Morgan, Customs Agent in Charge, Coast guard Intelligence Division, Entry 297, Record Group 26, Box 48.

<sup>2</sup> Bert R. J. Hassell *A Viking With Wings* (Bend, OR: Maverick Publications, 1987), 54-56; K. M. Molson and A. J. Shortt *The Curtiss HS Flying Boats* (Annapolis: Naval Institute Press, 1995), 75-79. Lawrence Mahoney *The Early Birds: A History of Pan Am's Clipper Ships* (Miami: The Pickering Press, 1987), 23; Horace Brock *Flying the Oceans* (Lunenburg, VT: The Stinehour Press, 1979), 47-48.

<sup>3</sup> John Walton “Has Faith in Underlying Morality of People of This Country to Compel Enforcement of Prohibition Laws” in *The Prohibition Question: Viewed From the Economic and Moral Standpoint* (Baltimore: Manufacturers Record Publishing Co., 1922), 40-1.

<sup>4</sup> Ed Bergman “Bimini booze run” *Private Pilot* March 1967, 48.

<sup>5</sup> “Aerial Smuggler Shortly A-Wing?” *Chicago Daily Tribune*, December 2, 1906, 6.

<sup>6</sup> “Smuggling By Aeroplane” *Los Angeles Herald*, June 27, 1909, 55.

<sup>7</sup> “Airships and Tariffs” *Logansport Pharos Tribune* (Logansport, Indiana), January 30, 1907, 2.

<sup>8</sup> “Aerial Smuggling” *Waterloo Semi Weekly Courier* August 11, 1908, 4.

<sup>9</sup> *Tombstone Weekly Epitaph* (Tombstone, Arizona) February 6, 1910, 4.

<sup>10</sup> “Airships and Tariffs” *Logansport Pharos Tribune* (Logansport, Indiana), January 30, 1907, 2; “Smuggling By Airship” *The Washington Post* (Washington, DC) April 25, 1909, 5.

<sup>11</sup> “Aerplanes Legal Rights: Protection From Flying Machines Bring New Problems That Puzzle Bench and Bar” *The Washington Post* (Washington, DC) June 19, 1910, 4.

<sup>12</sup> “Aviators as Smugglers” *The Washington Post* (Washington, DC) June 2, 1910, 6; “Aeroplane Registration in America” *The Times* (London) June 2, 1910, 8.

<sup>13</sup> “Aeroplane Smuggling Dangerous” *New Berne Weekly Journal* (New Bern, North Carolina) March 24, 1911, 4.

<sup>14</sup> The first military operations occurred during the Italo-Turkish War in Libya. The Italians flew a reconnaissance flight over Turkish positions on October 23, 1911. Lee Kennett, *The First War in the Air, 1914-1918* (New York: Simon & Schuster, 1991), 18.

<sup>15</sup> “No Booze By Airplane” *Belvedere Daily Republican* (Belvedere, Illinois) December 11, 1918, 4; “Aerial Smuggling” *The Wellington Daily News* (Wellington, Kansas) December 12, 1918, 2.

<sup>16</sup> “West Virginia Jealous of Michigan Notoriety” *The Evening News* (Harrisburg, Pennsylvania) February 24, 1919, 14.

<sup>17</sup> *Oshkosh Daily Northwestern* (Oshkosh, Wisconsin) January 24, 1919, 6.

<sup>18</sup> “Smuggling By Air” *The Kansas City Kansan* (Kansas City, Kansas) February 7, 1919, 2.

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<sup>19</sup> “Much Drug Used in U.S.” *The Brooklyn Daily Eagle* (Brooklyn, New York) June 3, 1919, 17; “Aero Chiefs Called to Watch Smugglers” *San Francisco Chronicle* (San Francisco, California) May 28, 1921, 16. Federal confirmation of aerial narcotic smuggling occurred by April 1920, “Booze and Dope Runners Use Aeroplane”

<sup>20</sup> “Use of Aeroplane to Smuggle Booze Suggested By Ace” *The Atlanta Constitution* (Atlanta, Georgia) February 22, 1919, 10.

<sup>21</sup> “Smuggling of Narcotic Drugs Into the United States By Means of Aeroplanes” Memorandum to the Secretary General of the League of Nations from Department of State via Coast Guard, May 10, 1934, Coast guard Intelligence Division, Entry 297, Record Group 26, Box 48, 8-9.

<sup>22</sup> *Ibid*, 2, 7.

<sup>23</sup> J. Anne Funderburg, *Bootleggers and Beer Barons of the Prohibition Era* (Jefferson, NC: McFarland & Co., 2014), Kindle location 7090-7100.

<sup>24</sup> Marty Gervais, *The Rumrunners: A Prohibition Scrapbook, 30<sup>th</sup> Anniversary Edition* (Emeryville, Canada: Biblioasis, 2009), 51-9.

<sup>25</sup> Rodgers, 56.

<sup>26</sup> Rodgers, 63.

<sup>27</sup> Rodgers, 66.

<sup>28</sup> Hassell, 51-56.

<sup>29</sup> Bert Acosta, “Outlaws of the Air” – Part 1: “Gangsters, Modern in Their Ways, Turn to Smuggling Aliens, Dope and Illicit Liquor” (December 30, 1935), 15, Part 2: “Bootleggers of the Skies” (December 31, 1935), 13, Part 3: “Smuggling Aliens Across the Border” (January 2, 1936), 15, Part 4: “Smuggling Dope” (January 3, 1936), 19, Part 5: “Policing the Air Lanes” *The Brooklyn Daily Eagle* (January 4, 1936), 13.

<sup>30</sup> Examples include *Shadows of the Orient* (Larry Darmour Productions, 1935), *Daughter of Shanghai* (Paramount Pictures, 1937), and *Secret Service of the Air* (Warner Bros., 1939) starring Ronald Reagan; Given George Lucas’ fondness for these serials, one presumes that Han Solo’s Millennium Falcon of *Star Wars* fame owes a debt of gratitude to Bert Acosta’s tall tales.