

# The Committee of Fourteen and Saloon Reform in New York City, 1905-1920

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In 1905 most saloons in New York City were raucous gathering places scattered in neighborhoods throughout the city. Prostitutes openly solicited and proprietors regularly ignored the one o'clock closing time. By 1919, on the eve of national prohibition, drinking in New York looked very different. Most bars were concentrated in commercial districts, and sexual solicitation was much more covert. Many bars had stopped admitting women. The bars that did allow women put conditions on their presence: unattended women could only stay until nine or ten o'clock, after which time they had to have male escorts [Rafferty, 1911; Krögen, 1916; Volk, 1916; Martin, 1911].<sup>2</sup> Saloons had gone from wide-open sites of sexual exchange to much more guarded locations of mostly male drinking. The striking differences between the wide-open saloons of 1905 and the guarded bar rooms of 1919 were the result of the canny manipulation of business and politics by the Committee of Fourteen, a reform organization dedicated to changing the moral geography of New York City.

This article examines how the New York Committee of Fourteen altered the commercial venues of public drinking by exploiting the mutability of consumer capitalism. To show how the Committee effected this change, this article is divided into two parts: the first part describes the conditions that the Committee faced at its establishment in 1905, while the second part focuses on how the Committee of Fourteen worked with different business interests in their effort to alter urban sociability.

## The Preconditions

New York City in 1905 was what contemporaries called "wide-open." It was a place where "anything went." Some areas of town were particularly bad:

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<sup>2</sup> The Committee of Fourteen Collection (hereafter COF) is housed in the Rare Books and Manuscripts Division of the New York Public Library.

the Tenderloin, which branched off Eighth Avenue and encompassed both Times Square and Macy's Department Store; the Lower East Side, particularly along the Bowery between Houston Street and St. Mark's Place; and Little Coney Island, which was in Harlem around Third Avenue and 110th Street. These areas had the most concentrated array of saloons, brothels, and "disorderly" dance halls, but in general a man could buy a drink or find a prostitute within easy walking distance of home or work. Saloons were scattered throughout the city and many were open Sundays, after hours, and had prostitutes soliciting openly in their back rooms ["Prostitution and Gambling in Manhattan"; Gilfoyle, 1992, pp. 197-223]. The police did little, because for a cut off the top they turned a blind eye, while Tammany politicians were even more circumspect because both their votes and their campaign funds came from these neighborhood centers ["Raines Law"; "Bars, taverns, and saloons"; Gilfoyle, 1992, pp. 256-258.]

City elites, particularly the anti-Tammany liberals at the City Club, were not happy about the situation. Previous efforts to clean up the city – the 1894 Lexow investigation into police corruption, the 1899 Mazet Committee's exposure of "municipal malfeasance," and the Committee of Fifteen's efforts in 1901 to eradicate prostitution from tenements – had all been momentarily successful, but within a few years business was back to usual, or even worse than before ["Lexow Committee"; Gilfoyle, 1992, 301; Veiller, 1914]. So looking at the situation in 1905, and reflecting on past experience, a cohort within the City Club and New York's chapter of the Anti-Saloon League, decided that in order to clean up New York City they needed to do three things: 1) close down a particularly egregious forum for drunkenness and debauchery: the Raines Law hotels, 2) push vice-related businesses out of residential areas and consolidate them into a limited number of commercial districts, and 3) establish a stable, long-term organization that could transform momentary victories into a permanent status quo ["Abolition," 1905; Whitin, 1906; "A Permanent Movement," 1906].

Closing the Raines Law hotels was the Committee of Fourteen's highest priority (and the focus of this article). The clergymen, lawyers, businessmen, and politicians who made up the Committee of Fourteen considered the Raines Law hotels responsible for the spread of prostitution into residential neighborhoods [Whitin, 1909; "Cooperation," 1916].<sup>3</sup> The much vilified Raines Law hotels were the result of a legal loophole in an 1896 excise law that decreed that

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<sup>3</sup> The following were members of the Committee of Fourteen at its founding: Rev. John P. Peters, Mr. Thomas H. Reed, Mr. Samuel W. Bowen, Rev. Father William J.B. Daly, Rabbi Bernard Drachman, Rev. Lee W. Beattie, Mr. George Haven Putnam, Prof. Francis M. Burdick, Mrs. V.G. Simkhovitch, Rabbi Pereira Mendes, Mr. Noah C. Rogers, Mr. Lawrence Veiller, Hon. William S. Bennet, Rev. Howard H. Russell ["Abolition," 1905]. At its incorporation almost two years later, the constituency of the Committee had changed. The directors were: John P. Peters, William Jay Schieffelin, Ruth Baldwin, Lee Beattie, William Bennet, Francis Burdick, Frances Kellor, William McAddo, Pereira Mendes, George Haven Putnam, Howard Russell, Isaac Seligman, Mary Simkhovitch, and Francis Louis Slade ["Certificate of Incorporation," 1907].

hotels had the right to serve alcohol on Sundays, a right that saloons did not share. A hotel, however, was any place that had a semblance of a restaurant and at least ten bedrooms. Thus, enterprising proprietors throughout the city added ten rooms to their saloons, and then started providing lunch, serving alcohol on Sundays, and renting out those ten extra bedrooms to prostitutes. What State Senator John Raines had intended as a reform measure to limit prostitution, quickly turned into a bonanza for saloon keepers throughout the city ["Raines Law"; Gilfoyle, 1992, p. 245; "Statement," March 1906].

On considering how to attack the Raines Law hotels, the Committee of Fourteen's immediate conclusion was to work through the legal system. The Committee members reasoned that since a legal loophole had created the Raines Law hotels, they should try to change the law. For the first half of 1905, however, the Fourteen's representatives in Albany, New York's state capital, encountered marked resistance – delays in committee and filibustering on the floor – and by the end of the first session the law was still unaltered ["Statement," 1905]. Even after the state legislature compromised and amended the law in the second session, the situation did not improve in Manhattan despite the Fourteen's best efforts. Under the amended Raines Law, and with the cooperation of the Excise Department and the Police Department, the Committee of Fourteen had over 100 Raines Law hotels raided. Unfortunately, the Committee soon discovered that police action was not enough. Not only did a number of judges dismiss the cases, but some judges even went so far as to grant the proprietors injunctions against police interference in their business ["Statement of Work," 1906]. It was at this point that the Committee of Fourteen reached the conclusion that guided its members for the next fifteen years: laws are an insufficient instrument for social control [*Annual Report*, 1919, p. 14].

Despite their disillusionment with legislating change, the year the Committee representatives spent in Albany taught them some valuable lessons, and gave them an invaluable ally. The Committee's most practical lesson was that it was better to threaten saloon proprietors than to put them out of business. The strongest ally the Committee made was, ironically enough, the state Brewers' Association.<sup>4</sup>

While in Albany, the Brewers approached the Committee of Fourteen and offered to help them clean up the worst of the Raines Law hotels ["Statement," February 1906]. The Brewers were concerned about public opinion, and they needed the good will that such a clean-up might incur. New York was a wet state, but the Brewers feared that without positive action showing their good intentions toward home and family, the stalemate between the wets downstate and the dries upstate might collapse into a dry consensus. As importantly, the Brewers could make good their offer to the Committee of

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<sup>4</sup> In the record, the Committee of Fourteen almost always referred to the brewers' trade association as the "Brewers' Association" or the "Brewers" and as a result, I will as well. The formal name of their trade association was the "Lager Beer Brewers Board of Trade of New York and Vicinity" [Doelger, 1916]. There were approximately eighty brewers within the association ["In the Spring of 1906"].

Fourteen because they had consensus within their regional association and control over their retailers ["Statement for Publicity," 1907; Doelger, 1916].<sup>5</sup>

New York was a high license state which meant that the economics of alcohol distribution gave brewers tremendous power over saloon proprietors. Under high license, the state charged saloon keepers a significant yearly fee to stay in business. By sheer expense, high license kept the number of saloons down, the fly-by-nighters out, and not incidentally increased government revenue [Duis, 1983, pp. 26-28; Rosenzweig, 1983, p. 185; Hamm, 1995, p. 27]. The mechanics of licensing in New York were as follows: each alcohol retailer paid the Excise Department \$1,200 for its liquor license and then took out an additional bond of \$1,800 from a surety company to cover penalties incurred during the revocation or forfeiture of the license ["Statement of the Committee of Fourteen, 1905; "Efforts," 1909]. These costs were an enormous expense for most saloon keepers and made them vulnerable to corporate control. As a result of high license, many saloons – Raines Law and otherwise – were tied shops. A tied shop was a saloon that bought its beer from only one brewery and, more often than not, that brewery had a controlling interest in the saloon. Breweries often owned the building, held a chattel mortgage on the bar fixtures, or gained control by fronting the money for the excise tax certificate and bond. When a brewer fronted the excises fees, the saloon keeper signed power of attorney over to the brewer. In other words, "tied-shop" was a synonym for vertical integration [Kerr, 1985, pp. 22-24; Duis, 1983, pp. 25-26, 40-42; Cochran, 1948, pp. 143-145, 196-199; "Cooperation," 1916].

By the end of 1905, the Committee of Fourteen had a problem: they wanted to close up "disorderly" Raines Law hotels. They also had a plan: they would bypass law enforcement, the usual instrument of social control, and reform urban sociability by insinuating themselves into the structure of the retail liquor trade.

### The Scheme

The linchpin of the Committee of Fourteen's plan was the saloon keepers' liquor license. They reasoned that all the other immoralities associated with Raines Law hotels followed from the free flow of alcohol. The Fourteen believed that if they took away the alcohol, it would not matter how good the music, how risqué the dancing, or how attractive the prostitutes, if proprietors could not serve alcohol, the Raines Law hotel would fail. Nevertheless, unlike temperance organizations, the Committee of Fourteen also recognized that taking away liquor licenses meant taking away an opportunity to shape public drinking. The Fourteen preferred to threaten, not take away, saloons' liquor licenses because they wanted to dictate how proprietors ran their business. The Committee of Fourteen decided that the best way to threaten liquor licenses

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<sup>5</sup> For an example of alcohol trade self-regulation in a much smaller city, see Roy Rosenzweig's account of drinking in Worcester, Massachusetts [Rosenzweig, 1983, pp. 183-90].

was to compile a blacklist which they discussed with the Brewers and the Surety Companies, two groups that had power over saloon proprietors.

Starting in 1906, a month before the Excise Department renewed the year-long liquor licenses, two representatives of the Committee of Fourteen met with five representatives from the Brewers and two representatives from the Re-Insurance Association. At this meeting, the Fourteen presented its "Protest List" in which it ruled whether a place was too disreputable to continue, needed some improvements, or was running just fine ["Statement," February 1906; Bulletin #21, 1908; Bulletin #1196, 1918; "In the Spring of 1906"]. This committee, sometimes referred to as the Joint Committee, then proceeded to wrangle over which places they would close and which places needed some strong-arming. Over the next month, the Brewers and the Committee of Fourteen threatened the saloon keepers, while the Surety Companies refused to write bonds until the Committee of Fourteen gave them the go-ahead [Bulletin #30, 1909; Bulletin #21, 1908, "Cooperation," 1916].<sup>6</sup>

In order for blacklisted saloon keepers to upgrade their standing to "probationers," the saloon keepers had to go to the offices of the Committee of Fourteen and sign a letter in which they promised that in the future they would more strictly control the behavior of their patrons. The Committee of Fourteen required the saloon keepers to make a few generalized promises such as observing the one o'clock closing time and prohibiting unescorted women at night; but the Fourteen also tailored these promissory letters to fit specific activities that the Fourteen found offensive in a saloon. Depending on the conditions in their bar rooms, some proprietors also had to agree to forbid dancing, stop serving mixed-race parties, and keep gangsters and drug dealers from making their saloon a hang-out [Laelzer, 1916; Rafferty, 1911; Proprietor of 27 E. 22nd St., 1913; Moore, 1916; Banks, 1914; Proprietor of 520 Eighth Avenue, 1914].

After a saloon keeper had signed the probation letter, the Fourteen would then send a note to the brewer and the surety agent saying that the saloon keeper was back in good standing – this year. If at any time, however, the Fourteen's investigators found that a saloon keeper had broken his or her parole, the brewery would stop supplying beer, and when it had the power of attorney, take away the liquor license and close down the saloon.<sup>7</sup> If the brewery did not control the license, then the Fourteen started filing violation complaints with the Excise Department. If the Excise Department had not revoked the license by the end of the excise year, the Fourteen went to its second line of defense and ensured that no surety company would write an

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<sup>6</sup> The Committee of Fourteen turned to the Surety Companies rather than the Excise Department because the Excise Department had no discretionary power. Its commissioners could revoke licenses, but they could not refuse to issue a license [Committee of Fourteen, 1910].

<sup>7</sup> Contrary to popular stereotype, there were a number of women saloon proprietors. For example, between October 1906 and November 1907, 19% of the proprietors arrested for liquor law violations were women (111 men, 28 women, 11 indeterminate) ["Special Sessions," 1907; "Special Sessions Cases," 1907].

excise bond for the coming year [Bulletin #19, 1908; Bulletin #7, 1907; Bulletin #3, 1907; Bulletin #29, 1909; "Cooperation," 1916].<sup>8</sup>

For this astonishingly overt blackmail to run smoothly, the Committee of Fourteen needed a couple of things. First, associational consensus had to exist among both the Brewers and the Surety Companies. Second, the state had to recognize that the Excise Department was not primarily a revenue-gathering department, but also had police powers. The second was the easier of the two to achieve. Francis Burdick, a law professor at Columbia University and one of the Fourteen, successfully argued this position before the New York Supreme Court which upheld the constitutionality of the Excise Department's police power [Bulletin #12, 1907]. Although this ruling did not increase the Excise Departments' budget or the number of inspectors it had, it did mean that the Excise Department – when its commissioner was on good terms with the Committee of Fourteen – could use the Fourteen's investigations and rely on its recommendations when revoking a liquor license ["Statement for Publicity," 1907]. Achieving consensus among the Brewers and the Surety Companies, however, was more difficult.

The Committee of Fourteen relied most heavily on the Brewers to make this scheme work, and for the most part, the New York Brewers worked in concert. It was, after all, the Brewers who first approached the Committee. Most of the brewers agreed that they needed to practice the alcohol trade's equivalent of self-censorship [Bulletin #18, 1908]. The few brewers who were less convinced usually adhered to the associational consensus after the Joint Committee arranged to have the police raid the recalcitrant brewers' disorderly saloons [Bulletin #10, 1907; Bulletin #21]. Working with the Committee of Fourteen sometimes created tension among the Brewers, but the Fourteen also eased tensions. While the Brewers had agreed to self-regulation in principle, the Committee of Fourteen's arbitration of the Protest List dampened competitive jealousies and made consensus easier to maintain [Bulletin #19, 1908; Bulletin #20, 1908].

Although the Committee of Fourteen's alliance with the Brewers needed constant management and careful negotiation, the Committee only had two ongoing problems with the Brewers.<sup>9</sup> The first was the question of how bad was bad: something that they argued about at the end of every excise year, but

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<sup>8</sup> The Committee of Fourteen needed the surety companies because the Courts often decided in the favor of proprietors charged with liquor law violations. For example, between October 1906 and November 1907, the Excise Department brought 142 cases of liquor law violation to the Special Sessions Court. Of these cases, the Court dismissed 40 cases, while in 51 cases the defendants were acquitted. Thus, in almost two thirds of these cases (64%), the proprietors were able to keep their liquor licenses and, as importantly, retain the right to acquire one in the following excise year ["Special Sessions," 1907; "Special Session Cases," 1907].

<sup>9</sup> Actually, the Fourteen had a third problem. In order to maintain their integrity as a "disinterested" third party, the Fourteen consistently refused money from the Brewers, even in the early years before Rockefeller started donating generously ["Minutes of the Executive Committee," 1908; "Minutes of 'Special Meeting of the Committee of Fourteen,'" 1908].

usually resolved to everyone's satisfaction but the saloon keepers [Bulletin #2, 1907; Bulletin #30, 1909; "Cooperation, 1916; "Necrographer," 1909; "Re Saloons," 1913; "The Central Cafe," 1915]. The second problem, however, was one that was less easily negotiated: the Brewers' Association was a regional, not a national organization. While most of the brewers in the region were members of the association, and most saloon keepers purchased their beer from these brewers, some saloon keepers were outside of the New York Brewers' purview because they bought beer brewed outside of the region [Lembeck and Betz Eagle Brg. Co., 1907].

Although national brewers never challenged the New York Brewers' market dominance, they did undercut the Brewers' credibility as reformers by supplying a few notorious places. Backing a saloon usually required a large capital commitment on the part of the brewer, and most national breweries were unwilling to make a financial commitment to a saloon when regional breweries, familiar with local conditions, had passed up that saloon's business ["Statement for Publicity," 1907]. On the other hand, if regional brewers refused to supply a place for political rather than economic reasons, national breweries had few qualms about stepping in, especially if the place were profitable. For example, Anheuser-Busch, which was, and still is, headquartered in St. Louis, Missouri, was happy to supply the Haymarket, a notorious dance hall that could be called the "Studio 54" of its era. Unconcerned about New York politics, Anheuser-Busch continued to supply the Haymarket even after the New York brewers begged them to stop. Lucrative since the 1870s, the Haymarket's proprietors probably owned the building and the fixtures and could afford to pay all the excise expenses. Called the "keystone" of the Tenderloin, every day that the Haymarket stayed open was a good day for Anheuser-Busch [Whitin, 1913; Gilfoyle, 1992, pp. 227, 314; "Cooperation," 1916; "Statement of Work," 1906]. Although high-profile cases like the Haymarket irked the Committee of Fourteen, few saloonkeepers were as financially independent as the Haymarket's proprietors, so non-associational breweries never seriously undermined the New York Brewers' cooperation with the Fourteen.

Nevertheless, the Committee of Fourteen wanted as few saloons as possible outside of their control. For this reason, the Fourteen turned to the Surety Companies when the Brewers could not provide leverage against a "disorderly resort." Unfortunately, the Surety Companies had less associational cohesion than the Brewers, and as a result they were a less reliable ally [Bulletin #19, 1908].<sup>10</sup> Every year, one company would, for an exorbitant premium, write bonds outside of the "pool." Invariably one or two of the other companies would learn about the high premiums and large indemnities that the renegade company required, and seeing profits slipping away from them, they would break from the association [Bulletin #5, 1907; Bulletin #30, 1909; "In the Spring of 1906"; "Efforts," 1909]. This pattern repeated itself for a few

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<sup>10</sup> In 1909, there were twenty-two surety companies that wrote excise bonds in New York City ["Sample Letter," 1909].

years, while the Committee of Fourteen did what it could to encourage a cohesive trade association.

The organization of the insurance industry encouraged the lack of consensus among the surety companies. The headquarters of the surety companies were located throughout the United States. It did not matter whether the company was in Scranton, Pennsylvania; Indianapolis, Indiana; or Montpelier, Vermont; for as long as the New York Department of Insurance vetted a company, its agents could write excise bonds in New York City [“Geo. Cator,” 1911; *Annual Report*, 1910; “Cooperation,” 1916]. What little cohesion did exist came from a company’s local agents; but this cohesion was tenuous at best since local agents worked with very little supervision. Furthermore, an insurance agent could and often did represent a number of different companies. Thus if an agent were reputable, then so were the surety companies he represented. For example, one agent, Albert E. Sheridan represented most of the companies within the Re-Insurance Association, while agents George Davis, James McGinty, and Frank Dolan were particularly notorious for bonding disreputable dives [“Efforts,” 1909; Baranoff, 1996, p. 8; Bulletin #29, 1909; Bulletin #41, 1910; “In the Spring of 1906”].

The first step the Committee of Fourteen took to create a stronger Re-Insurance Association was to write to the presidents of the different companies, apprise them of the Fourteen’s efforts, and if they could, obtain their support [Bulletin #3, 1907; “Sample Letter,” 1909; Bulletin #29, 1909; “Extracts,” 1909; Committee of Fourteen, 1910; Bulletin #41, 1910]. If the surety company did not change its policy toward disorderly saloons, the Fourteen did its best to drive that company out of business. The Fourteen correctly calculated that even a high premium and a large cash indemnity could not cover the expense of multiple bond forfeitures. For example, the Committee of Fourteen filed multiple complaints with the Excise Department against the disorderly places bonded by the Banker Surety Company. As a result of the Fourteen’s persistent pressure, the Banker Surety Company, which bonded 75 percent of New York’s disorderly places in 1907, suffered an overall loss of \$104,000 in 1908 [8 June 1907; Bulletin #21, 1908; “Efforts,” 1909; “Cooperation,” 1916]. When new surety companies tried to enter the New York market, the Committee of Fourteen could not force them to join the Re-Insurance Association, but it did tell them about the six different surety companies – including the Banker Surety Company – that it had forced into bankruptcy and out of the excise bond business [“Cooperation,” 1916].

By 1912, the Committee of Fourteen’s scheme for limiting sexual immorality in saloons was in place and running smoothly. Over the next seven years, the Joint Committee had its occasional problems, but nothing that compromise and a little financial pressure did not settle. The Fourteen liked to brag that “its policy is to clean up, not to close up the doubtful or disorderly places” [*Annual Report*, 1916, p. 70]. Meanwhile Frederick Whitin, the general secretary, confided to Mrs. Barclay Hazard, one of the Fourteen, that he thought that the Committee of Fourteen’s anti-Raines Law efforts had made the hotel saloons as moral as anyone could expect. And a number of outside



observers agreed – although few could duplicate the Fourteen’s scheme with its precarious checks and balances [Whitin, 1911; Kneeland, 1911; Chase, 1917, Whitin, 1917, “Surety Companies, 1912; Duis, 1983].

## Conclusion

The advent of National Prohibition in 1920 negated the Committee of Fourteen’s carefully maintained alliances and assiduously groomed political connections. Without liquor licenses, the Committee of Fourteen had no leverage over public morality and were faced with problems similar to those that they had confronted in 1905. They could report speakeasies to the police, but once again for a little money in the right pockets, the police would put blinders on, lawyers would file multiple continuances, and judges would dismiss cases. In the late twenties, Police Commissioner Grover Whalen estimated that New York City had twice the number of speakeasies during Prohibition as it had saloons during the Progressive era [“Whalen, Grover A(loysius)”]. This lawlessness and lack of control in large urban centers, most notoriously New York and Chicago, eventually became one of the stronger arguments for Repeal. After Repeal, New York’s old Excise Department – renamed the State Liquor Authority – acquired the discretionary power to decide whether or not it would grant liquor licenses, and it had the police power to back up its decisions. Increasing acceptability of government intervention and executive branch police power meant that in the 1930s the State took over the social control that in earlier eras had fallen to private organizations like the Committee of Fourteen [Chauncey, 1994, pp. 336-39, 346-47].

Despite its obsolescence, the Committee of Fourteen provides a series of interesting, if contradictory, lessons for public policy. Licensing provided the State with a powerful tool to affect behavior in legal commercial venues, but the Committee of Fourteen also proved that independent organizations could bypass the State and use extra-legal economic pressure to alter the way people socialized. The problem most moral reformers have with these solutions is that they require cooperation with the very groups that reformers consider responsible for moral iniquities. Working with the “opposition” – be they ring politicians, brewers, tobacco companies, or drug dealers – not only requires a moral compromise, it also legitimates the very activities that reformers want to condemn. The moral lesson that the Committee of Fourteen offers is ambiguous, but the social lesson that it offers is clear: New York was a “cleaner” city in 1920 than it was in 1905. Cooperation may compromise reformers’ positions, but the Committee of Fourteen showed the effectiveness of an incremental, rather than an absolutist, approach.

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