

"There's a Lot of Nourishment in an Acre of Corn"

Upper Cumberland Moonshine

Michael E. Birdwell

Whisky production in the Upper Cumberland of Kentucky and Tennessee began shortly after the first Europeans settled in the region. Born of Scots-Irish descent, intrepid pioneers learned from their forebears how to turn grains into *uisce* or whisky, which means "water of life" in Gaelic.¹ For them, many of whom were proud Presbyterians with a strong work ethic, whisky production was a noble profession. Often more lucrative than the back breaking work of clearing land to eke out an agrarian existence, liquor was as essential to life on the frontier as salt. Whisky production and consumption bore no stigma of sin nor degeneration. Distilling counted among the first industries established in the plateau regions of Kentucky and Tennessee, the others being gristmilling, saltpeter mining, and gunpowder mills. According to folklore the first person to distill whisky in Kentucky was Baptist minister Elijah Craig in 1789, though existing records credit Evan Williams with establishing the initial distilling operation. Whisky, like salt, acted as currency on the Cumberland frontier, and it was utilitarian as well as profitable. Frontier folk had little or no use for currency, but could take comfort in swapping good triple-run whisky for a mule, tools, or other commodities needed for survival. Christian congregations often paid their preachers with whisky, brandy, or applejack. Frontier "doctors" administered whisky both orally and topically when treating patients. They created concoctions of herbs, fruits, roots, and other ingredients with whisky or peach brandy to create medicines for treatment of specific ailments. Doctors claimed their liquor-laced remedies warded off chills or cooled down fevers.²

Whisky acted as not only a social lubricant, but as a necessity. Often when spring rains poured down in torrents, privies overflowed, sending human waste into streams and rivers, and contaminating wells. Likewise fresh manure flowed into rills and cisterns, spoiling drinking water. To

quench one's thirst with water often proved deadly, due to frequent outbreaks of cholera and other water borne diseases. Whisky, by contrast, saved lives. It acted as a "disinfectant, a tranquilizer, and a medicine for countless ills."³ Although some churches condemned consumption of alcohol as a sin, "corn liquor from a moonshiner was readily available for medicinal purposes." Almost every home in the Upper Cumberland kept corn liquor on hand in case of emergencies; most homes also had a supply of "blueberry, blackberry, cherry, and peach wine" as well.⁴

Over time, however, tax collectors, social reformers, and outsiders demonized the practice, leading to the creation of a subculture steeped in myth, tradition, romance, and adventure. Production of legal whisky and its illegal counterpart—moonshine—went hand-in-glove in the history of the Upper Cumberland. Hills, hollers, and caves provided not only locations adjacent to spring water, but also places to hide when making illicit whisky. During the post-Civil War era outsiders' zealotry to modernize the mountaineer sometimes resulted in a battle of wits that degenerated into armed conflict. The image of the moonshiner changed over time, depending on who told the story and their personal attitude toward alcohol. Stories of tragedy intermingle with tales of joy when examining the history and impact of distilling spirits in the Upper Cumberland.

Moonshine, the illicit distillation of sprits, gained prominence in America with the onset of the Civil War. The federal government established the Office of Internal Revenue in 1862, imposing excise taxes on whisky and tobacco as a means of helping finance the Union army.⁵ Tax on whisky depended upon its proof; the higher the proof the higher the tax.⁶ When the war ended, federal taxes not only remained in place, but were raised from twenty cents to two dollars per gallon; but the tax was reduced to fifty cents in 1868.⁷ After the war, Congress mandated creation of the Revenue Bureau of the Treasury Department. It was in 1876, under Commissioner Green B. Raum, that the bureau created a police force to hunt down moonshiners and enforce tax law without regard to state lines. The bureau increased the whisky tax an additional one dollar and ten cents per gallon in 1894, an exorbitant cost at the time, which "encouraged drinkers to buy untaxed liquor from moonshiners."⁸ The new excise damaged the profits of legal distilleries, and emboldened those willing to take the risk to circumvent the law. Commissioner Raum used every weapon available to launch "Raum's War," which raged from 1878 to 1881 at a cost of roughly three hundred thousand dollars, but yielded two and a half million dollars in tax revenue.⁹ George Atkinson, a loyal agent of Raum's, lamented that the Revenue Bureau's lack of respect was a direct result of the "want of nerve, and laziness of the bench of the Federal Courts. The low, worthless, and truckling

newspapers has encouraged violators of the law." Not only that, "wicked demagoguery of aspiring politicians has led those engaged in crime to believe they would eventually get immunity and go off scot-free."¹⁰

For Upper Cumberland distillers various attitudes helped them justify willful defiance of the law. For ex-Confederates, revenue agents represented another invasion by ruthless Yankees who were intent on destroying their way of life. Union veterans-turned-moonshiners fought the law as assiduously as their Rebel counterparts, finding the law onerous and unreasonable. Others maintained that only state laws applied when distilling and distributing alcohol; therefore, federal agents overstepped their authority. Some claimed the prohibition law unconstitutional and an infringement on their rights. Pious moonshiners argued that God Almighty abhorred tax collectors, considering them an abomination and anathema. The *New Testament*, they observed, considered tax collectors the worst among sinners. They, by contrast, were modest God-fearing men simply trying to provide for their family. Thus, as revenuers adopted more aggressive measures to search for moonshiners and destroy their stills, distillers responded in kind. Both sides resorted to violence with often disastrous results.¹¹ A common phrase uttered by those who enforced the law and those who chose to break it was, "Where there's smoke there's bound to be whisky."¹²

Newspapers in Kentucky, Tennessee, and even *The New York Times* covered stories about moonshine and violence with an almost pathological curiosity. Often referring to illegal operations as "wildcats" or "wildcatting," reporters filled column inches with news of raids by revenuers, shoot outs, and impenitent moonshiners sentenced to federal prisons. Raum's revenue agents conducted raids that lasted weeks on end in some cases. One revenuer complained, "Jackson County [Tennessee] is apparently invincible. My raiders can march through the country and receive the fire of the enemy from every hill top . . . but the nature of the ground is such that no arrests of the armed violators can be made. . . . I am convinced that nothing can conquer Jackson but to camp a strong force in that county to remain there for months."¹³

Revenuers proved more successful in Putnam County, Tennessee, where they destroyed five stills, impounded numerous tools, corn, sugar, and other items needed for whisky production. The raid led to several arrests in the Monterey area in 1878.¹⁴ Meanwhile, a number of citizens of Overton County endorsed moonshine raids, leading to a general escalation of violence. They issued a petition to the Quarterly Court demanding that order be restored, not just in Overton County, but Jackson and Putnam counties as well.¹⁵

Federal judges who heard alcohol-related cases often sided with the moonshiner. Between 1870 and 1903, judges heard over five thousand cases in Kentucky and Tennessee. In February 1873, Judge Connally Trigg held federal court in Knoxville, presiding over five hundred cases concerning moonshine—only six resulted in guilty verdicts. Many district judges simply did not consider moonshining a serious criminal offense. U.S. Secretary of State Cordell Hull, whose father operated a still in Bunkum Cave in Pickett County, Tennessee, expressed the attitudes of most Upper Cumberland residents, saying that people attached no stigma to whisky production. Hull wrote, "Everyone in our section looked upon the tax as an outrage, an infringement of human rights, popular rights, and everything else."¹⁶ With such sentiments being widespread, it should come as no surprise that Tennessee ranked third in the number of violators of the despised whisky tax behind North Carolina and Georgia in 1879.¹⁷

Federal Judge Bland Ballard earned a reputation of lenience concerning moonshiners. An indicted man from Cumberland County, Kentucky, stood before him accused of manufacturing untaxed liquor. The prosecutor demanded the maximum sentence, but the judge disagreed. Finding the moonshiner guilty, Ballard sentenced him to sixty days in jail and fined him one hundred dollars. Appreciative, the convict exclaimed, "Judge, if I ever make any more moonshine whisky, I'll send you a keg of it." Several months later the justice received a package containing a five gallon cask of "superior moonshine whisky" accompanied by a thank you note from the lapsed distiller.¹⁸

The moonshine wars were particularly violent in 1878. Revenuers captured or destroyed 1,258 stills, made 2,990 arrests, and twenty-three revenue agents fell dead or wounded nationwide. Forty-six percent of those arrests took place in Tennessee, most of them in the Upper Cumberland. Tennessee ranked the second most violent state during the Whisky War. Unknown numbers of moonshiners and runners were killed and wounded that year.¹⁹ As violence increased, many mountaineers sought numerous methods of resistance. People sympathetic to law enforcement were intimidated by threats of violence or property damage. In some cases informants were beaten, their barns burned, and their livestock stolen or killed.²⁰ Adding to the violence of 1878 was a new stratagem on Raum's part—enlisting the aid of the U.S. military and special posses to assist revenue agents. This created resentment on the part of civilian and soldier alike. Civilians refused to see themselves as enemy combatants and introducing soldiers into the situation only made matters worse, rekindling flames of resentment that smoldered during and after the Civil War. Even General William Tecumseh Sherman, who made war on civilians with impunity during the



*Uncle Billy Hull. Credit:
Michael E. Birdwell Upper
Cumberland Collection.*

Civil War, questioned the logic of Raum's strategy and feared the kind of justice his men would receive in mountain courts. Moonshiners in Alabama, Kentucky, and Tennessee took up arms against the U.S. military to protect their livelihood.²¹

A three-day pitched battle took place nine miles north of Cookeville, Tennessee, on the Overton County border in a region known as "Little Putnam," and "Waterloo." The affray, commonly referred to as either "The Siege of Waterloo" or "The Peek Fight," lasted from August 23–25, 1878, and was "one of the severest battles ever fought between Government officers and moonshiners."²² The area known as Little Putnam was reputed to be a veritable "paradise of moonshiners."²³ Deputy Internal Revenue Collector James M. Davis, "one of the most noted and daring revenue officers who

ever served the government of the United States,"²⁴ along with Joe Spears and Lee Ayers, led a party of revenue agents in search of moonshiner Campbell Morgan of Gainesboro, Tennessee. George W. Atkinson claimed that Morgan's infamous reputation "next to [Major Lewis] Redmond of South Carolina [was] the most notorious moonshiner in America."²⁵ Joining the band of revenue agents were Captain S.D. Mather, a commissioner of the federal circuit court, as well as Robert Brown, Robert Rawls, C.E. Tippin, J.M. Phillips, Felix Young, Pres Smith, Milton Howe, and Charles "Charlie" W. Strain. Their hunting proved successful on their first day. That morning the revenuers took some illicit distillers by surprise and "cut up Brown & Bradley's brandy distillery, within three miles of where the fight occurred."²⁶ Unfortunately for them, destruction of the illegal operation emboldened Morgan's men.

After searching the vicinity for more illicit operations in the vicinity, the revenuers sought lodging at the home of elderly John Peek—who was reputed to be 102 years old—on the Overton County line adjacent to Spring Creek around six that evening. The old man demurred because two neighbors were visiting him, and he lacked adequate space or provisions to comfortably house the posse. Peek suggested they make camp at the Barnes residence roughly a mile distant. Several men dismounted, tied their horses, and put feed bags on their animals in spite of Peek's protestations.

Meanwhile, James M. Davis, Winchester rifle in hand, accidentally flushed out a covey of quail which caught him off guard, revealed his position to moonshiners making their way down an adjacent hillside toward them. Recovering his composure, he shouldered his rifle to shoot the birds when he spotted the armed men. Davis and J.M. Phillips—who was unarmed—attempted to jump a split rail fence and take cover in Peek's cornfield. Campbell Morgan's men opened fire, shooting Phillips in the left side of his chest, the bullet passing through his body. Phillips "cried out in great pain, 'Oh, Lordy and then came a responsive echo from the wildcat man, 'Oh yes, God d-m you!' With that between twenty and thirty of them showed themselves and regular firing was commenced, lasting forty-five minutes."²⁷ Davis tried to return fire but "his rifle burst and he had to rush to the house for another gun."²⁸

Phillips writhed in agony as the fight raged on about him. He begged for mercy and safe quarter, but the moonshiners refused to yield, and continued to advance within roughly fifty feet of the revenuers. Captain Mather responded to Phillips's plea for help, and ran into a hail of bullets and dragged the wounded deputy to Peek's home as hot lead whizzed around them. The rest of the posse ran for cover, joining them in Peek's house against the old man's will. As Charles Tippins dashed toward the two-story

log structure, he was shot through the nose and covered in blood as he fell onto the porch.²⁹

Pres Smith suffered injuries as well, being shot thrice through the left arm. "Smith confronted six of the enemy at one time, stood out in the open field and cursed them, and told them to come out from behind the trees and fight like men." Staggering and bleeding profusely, Mather asked Smith to surrender his gun to him and seek shelter in Peek's home. Smith refused, saying "he would fight until he fell."³⁰

In the melee, posse member Rawls ran the wrong way toward Morgan's men, who shot the hat off his head. When he turned to run the other way and moonshiners shot the stock of his rifle.³¹ He rushed toward Peek's home, and made it to safety without any bodily injury.

At roughly seven, Davis ordered Lee L. Ayers and Charlie Strain to proceed at once to Cookeville and telegraph Collector William Woodcock in Nashville. "For God's sake," Davis said, "tell Woodcock to send me 100 men as quick as possible. Go there or kill your horses in the attempt." Leaving their weapons and ammunition behind, Ayers and Strain "made a hasty exit. When we got a half a mile distant we heard firing, as if heavy skirmishing was in progress, and then came single shots at intervals. We heard nothing from them after taking leave, and they may have fought their way out or been killed," Ayers later reported to his boss in Nashville uncertain of the fate of his comrades or Morgan's men.³²

The remainder of the posse shouldered their weapons and fired in the direction of Morgan's army of moonshiners, providing covering fire for Ayers and Strain. The men successfully eluded their enemies, and made their way to Cookeville. Ayers informed Woodcock, "Our ammunition is short. Get all the men you can. I will try to get some horses here. The place of attack is nine miles north of Cookeville, Overton County."³³

Upon receipt of the telegram, Woodcock responded with his own wire, inquiring how many men were needed and about the seriousness of the situation. Ayers reported that his attempt to gather horses had failed, and that at least three of Davis's men were seriously wounded. He told Woodcock that he would board the next train to Nashville and report to him in person. Meanwhile, Woodcock contacted Commissioner Raum in Washington, to apprise him of the situation. Raum authorized the Collector to "employ as many men as you deem necessary," to quell the whisky rebellion and "enforce revenue laws in Overton County."³⁴

As darkness descended on the first day of the siege, Campbell Morgan's men, roughly fifty in number, surrounded Peek's homestead. They covered the path to the creek so that Deputy Collector Davis's posse could not fetch water for themselves or their horses. After the revenue men assessed their

damage, Davis realized that he had only seven men left "fit for duty." Peek's son and his two neighbors, "Mr. Hurley and Mr. Eldridge," did their best to tend to the wounded.³⁵

On the morning of the second day, James Peek ventured out of the house to recover some of the horses and get water. Morgan's men immediately fired on him and Peek retreated to his father's house empty handed. Later in the day Campbell Morgan allowed Dr. J.P. Martin of Cookeville to tend to the wounded revenueurs and return home unmolested. During the night sympathetic citizens had joined Morgan, providing ammunition, food, and encouragement to rid the region of federal busy bodies. Moonshiners and revenue agents shot at each other throughout the day. Well-provisioned, Morgan's men intended to make the posse waste its ammunition.³⁶ Commissioner Mather reported that "it seemed as if there were a thousand men around and about us judging from. . . the yells of demon moonshiners, and the balls were pouring into the walls of our block-house. The night that followed was pandemonium itself."³⁷ Meanwhile Morgan's men erected barricades on surrounding roads, making rescue more difficult. Morgan warned those trapped in the house not to attempt to go to the spring and collect water. Mather complained bitterly, "the whole country had joined the moonshiners, or were in sympathy with them."³⁸

In the meantime, Ayers and Strain arrived in Nashville and met with Woodcock. The collector contacted Governor James D. Porter Jr., asking for his assistance. The governor issued twenty breech loading rifles and twenty rounds of cartridges per weapon to Woodcock, as well as placing twenty able bodied men from Nashville under the command of the Internal Revenue. Though the number was far fewer than Davis requested, other reinforcements were gathering in Cookeville. The twenty men in Nashville departed the Capital City and headed out toward the Upper Cumberland at nine on the morning of the 24th, hoping to arrive on the scene by midnight.³⁹

Moonshiners fired on Peek's place in regular intervals, roughly every ten minutes throughout the day. Poorly provisioned, Davis ordered his men to "shoot sparingly." Rain began falling around ten in the morning and Davis ordered federal agents to capture water running off the roof. In doing so, they put their lives in danger; Mather reported that gunfire increased precipitously during the downfall. Continuous shots could be heard for miles, and a delegation of curious citizens arrived at Morgan's barricade from Livingston, wanting to know what was going on. Morgan told them that they had infamous revenueur James M. Davis surrounded and they intended to burn him out if he did not surrender soon. Citizens suggested a parlay with Davis, and Morgan allowed them and two moonshiners to approach Peek's home under a flag of truce. Morgan sent word

explaining why he rounded up area moonshiners to besiege the revenueurs. He had it on good authority that "Capt. Davis intended to kill him on sight," and he feared for his life. Asking for clemency, Morgan's men told Davis that he would disperse the militia of moonshiners if he promised not to murder him. He agreed to surrender to any other officer except Davis and "do everything in his power to correct the evil ways of his neighborhood and this would be his last resistance to United States authority."⁴⁰

Reinforcements arrived from Cookeville, led by Major J.C. Freeze and Elijah Terry, to assist the revenueurs at about the same time Morgan surrendered. His men were allowed to disperse without arrest. Escorted to Cookeville under armed guard, Morgan later stood trial in federal district court in Nashville. Fined and sentenced to jail, he served his time and then, incredibly, joined Commissioner Raum's agents as a deputy U.S. marshal. He earned a reputation as an effective and fair agent who arrested former associates.⁴¹ "He and Capt. Davis are now sworn friends. . . Davis says Morgan is as true a man as he ever knew, and he would be willing to trust him in any emergency."⁴²

A reporter for *The New York Times*, contemptuous of moonshiners, tarred them all with the same brush. "These 'moonshiners' are illiterate and ignorant. They scarcely ever read a book or a newspaper, and know very little of what is going on in the world. If they were better informed they would not break the law." He described their dress and their demeanor with condescension and held no sympathy for their plight, nor did he try to understand why the men and women who filed in to federal court chose to make illicit liquor. "During the sitting of the court held by Judge Baxter they filled the large courtroom almost to suffocation, while the corridors and all approaches to the room were crowded with men from the mountains. . ."⁴³ Men, primarily from the Cumberland Plateau, filled the federal courthouse in 1880; Commissioner Raum offered amnesty if they agreed to enter a guilty plea. Violators of the agreement faced the maximum penalty available. The reporter considered the notion of amnesty a foolish policy that would embolden the moonshiners to flaunt the law.⁴⁴

The author acknowledged that some federal judges empathized with the moonshiners and held similar views concerning the law, saying "the law has been administered by federal court in a way as to make it a farce. When men were sentenced to prison by the court it was in a half-apologetic way, and the imprisonment in many instances was merely nominal. In some counties prisoners—so called—were allowed to carry the keys of jails in their pockets and to go out when they chose. . ."⁴⁵

For most convicted moonshiners the sentence resulted in one year or less in a federal facility for doing something they did not consider a crime.

Ironically moonshiners, who might on occasion fire upon revenue agents or local deputies, were regarded as model prisoners by their jailers. A grudging respect developed over the years. When summoned to court, reputable moonshiners always arrived on time if not early to learn their fate. After passing sentence, judges often asked them how long it would take them to get their affairs in order before being sent to serve their prison sentence. On the day they were to report, illicit distillers usually showed up hours ahead of time so that no one could accuse them of shirking their responsibilities. There were numerous exceptions, however; Frank Whittaker of Putnam County, Tennessee, landed a four year sentence as well as a heavy fine because he wounded Deputy Marshall Tom Price when trying to protect his still.⁴⁶

Due to the persistent attitude that the tax was unjust and revenue agents extralegal entities, several federal agents found themselves under indictment for a variety of crimes. Among the crimes they stood accused were making arbitrary arrests, committing "murder, assault, carrying a concealed weapon, or trespassing."⁴⁷ They faced hostility on the local level from judges and juries, which caused federal agents to seek a change of venue.⁴⁸

The U.S. Supreme Court weighed in on the situation in the case *Tennessee v. Davis*, supporting the need for a change of venue in certain circumstances. On August 29, 1878, the fore-mentioned revenue agent James M. Davis was indicted for "wilfully, premeditatedly [sic], deliberately, and of his malice aforethought killing one J.B. Haynes" of Grundy County in the South Cumberland.⁴⁹ Davis's attorney, James A. Warder, filed a petition for change of venue, arguing that his client could not possibly get a fair trial in Grundy County. He also argued that Davis did not commit murder, but fired in self-defense against at least six men who guarded a still. In carrying out his duties as an agent of the U.S. Government, Warder maintained that the case should be held in a federal court rather than in a local venue hostile to federal regulation of Internal Revenue. In a lengthy opinion justices of the U.S. Supreme Court agreed with Davis and his attorney, granting a change of venue to the U.S. district court at Nashville. Acquitted by federal authorities, Davis went back to work hunting down wildcatters.⁵⁰

Two moonshiners, William Cagle and James Curtis, were hauled into federal court in 1899, creating quite a stir. Revenue agents arrested them on the Cumberland Plateau forty miles north of Chattanooga in Bledsoe County, where they poured out three thousand gallons of moonshine and destroyed the seventy gallon capacity still. What confounded the federal authorities was the fact that Cagle and Curtis were outstanding members of their community. "The arrests of the men created great excitement in the vicinity owing to their prominence," *The New York Times* reported.⁵¹ A

successful businessman, Cagle was worth thirty thousand dollars (that is equivalent to \$763,403.82 in 2009 dollars), and owned a percentage of four gristmills. He clearly did not need the money that his side venture in distilling provided, but engaged in the practice just the same. For Cagle and Curtis, operating the still was an open act of willful defiance against an unjust law that needed to be reconsidered if not repealed outright. "He has never been arrested before and is a prominent church worker. He is an Elder in the Methodist Church and Superintendent of the local Sunday School." *The New York Times* reporter added, somewhat incredulously, "He does not deny his guilt." With the inherent implication that Cagle, a man of respect and an upstanding member of Upper Cumberland society, did not consider what he was doing to be either a crime nor a violation of his Christian faith.⁵²

One could argue that by 1900 revenue agents actually performed a much needed public service in the Upper Cumberland. Representing an armed outside threat to the region, and despised by former Yankee and Rebel alike, revenueurs provided a common enemy that brought former combatants together in a common cause. Though many historians argue that the wounds of the Civil War began to heal when former Unionists and Confederates came together during the Spanish-American War, that process began earlier in the Upper Cumberland in a more personal conflict. Embattled with tax collectors since the end of the Civil War, moonshiners and their families set aside old scores to fight their new enemy the Internal (or as many called it "Infernal") Revenue Service. Most now preferred to argue over party politics, while taking their aggression out on the tax men.

As the Local Color School of writers descended upon the Appalachians, they distorted or romanticized people who lived there. For some writers they represented the purest strain of Anglo Saxon stock, and were noble, independent, and self-sufficient. For others they were uncivilized, incestuous, and violent throwbacks who threatened civility and the Judeo-Christian ethic. A writer for the *Literary Digest* took umbrage with both depictions. "It is declared unfair to blame them as a class for what a few of the most reckless ones do, for every region has its ruffians."⁵³ The author argued that while the person living on the East Coast might take offense at some of their behavior and "disapprove of their irregular methods of distilling," they operated on partial information.⁵⁴ The writer argued that "these people do not think they are violating any moral law" when they run whisky, and that the Internal Revenue Service stood in the way of their making an honest living.⁵⁵

The aforementioned uncredited writer noted that when mountaineers needed protection from the law, for whatever reason, it rarely arrived.

Moonshiners, therefore, had little use for the law, protecting family and property by themselves out of necessity. Federal agents searching for local distilling operations were "a mere invader—he was no better than a pirate, and fit to be shot on sight as such vermin."⁵⁶ Government agents eschewed respect for property rights, destroying not only copper pot stills, but most of the other sad provisions the moonshiner owned.

Travelers who stopped at homes in the Upper Cumberland were often struck by how genuine and hospitable the folk were, no matter how poor. When industrialists started buying up property and mineral rights in the region, common folk continued to be courteous and welcoming. The relatively rapid change from an agrarian lifestyle dictated by the rhythms of the seasons to an industrial economy proved incredibly disruptive. Selling mineral rights, instead of improving their lot, usually forced mountaineers off the land they thought they owned into the downward spiral of life in a company coal, lumber, or textile towns, where the barter economy no longer held sway and workers were paid in scrip rather than hard cash. In such an atmosphere, moonshining offered a way for the formerly independent farmer to acquire legal tender through illegal means.⁵⁷

Many outsiders, however, consumed by Progressive Era reforms, concluded that alcohol production and consumption were the primary source of all of society's ills. One writer noted that the people of the Cumberland Mountains were the most gracious and generous he had ever encountered. "They will divide the last ration they have with a stranger, even tho he be a revenue officer."⁵⁸ Most mountaineers, wanting to be good hosts, offered their guests their best peach brandy or moonshine whisky. As a result the "hospitable distiller is immediately eligible for a prolonged course in entertaining at the Government's exclusive hotel, the Atlanta Penitentiary."⁵⁹

In the late nineteenth and early twentieth centuries social reformers targeted alcohol as the source of most human failings. Abuse of alcohol cost people jobs, ruined marriages, and led to widespread disrespect for the law and created a tacit acceptance of violence. Both Kentucky and Tennessee, states with a reputation for producing fine sipping whiskies and brandies, fell under the gaze of reformers. In 1903 *The Putnam County Herald* commented that "Last Thursday saw the final closing of Putnam County's only saloon, and we hope for a better condition of affairs as a result."⁶⁰ By 1907 many counties in both states had gone "dry," while Kentucky continued to operate 253 distilleries. By that year eighty-seven counties in Kentucky prohibited alcohol consumption, though Louisville "escaped the wave of reform." A *New York Times* reporter wrote that this "seems strange to us of the North who have been taught to look upon the South as the land of the julep and the cobbler and to regard every southern gentleman as an

accredited judge on the merits of whisky."⁶¹ For a farmer cum moonshiner, distilling alcohol made perfect sense. In the era directly following the Civil War a wagon load of corn yielded on average ten dollars, whereas a wagon filled with moonshine average done hundred fifty dollars, making it possible for him to better provide for his family.⁶²

On the eve of nationwide Prohibition, journalists and reformers looked for new ways to further demonize alcohol, mountaineers, and the Appalachian South. A reporter for *Scientific American* fumed, "Ever since our entry into the great war Moonshine Land . . . has become a hotbed of slackers and deserters. Over and over again the government officers, while they have been trying to raid illicit distilleries, have found in the same neighborhood deserters and slackers for whom Uncle Sam has been looking, in some cases, for months. . ."⁶³ By 1916 "all of the old moonshine states



Melvin Long with his still, Clay County. Michael E. Birdwell Upper Cumberland Collection. Credit: Tennessee State Library and Archives.



Two men swig moonshine made in Clay County. Michael E. Birdwell Upper Cumberland Collection. Credit: Tennessee State Library and Archives.

except Kentucky and Missouri were dry, and blockaders enjoyed a vastly expanded market and unprecedented profits."⁶⁴

As World War I wound down, the assault against moonshine increased. Between June 1 and November, 1918, federal agents seized or destroyed more than five hundred stills in the mountainous regions of Alabama, North Carolina, and Tennessee. Roughly fifty thousand gallons of whisky spilled into the woods and caves as federal agents attacked stills with everything from axes to dynamite. Shots rang out in the Cumberland Mountains between moonshiners and revenue agents, and the numbers of dead hovered around sixty while nearly two hundred were wounded during those months. Revenuers rounded up two hundred men for prosecution in Tennessee, demonizing them in the press with names like, "slacker," "deserter," and "Bolshevik." During their raids, feds seized copper pipe, corn meal, and more than thirty thousand pounds of sugar in those six months.⁶⁵

While Theodore Price and Richard Spillane acknowledged that Local Color writers romanticized moonshiners, often depicting them as victims of rapacious industrialists, they called for a reassessment of that stereotype. "There is no romance in moonshining to-day. It is commercial, demoralizing, and . . . far more threatening than ever before."⁶⁶ To combat these people who avoided the World War to wage their own campaign

against proper American values, Commissioner Daniel Roper, on June 17, 1918 organized a special moonshine unit known as the Flying Squadron. Headquartered at Nashville, agents from the Flying Squadron made routine raids into Clay, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White counties. In Roper's view, not only did those shiftless moonshiners undermine mountain morality with their illicit whisky, they did so with impunity and scoffed at the notion of paying taxes. As the journalists noted, "There is always reluctance to pay taxes. Few persons paid them with good grace." But responsible, patriotic citizens tithed a portion of their hard earned money to the federal government for the betterment of all concerned.⁶⁷

Some tactics employed by the federal government, however, actually encouraged a black market in commercially produced whisky and moonshine. In 1887, the federal government placed an excise tax on legal whisky at one dollar per gallon, roughly equivalent to \$23.67 in 2008. During the First World War the tax was raised to eight dollars per gallon (roughly \$133.21 in taxes) beyond the regular price of the liquor in 1917. Under such onerous conditions a number of legal distilleries were forced to close their doors or produce a different product. Moonshiners, however, reaped unprecedented profits, encouraging some less scrupulous, less talented people to engage in the enterprise.⁶⁸

Another irony centered on the fact that the U.S. military responded to America's entry into the war in a paternalistic way. Wanting to keep soldiers pure and away from immorality, the army in its inestimable wisdom chose to locate most of the training camps as far away from urban areas as possible. They placed new camps in the South because most of that region was dry before 1917. "Every precaution seemed to be taken to safeguard the men from temptation, and yet in a short period after the establishment of the camps. . . liquor was pouring in."⁶⁹ In some areas moonshiners had agents in the camps, in other cases mountain boys who either enlisted or answered the draft brought their distilling skills with them. Just as the army tried to shield soldiers from prostitution and failed, it also provided little deterrent for any soldier who really wanted a drink.⁷⁰

Weighing in on the debate, Rollin Lynde Hartt noted a double standard. He remarked, "Personally, I detest moonshine. . . but respect moonshiners. Middle-Westerners turn corn into hog to make it portable; with the same object a very limited class of mountaineers turn corn into whisky."⁷¹ He observed that "even feudists and moonshiners go to church," and that these were good people trying to make the most of difficult times.⁷²

At this time when people of the Cumberland were being demonized William Aspenwall Bradley stood up in their defense. He argued, "Less is

really known about the Cumberlands than about any other corner of the country. The reason is that those who have done the writing have only a slight, or else a very narrow and often limited knowledge of their subject. Often . . . none at all first hand."⁷³ He went so far as to call the region "The Balkans of America."⁷⁴

Prohibition did little to stem the tide of illegal alcohol production or consumption. During the so-called Roaring Twenties, novelists like F. Scott Fitzgerald and Ernest Hemingway wrote novels and short stories awash in booze. Hollywood played its part in criticizing the Noble Experiment, depicting flappers whooping it up while drinking bathtub gin. Meanwhile newspapers filled hundreds of column inches with stories about the Al Capone Gang, rum runners off the Atlantic Coast, and moonshiners in the Appalachian hills of Kentucky and Tennessee, flaunting an unpopular law with impunity. As journalists flocked to the Canadian Border and the Florida Keys to follow stories about the illicit liquor industry, they also returned to the Cumberland Mountains. One, Stephen Sennet, was surprised to find out the long pedigree of the liquor trade. Not only was it not a recent phenomenon, but it embodied a tradition passed down from generation to generation. Sennet empathized with folks eking out a living. "Poverty of a nature hard for urbanites to visualize is there. Yet, they will deprive themselves of the necessities of life to comfort a stranger and make a brave show of hospitality." Some of that hospitality often flowed from the mouth of a crock jar with a corn cob stopper.⁷⁵

As Prohibition became the law of the land, enforcement proved incredibly difficult. In Chicago and elsewhere gang warfare emerged as organized crime stepped in to take over the illegal liquor industry. Al Capone created a network of bootleggers who smuggled bonded whisky into the United States from Canada and rum from islands throughout the Gulf of Mexico. Rum runner Joseph P. Kennedy made so much money from illegal importation of spirits that he bought respectability for his family and a place at the table among Hollywood moguls. In spite of the fact that much of the illegal liquor trade was centered in New York, Chicago, and New Orleans, journalists often focused their gaze on the mountainous section of Alabama, Georgia, Kentucky, North Carolina, and Tennessee.

Harry Burn, best known as the Tennessee legislator who cast the ballot that ratified the Nineteenth Amendment and granted women the right to vote, bristled with disgust at the spectacle outside media made of the Appalachian South. Kentucky, Tennessee, and West Virginia were routinely parodied in northern newspapers and magazines. Reporters stereotyped the region as a population of slack-jawed, raw-boned, ill-clad, barefoot, Bible-thumping, whisky-swilling, incestuous, illiterate, and lazy people who

violated laws with impunity. Burn lamented a commonly held opinion of Cumberland mountaineers, "It is to be regretted that the authors of recent articles did not feel inclined to sign them."⁷⁶ Taking issue with the Local Color School, Yellow Journalism, and general outside bias against the Mountain South, Burn argued that rather than criticizing the mountaineer, reporters should be more responsible. Journalists purposely omitted discussion of respected leaders who served on the local, state, and even national level, such as Cordell Hull, Alvin York, and John Sherman Cooper. He implored reporters to find positive things to say about the region and to endorse nationwide public education.

John J. Gore, a native of Jackson County and former law partner with Cordell Hull, was appointed the first federal judge in the newly created Middle Tennessee District in 1922 by President Warren G. Harding. Though nationwide Prohibition was the law of the land, both men flaunted it with impunity. While trucks arrived at the White House from Canada laden with spirits, Gore received his whisky from longtime friends and moonshiners. Federal judges in those days wielded a great deal more discretion than current judges. Instead of mandatory minimum sentences, judges weighed each case on its specific merits, and they were granted a great deal of latitude based upon mitigating factors. As such, Judge Gore tended to show leniency to the illicit distillers who stood before him for judgment.

Stories about Gore and his time on the federal bench dispensing justice to moonshiners are legion. One oft repeated story concerns two different moonshiners who appeared before his bench on the same day. When the first man stood before him, Gore demanded that the bailiff bring him a sample of the accused's product. The judge took the mason jar and shook it, checking the bead of the whisky. He then poured out a thin line on his desk, lit a match, and set it aflame. The alcohol burned with a blue flame. Gore announced that he could find no fault with the man or his product; he was simply trying to supplement his meager income. He charged the man a small fine and sent him home with a warning. The other accused moonshiner stepped forward, and the same procedure ensued. When he lit the other man's whisky it created an orange flame. Gore turned red with rage announcing, "This man is a menace! He is manufacturing poison and is a threat to the community!" and then sentenced him to the maximum penalty available under the law."⁷⁷

On another occasion Gore visited a moonshiner on a snowy evening in the late 1920s. He purchased a couple of gallons of whisky in individual pint jars. Arriving at his home as the snow piled up, he left the two gallons of hooch in a cardboard box on his back porch. The following morning Gore went out onto the porch to retrieve some firewood, and noticed that

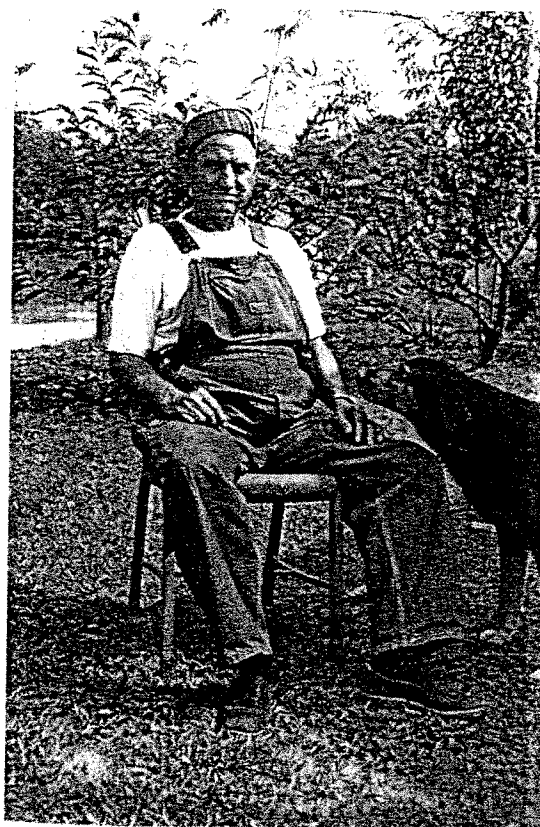
all of the jars had frozen and burst. In a rage he called the Jackson County sheriff and demanded that he arrest the moonshiner. When he appeared in Gore's court he was found guilty and sentenced to the maximum penalty.⁷⁸

During the Great Depression it was not unusual for women to assist their husbands, fathers, or brothers in manufacturing white lightning. The author was shocked when his ninety-four year-old grandmother, Willie Catherine Davis, confessed that she made moonshine during that decade. "Honey, times were tough, and we needed some more money to get by. I ran off batches in the late fall or early winter. I was real careful and made a good product. After I'd made thirty gallons or so, we dismantled the still and hid it until the next year." When asked if she ever worried about being caught or losing her inventory, she chuckled and said, "Lord, no! I hid my jars underneath the floorboards of the Taft Church of Christ because nobody would ever think to look there."⁷⁹

Successfully prosecuting moonshiners often proved difficult for a number of reasons. Local families alerted friends and neighbors who distilled without a license when strangers entered the region. Many distillers found ways of co-opting revenue agents through bribery, sexual favors, or blackmail. Moonshiners developed a number of ways of dispensing their product without being directly associated with it. A common tactic involved a buyer leaving money in an agreed location, and the distiller hiding his whisky where the buyer knew to pick it up.

Moonshiners usually carried a hammer or hatchet and matches with him. After running a batch, the moonshiner loaded his wagon with whisky and covered it with straw, protecting the Mason jars from breakage and easy detection. Hammer and matches provided "Plan B," should he be stopped by revenuers. If it appeared his product might be detected or seized, he broke a jar, lit a match and dropped it in the wagon, sending the evidence up in flames.⁸⁰

Former West Virginia moonshiner Francis Pridemore, who was familiar with moonshiners in the Upper Cumberland of Kentucky and Tennessee, ran his last batch in 1916. He said that when he made white liquor, "Moonshine was not a business; it was a gesture of defiance."⁸¹ When World War I erupted he and other moonshiners, either out of patriotism or demonization by the media, quit distilling. He fought in Europe, returning to find a relative operating his old still. Due to Prohibition attitudes toward moonshining changed, revolving around the thirst of a population deprived of its liquid vice. When Pridemore ran moonshine he made sure his liquor was at least triple-run, free from impurities, tested, tasted, and the product of personal pride. By 1923 quality of moonshine throughout West Virginia, Tennessee, and Kentucky fell prey to easy profit. He



Jack Threet. Michael E. Birdwell Upper Cumberland Collection.

lamented that "moonshining, once a gentleman's avocation—like golf—is now—like golf—a business. . ."⁸² As new moonshiners adopted the craft and industrialized it, they cut corners, cared more for money, and took on airs of the *nouveau riche*. "Taking it by and large," he confessed, "I would far rather work for them than for the coal companies." Nationwide Prohibition did something he had not thought possible, for it brought hard cash into the hands of families in Southern Appalachia for the first time, letting them profit from the fruits of their labors. Later critics of the moonshine industry echoed Pridemore's sentiments that the new generation of manufacturers sacrificed quality for mere money. Some unscrupulous distillers in the 1950s, however, did more than simply sacrifice quality, they endangered lives.

One curious and repetitive factor concerning moonshine revolved around election cycles. During federal elections raids by revenue agents

increased dramatically, as politicians promised to get tough on criminal behavior.⁸³ Interestingly, in many local elections for sheriff, local law enforcement agents often curtailed their activity, wanting to win the votes of moonshiners, bootleggers, and their families.⁸⁴

Longtime moonshiner General Jackson "Jack" Threet of Twinton, Tennessee, told the author that once a year the sheriff of Fentress County informally rounded up all the moonshiners in the county. They met at an inconspicuous location, and the law enforcement officer informed them that federal agents were on their way into the region.

He'd look at each one of us and say, "Boys its time to draw straws." Somebody would give him a broom and he'd break off a bristle as he called everybody's name. Then he'd size them up so they all looked about the same size, and give each of us a turn. Anybody who'd just got out of the federal pokey was exempt, and didn't have to draw no straw. After everyone had their straw we had to present them to the group. There were usually three short straws, and those people stepped forward. Then the sheriff would tell them to get their affairs in order, and told them when to expect to be raided.

We had a common brotherhood. And when someone was raided, with knowledge beforehand or not, the other moonshiners took care of the family of them what's went to jail. They were good people and the sheriff didn't want no trouble. Hell, he was one of our best customers, as was most of the judges and doctors and businessmen in the county.⁸⁵

Moonshining continued to fill the dockets of federal courts after World War II, even though legal whisky was more widely available, comprising most of the cases to come before the district courts in Tennessee, Georgia, North Carolina, and Alabama.⁸⁶ During the 1950s moonshine production returned to the front pages of newspapers in a new phase of the alcohol debate. Television shows presented American husbands coming home to the suburbs where housewives dripping pearls kissed their husbands and handed him a drink when he entered the door. In the booze-soaked fifties the South lagged behind the rest of the country in liberalizing its liquor laws. Soldiers who fought in World War II returned to the America of the baby boom, suburbs, and conspicuous consumption. Southern veterans returned to a South that professed to be dry, but in reality never had been. Wanting a drink they had to depend upon bootleggers who sold liquor at highly inflated prices. Loyal Durand Jr. estimated that the monthly

production of white lightning in the Cumberland Plateau area to be roughly twenty-five thousand gallons per month in 1955 alone.⁸⁷ In April of that year one hundred forty stills were seized or destroyed by local and federal officials. Tennessee's illicit distillers, especially from Jackson County in the Upper Cumberland and Cocke County in far eastern Tennessee, earned a reputation for the quality of their product and runners exported Tennessee moonshine (presumably to relatives or friends) in Michigan, Ohio, and Illinois.⁸⁸

Though many moonshiners prided themselves in producing triple-run liquor in copper stills, less scrupulous distillers cut corners. During the mid-1950s and early 1960s billboards dotted the region declaring: "Moonshine Kills." Some shiners were veterans of World War II or the Korean War, and they learned how to make whisky in the service rather than from experienced distillers. Showing little concern about the quality of their product, disreputable distillers in that era made it easier for politicians, preachers, and social reformers to demonize white lightning. They usually ran the whisky only once rather than the preferred triple-distilled product. Boosting the sugar content, they ran batches with a higher alcohol content and harsher disposition that burned all the way down one's throat. One moonshiner bitterly complained, "It's only them [*sic*] bastards that use [car/truck] radiators and steel pots and steel mash barrels. . . they're the ones that make poison whisky."⁸⁹ During that time frame the federal government reported that fewer than 10 percent of the new moonshiners distilled from copper rigs. Use of automotive radiators introduced a broad variety of lethal impurities into their product. Ethylene glycol, a major ingredient in antifreeze, is a colorless, odorless, sweet tasting chemical that causes intoxication. An overdose could cause brain damage, but also negatively affected the liver, kidneys, and lungs. Poisoning altered body chemistry, and could cause profound shock, organ failure, and death. As little as one hundred twenty milliliters of ethylene glycol could kill an average-sized man. While one of the disorders suffered by people who drank bad moonshine in the 1930s was jake leg (or jackleg), an often temporary paralysis that made people walk with an exaggerated gait accompanied by a limp; it did not kill.⁹⁰ Some people who persisted in drinking poisoned moonshine experienced total paralysis. In the 1950s and 1960s adulterated moonshine often included the addition of Aqua Velva, wood alcohol, and other contaminants that resulted in blindness in many cases. A myth emerged that all a person needed to do in order to drink tainted moonshine safely was "to strain it through a loaf of white bread."⁹¹ Less scrupulous distillers added detergent to their whisky to make it appear to bead like good moonshine.⁹² In addition to poisonous chemicals, moonshiners who represented a real public menace, dumped

lye, poison ivy and the carcasses of dead animals into the mash to speed the fermentation process along. Federal authorities found "dead rats, squirrels, snakes, raccoons, opossums and even pigs in seized mash barrels and boxes."⁹³

During the late 1960s, due in part to the negative stigma attached to moon-shining because of adulterated whisky and its deleterious effects, illicit distilling fell into sharp decline.⁹⁴ Many people argue, however, that moonshining declined because marijuana production increased sharply. Though marijuana usage had a long history in America before the 1960s and 1970s, it was never mainstream. Sam Houston used marijuana while living among the Cherokee, and in the late nineteenth and early twentieth centuries cannabis was associated with African Americans and jazz music. The Counter Culture embraced marijuana out of open rebellion against their parents, choosing it over alcohol. Additionally many soldiers drafted into the Vietnam Conflict were introduced to the drug, and the army reflected the division in mainstream America. Regular army personnel preferred to drink whisky and beer and were referred to as "Juicers," while draftees who smoked marijuana were known as "Heads."

The Upper Cumberland of Kentucky and Tennessee proved to be ideal locations to grow marijuana. An ironic twist to this story is that during the Depression and World War II farmers in both states learned how to grow and cultivate hemp, the nonintoxicating sibling to marijuana. Armed with knowledge of the plant, numerous former moonshiners and their families dropped making corn liquor in favor of producing "Mary Jane." These men and women used some of the same hills and hollers where their ancestors cooked shine to grow cannabis. Attitudes toward marijuana production were just as ambivalent as those held toward production of white whisky.⁹⁵

In the late 1990s and early 2000s a new era of moonshining emerged. Most recent distillers defy stereotypes with the exception of legendary moonshiners like the late Marvin "Popcorn" Sutton, whose "likker" could be found throughout the mountain South. The new breed tended to be college-educated, well-employed, and they flew easily beneath the radar. Large copper stills tucked away in the backwoods were no longer the norm. Fueled in part by legislation that made home brewing beer legal, some argued that the same should be true of whisky. Impatient that the law refused to catch up with the times, a few men and women hunted down moonshine recipes and learned to distill small batches for personal consumption, rather than for retail sale.⁹⁶

This new breed, which also tended to be environmentally aware, intended to make high quality spirits in the best conditions. Many of them already brewed beer or made wine, and enlarged upon that knowledge.



A reproduction of a still at Short Mountain Distillery. Credit: Michael E. Birdwell, Upper Cumberland Collection.

Armed with first-class equipment, not car radiators and rusty barrels, the new breed made stills from Pyrex or bought apparatuses custom-made by artisans. Websites and internet chat rooms made it possible for like-minded people to discuss home-distilling, share recipes, and explore the arcana of corn whisky. For example, "Mr. Distiller," of "Mile High Distilling" in Lakewood, Colorado, provides a cornucopia of products, advice, and a variety of stills that can be purchased online. People can buy specially manufactured milk cans converted for the production of whisky, miniature pot stills, and even the Mr. Distiller Counter Top Distillation Unit, and much, much more.⁹⁷

New interest in moonshine led to the creation of "Boutique Moonshine," high quality whisky, free from impurities and without the exaggerated alcohol content of liquor made in the 1950s and 1960s. Reducing the alcohol levels to a more drinkable 40 to 48 percent, new illicit distillers prefer to make sipping liquors. Willing to experiment with the product, many infuse their brews with fruit extracts and spices, creating liqueurs of superior quality. A recent distiller in Cookeville, an engineering graduate from Tennessee Technological University, perfected a recipe in high demand in the Upper Cumberland. "Apple Pie" moonshine hit the region in the mid 2000s and continues to be a popular commodity. People drank it at parties, sporting events, and even wedding receptions. A number of

different *nouveau*-moonshiners throughout Kentucky, North Carolina, and Tennessee distilled versions of it, but the "Pie Man" took it to a new level. Quart jars of the amber liquid were referred to as "slices." Folks who imbibed made comments like, "it really tastes like a slice of apple pie, not like moonshine or apple juice at all." One person remarked, "Oh My God! This is amazing. I can even taste the crust!" While an exaggerated assessment of the spirit, Apple Pie was ubiquitous at social gatherings, and was soon available legally through a number of boutique distillers. Though of reduced alcoholic content, it still packed a wallop. Because it was so smooth and easy to consume, more than one person overstepped the legal limit for consumption. The Pie Man could not keep up with demand, and in 2009 he ran his last batch, distributing them to friends for the holidays. Now, a slice of pie, if it can be found, can run up to sixty dollars.⁹⁸

In addition to fear of being caught for making Apple Pie, another trend convinced the Pie Man to leave the business. A handful of Southern Appalachian states listened to folks who wanted to make white whisky and do so legally. North Carolina, Virginia, Kentucky, and Tennessee passed legislation allowing for the manufacture of legal moonshine. Legal distillers, who either have no will or lack the resources to compete with large scale operations like Jack Daniel, George Dickel, Wild Turkey, Makers Mark and others were granted the right to produce small batch liquor for an expanding niche market. These operators create an alternative to larger distillers with high quality products that retain the mystique and romance of moonshine. They also want to reclaim the tradition while dispelling the stigma associated with white lightning, created in response to the unscrupulous distillers of the 1950s and 1960s. After the legislation passed in Tennessee in 2009, Hank Williams Jr. announced his intentions of partnering with J&M Concepts to distill and market "Popcorn Sutton's Tennessee White Whiskey," using one of Sutton's favorite recipes.⁹⁹ Since 2009 a number of boutique distilleries have opened in Tennessee including Collier & McKeel, Corsair, Short Mountain Distillery, and most recently the Chattanooga Whisky Company. As the craving for craft distilling increases there will no doubt be several new distilleries opening for business.

Moonshine production in Appalachia appears to have gone full circle. Beginning as a noble profession transplanted across the mountains from the British Isles by the Ulster Scots, it went through a number of hardships. First attacked by Second Great Awakening pastors and social reformers, it went underground during and immediately after the Civil War. Criminalized by the federal government, revenue agents scoured the region searching for violators. Stereotyped, ridiculed, and demonized by the Local Color School of writers and outside journalists, moonshiners were depicted as an

endemic threat to the security of the nation. Nationwide Prohibition improved attitudes toward illicit distillers, as more people joined their cause, chaffing at the notion that the government could legislate morality. Moonshiners respect proved short-lived, for unscrupulous manufacturers posed a real and legitimate threat to health in the 1950s and 1960s, and the stigma lasted over a decade. Slowly the moonshiner has regained respectability, and is once again engaged in a family tradition.

NOTES

1. The Irish version of the Gaelic word *uisquebaugh*, whereas *uisce* is Scottish. Irish distillers spell the spirit "whiskey," while economical Scots dispense with the "e" spelling it "whisky." The Scots spelling is preferred by the author. See Bruce E. Stewart, *Moonshiners and Prohibitionists: The Battle Over Alcohol in Southwestern Appalachia* (Lexington: University Press of Kentucky, 2011), pp. 9–17. The Scots-Irish are also referred to as Ulster Scots.
2. David W. Maurer, *Kentucky Moonshine* (Lexington: University Press of Kentucky, 2003), p. 19. Famed Methodist circuit rider and the first Bishop in the United States, Francis Asbury, railed against the production and consumption of alcohol in his journals and sermons. He often complained bitterly about being paid with liquor for his services rather than some other commodity.
3. Edie Brown Williams, "Cumberland Tales: William Tyler: Judge, Jury and Executioner," *Cookeville Herald-Citizen*, (Cookeville, Tennessee) (March 8, 2009), p. C-9. Moonshine was also used as a disinfectant and a cleaning solvent.
4. Leigh Capshaw, *Dixie University: Dixie College—A Historical Vignette* (Cookeville, Tennessee: Self-published, 1989), p. 2; Stewart, 29.
5. Patricia E. Brake, *Justice in the Valley: A Bicentennial Perspective of the United States District Court for the Eastern District of Tennessee* (Franklin, Tennessee: Hillsboro Press, 1998), p. 58.
6. Wendell Rawls Jr., "Some Hard, Cold Facts about Moonshine Whisky," *Nashville Tennessean* (November 4, 1971), p. B-1. According to Rawls old-time moonshiners measured the proof with equal parts whisky and gunpowder. If the mixture failed to burn it was too weak; if it burned too brightly the whisky was too hot. Only a clear-blue flame proved the concoction to be just right.
7. Wilbur R. Miller, "The Revenue: Federal Law Enforcement in the Mountain South, 1870–1900," *Journal of Southern History* 55: 2 (May 1989), p. 197.
8. Miller, 198.
9. Miller, 204–206; Brake, 60; Maurer, 20.
10. George W. Atkinson, *After the Moonshiners by one of the Raiders: A Book of Thrilling yet Truthful Narratives* (Wheeling, West Virginia: Frew and Campbell Steam Book and Job Printers, 1881), p. 30.
11. Personal Interview with Jack Threet, (Twinton, Tennessee, October 9, 1988); Miller, 200; Brake, 58–62.

12. Quoted in Joseph Earl Dabney, *Mountain Spirits: A Chronicle of Corn Whiskey from King James's Ulster Plantation to America's Appalachians and the Moonshine Life* (Asheville, North Carolina: Bright Mountain Books, 1974), p. 51.
13. "The Tennessee Moonshine Raids," *New York Times*, October 15, 1878, p. 1. By 1878 Adolph Ochs of Chattanooga owned *The New York Times*, and many otherwise local stories found their way into the newspaper of record.
14. "Five Distilleries Destroyed; One Day's Work of a Deputy Collector's Party in Tennessee," *New York*, October 17, 1878, p. 1.
15. "Moonshiners Hide Out; Citizens of Overton Moving for the Suppression of Illicit Distilleries; The County Court Issues a Proclamation that Means Business," *Nashville Daily American* (October 26, 1878), pp. 3-4.
16. Brake, 58; Maurer, 50; Cordell Hull, *Memoirs of Cordell Hull*, Vol. 1. (Washington, D.C.: Hodder and Stoughton, 1948), p. 5. It should be noted that Hull was an expert on tax law, and was the primary author of the text of the Sixteenth Amendment that resulted in the federal income tax. Interestingly, George Atkinson reported that caves, though they might provide an excellent water source, were the easiest operations to raid because revenue agents could block their entrance, preventing the distiller's escape.
17. Brake, 60.
18. Atkinson, *After the Moonshiners*, 157-158.
19. Louanne Seagraves Love, "Murder, Mayhem and Moonshiners in the Upper Cumberland: The Assassination of Deputy U.S. Marshal Henry Seagraves," *The Upper Cumberland Researcher* 25:2 (Summer 2010), pp. 23-26; Miller 201.
20. Miller, 202.
21. Miller, 206. The tactic backfired in many areas leading to greater resentment of the military and the federal government.
22. Atkinson, *After the Moonshiners*, 44; Walter S. McClain, *History of Putnam County, Tennessee* (Cookeville, Tennessee: Quimby Dyer and Co., 1925), pp. 37-38. Atkinson did not participate in the raid; he related the account based upon the reports filed by Captain S. D. Mather and the testimony of James Davis.
23. Henry M. Wiltse, *The Moonshiners* (Chattanooga, Tennessee: Chattanooga Times Publishing Co., 1895), pp. 60; Atkinson, *After the Moonshiners*, 43; Atkinson reported that significant moonshining activity occurred at Bloomington (Springs), Buffalo Valley, Blackburn Springs, and other areas in the Cookeville vicinity. Among those who ran shine were the Blaylock, Jared, Maddox, and Riggs families. See "The Sad Fate of Eliza Bleylock [sic]," *Harper's Weekly* (March 5, 1881) reprinted in Atkinson, 196-209.
24. James M. Davis was a tenacious, well-respected revenue agent from the region who was the subject of Chapters XI and XII of Atkinson's book. Davis killed several men during the course of his career, and suffered a fractured skull in a raid between Cookeville and Monterey. See Atkinson, 89-103. See also T.P. Crutcher, M.D., *Spurrier with the Wildcats and Moonshiners* (Nashville, Tennessee: University Press, 1892), pp. 60-63.
25. Atkinson, 43-44. Confederate veteran and son of a Presbyterian minister, Morgan operated a number of stills throughout the Upper Cumberland of Kentucky and Tennessee.

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26. War in Tennessee: Encouraged by the Condition of Things in South Carolina, The Illicit Distillers in Tennessee Make Armed Resistance to the Revenue Officers." *Chicago, Illinois, Inter Ocean*. (August 26, 1878), p. 5.
27. "War in Tennessee."
28. Atkinson, 44.
29. *Ibid.*, "War in Tennessee."
30. "War in Tennessee."
31. Atkinson, 44-45.
32. "War in Tennessee"
33. "War in Tennessee."
34. *Ibid.*
35. Atkinson, 45.
36. *Ibid.*, 46
37. Quoted in *Ibid.*
38. *Ibid.*, 47.
39. "War in Tennessee."
40. *Ibid.*, 46-48; McClain, 37-38.
41. Atkinson presented a colorful portrait of Campbell Morgan in Chapter XIV, entitled "Campbell Morgan, Sachem of the Moonshiners of the Cumberland Mountains," 105-111.
42. Atkinson, 107. Davis was murdered during a raid near McMinnville, Tennessee, in 1882. By the time of his arrest he was credited with more than three thousand arrests. Davis assisted Atkinson in raids throughout the Upper Cumberland of Kentucky and Tennessee. Some of their most tense situations occurred in Breathitt, Cumberland, and Pulaski counties in Kentucky and Fentress, Jackson, Overton, and Scott counties in Tennessee. See also Crutcher, 63.
43. "Moonshine in Tennessee: How the Illicit Distillers thrive in the South; A Few Gallons of Whisky Produced During the Year—the Farce Which has been Enacted in the Federal Courts—an Illiterate Crowd who are Trying to Make a Living by Breaking the Law, *New York Times*, February 2, 1880.
44. *Ibid.*
45. *Ibid.*
46. "Local Happenings," *Putnam County Herald* (April 26, 1903), p. 1; interviews with numerous moonshiners (who desire to remain nameless) between 1989 and 2006.
47. Miller, 202-203.
48. *Ibid.*, 203; Maurer, 50. Patricia Brake said that a number of politicians ran for Congress promising to repeal the tax. As Miller points out, however, "the whisky tax became the largest domestic source of revenue," by 1900. Both political parties recognized its significance in raising money to fund the government. It is ironic, therefore, that the nation adopted Prohibition and politicians from both parties endorsed it. See page 214.
49. *Tennessee v. Davis*, 100 U.S. 257; 24 L. Ed. 648 (Washington, D.C.: March 1, 1880), p. 1; Atkinson, 95-103.
50. *Tennessee v. Davis*. The opinion runs twenty-nine pages. Citizens of Grundy County empathized with Haynes and wanted to avenge what they deemed his murder. Grundy County, in the Cumberland, has a long history of criminal

behavior. During the late 1970s Tracy City was home to several car theft rings and ranked number one in chop shops across the country.

51. "Moonshiners in Tennessee: A Prominent Churchman Captured for Making Illicit Whisky," *The New York Times*, July 23, 1899.
52. *Ibid.* When Tennessee went dry in 1909 Lem Motlow, the proprietor of Jack Daniel's Distillery in Moore County defiantly challenged the law, arguing that it was unconstitutional and made it impossible for him to make a decent living. Indicted and found guilty for illicit distilling, the state seized three hundred and seventy-five gallons of whisky; he appealed to the state Supreme Court. The court upheld his conviction and fined him two hundred and fifty dollars and sentenced him to ninety days in jail. (Moonshining amounted to a misdemeanor with maximum penalties being eleven months and twenty-nine days in jail and a one thousand dollar fine.) What is ironic is that the court upheld the right of doctors and some industries to import from other states alcohol if it was over 188 proof, but forbade Tennessee distillers from making it. See: *Motlow v. State* (Tennessee State Supreme Court, December Term, 1911), pp. 557-594. Justice Neil wrote the majority opinion with Justice Green dissenting.
53. "A Defense of the Mountaineer," *Literary Digest* 44 (April 20, 1912), p. 800; Ben Ray Redman, "In Moonshine Land," *The New York Times*, June 19, 1921.
54. "A Defense of the Mountaineer," 800.
55. *Ibid.*
56. *Ibid.*, 801.
57. Ronald Eller, *Miners, Millhands, and Mountaineers: Industrialization of the Appalachian South, 1880-1930* (Knoxville: University of Tennessee Press, 1982) pp. 161-198 *passim*; Miller, 198-199. Many industrialists moving into Kentucky, Tennessee, and West Virginia considered themselves superior in every way, and fervently endorsed prohibition for the citizens of the Upper Cumberland while hypocritically defending their own right to drink alcohol. For lengthy discussions about the development of the mountaineer stereotype see: Altina Waller, *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860-1900* (Chapel Hill: University of North Carolina Press, 1988); J.W. Williamson, *Hillbillyland: What the Movies Did to the Mountains and What the Mountains Did to the Movies* (Chapel Hill: University of North Carolina Press, 1995); and Anthony Harkin, *Hillbilly: A Cultural History of an American Icon* (New York: Oxford University Press, 2005).
58. "On a Still-hunt for Stills," *Literary Digest* 59 (October 7, 1916), pp. 915, 917.
59. "A Raid on Moonshiners," *Literary Digest* 44 (May 4, 1912), pp. 957-960.
60. "Local Happenings," *Putnam County Herald* (April 29, 1903), p. 1.
61. "Prohibition in Kentucky," *The New York Times*, August 5, 1907. Reformers urged politicians to move toward moderation in the dispensing of legal alcohol in Tennessee in 1831. Legislators passed a law requiring saloon owners to procure a license to sell alcohol. The price of the license was prohibitive for some and the records they were required to keep, forced many of them out of the legal business of dispensing spirits.
62. Brake, 57.

63. "Moonshine Land, Where Slackers and Deserters are Finding Refuge," *Scientific American* 86: 2222 (August 3, 1918), p. 68.
64. Miller, 216.
65. Theodore H. Price and Richard Spillane, "The Commissioner of Internal Revenue as a Policeman: His Work in the Suppression of the Traffic in Moonshine Whisky, 'Dope,' and Counterfeit Butter," *The Outlook* 120 (November 27, 1918), p. 498.
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*, 503.
69. *Ibid.* Realists, the two journalists doubted that Prohibition would change America for the better. "Prohibition does not altogether prohibit," they noted. They argued that even though legislation was passed to make all liquor traffic illegal, the nation lacked the police and the will to enforce it.
70. David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford, 1980), pp. 185–187, 364–365.
71. Rollin Lynde Hartt, "Mountaineers: Our Own Lost Tribes," *Century* 95 (January 1918), p. 400.
72. *Ibid.*
73. William Aspenwall Bradley, "The Folk Culture of the Kentucky Cumberlands," *The Dial* 64 (January 31, 1918), p. 95.
74. *Ibid.*, 98.
75. Stephen Sennet, "Along the Road in the Cumberlands," *The Mentor* 15 (July 1927), pp. 15–19. He also notes that "There is so much misinformation about the Cumberland Mountaineers. . . They have been maligned and poorly used," p. 17.
76. Harry T. Burn, "Tennessee is not a Hooch Paradise: Legislator Resents Articles Depicting State as National Habitat of the Moonshiner; Natives Like Other Folk and of Pure Anglo-Saxon Descent, He Says---Sterling-Towner Bill's Provisions Needed," *The New York Times* (May 21, 1922).
77. Story related by Dr. Homer Kemp, (Cookeville, Tennessee, May 14, 1998).
78. *Ibid.*
79. Interview with Willie Catherine Davis (Cookeville, Tennessee, 2004). The author appeared in an episode of CMT's series *Most Shocking*, "Moonshine Madness," which his grandmother saw, prompting her to tell this curious episode in family lore.
80. Interview with Randy York, District Attorney for the Thirteenth Judicial District of Tennessee," (Cookeville, Tennessee, February 16, 2010); Threet interview; Miller, 202.
81. Francis Pridemore, "How Doth the Busy Moonshiner! A One-time Operator of a West Virginia Still Ironically Considers a Growing Industry Which has Brought Affluence to Impoverished Communities," *North American Review* 228:1 (July, 1929), p. 13.
82. *Ibid.*, 1914.
83. Prohibition led to strange bedfellows. When the subject became part of the political dialogue in the 1932 presidential election, a chorus of opposition against the

repeal of the Volstead Act filled the radio airwaves and print media across the country. On the one hand, churchmen and social reformers argued that it would lead to widespread crime and depravity. On the other hand, moonshiners and bootleggers feared legalizing beer, wine, and spirits would send them back into abject poverty.

84. William Aspenwall Bradley, "Hobnobbing with Hillbillies," *Harpers* 133:787 (December 1915), pp. 91-103.
85. Jack Threet interview. The largesse Threet discussed showed up repeatedly in other instances throughout the Upper Cumberland. Threet made moonshine for decades in the coal mining region of Fentress, Overton, and Putnam counties, and the author interviewed him dozens of times between 1988 and 1991. He often boasted, "I can make whisky out of anything." While that may have been so, he also made some horrific booze, among the worst being his tomato shine. He did make fine peach brandy. The article "On a Still-hunt for Stills," told of a similar situation where a moonshiner was serving a year-long sentence in the federal penitentiary. While his wife had little to eat in her house beyond cornmeal, neighbors looked after her in his absence. Rawls's article substantiated Threet's claim, saying that sheriffs and deputies often alerted moonshiners that feds intended to raid the area. In some cases they only went through the motions of destroying stills, leaving them to be reassembled.
86. Brake, 57.
87. Loyal Durand Jr., "Mountain Moonshining in East Tennessee," *Geographical Review* 46:2 (April 1956), 168. It was estimated that in 1955 over one and a half million gallons of moonshine were distilled in Tennessee. In Cookeville, Tennessee, in the 1950s and 1960s, the local cab company ran the bootlegging business. Very few people in the region needed a cab, unless they wanted to buy a drink.
88. *Ibid.*
89. Rawls, B-1.
90. Maurer, 21. Jake leg was not often the result of moonshine whisky, being cut with one hundred forty proof Jamaican Ginger extract with triorthocresylphosphate phosphate, (TOCP) to mask the alcoholic content from authorities. Originally considered harmless TOCP attacked the central nervous system, temporarily or permanently paralyzing those who imbibed. Jake was the nickname of Jamaican Ginger. The walk it caused is reminiscent of the Monty Python sketch, "Bureau of Silly Walks."
91. Threet interview; Rawls, B-1.
92. Rawls, B-1.
93. Rawls, B-3.
94. Even so, Tennessee ranked second in moonshine production in 1970, with Georgia taking top billing.
95. During the early and mid-2000s a threat emerged in the region as insidious as the adulterated moonshine that impaired the lives of thousands. The Upper Cumberland became a haven for the production and distribution of methamphetamine. It menaced the region and destroyed lives. For a good overview of the problem see Todd Jarrell's Emmy winning documentary, *Crank: Darkness on the Edge of Town*, produced by PBS affiliate WCTE (Cookeville, Tennessee: 2006).

96. Michelle Tsai, "Why is Moonshine Against the Law? You Can Make Your Own Wine and Beer, Can't You?" *Slate* (October 18, 2007) http://www.slate.com/articles/news_and_politics/explainer/2007/10/why_is_moonshine_against_the_law.html. Interviews with people who wish to remain nameless. The legislation allowing home brewing possible also spawned the growth and competition of micro breweries across the United States. Similar legislation allowed persons to make wine at home, also stimulating the U.S. wine industry.
97. State District Attorney Randy York informed me about the Mr. Distiller website, but would not admit that it is monitored by law enforcement authorities. People shopping at Mr. Distiller can buy any component for constructing a high-quality still, plus yeasts, malts, and other ingredients. They even offer wooden barrels for aging the product. See www.milehidistilling.com.
98. Interview with the Pie Man's brother-in-law and other people who wish to remain nameless. Interestingly Apple Pie moonshine appeared in two episodes of the second season of *Justified* on FX. The first episode to feature apple pie, "Brother's Keeper," aired April 6, 2011 and the second episode, "Bloody Harlan," was broadcast on May 4, 2011. The show is set in Harlan County, Kentucky, and other environs in and around the Kentucky Upper Cumberland.
99. Fran Daniel, "This Isn't Your Granddaddy's Likker: Distillery Makes Catdaddy Carolina Moonshine and It's Legal," *Winston-Salem Journal* (June 17, 2006); "Moonshine Quietly Gets a 21st Century Makeover: Sherman Owen's Moonshine Odyssey Started at 19 When he set out to Distill 'Ultra-Clean' Vodka," *West Virginia Gazette* (April 4, 2010); Lissa Sims, "Local Distillers Bring New Respectability to an Age-old Illicit Kentucky Tradition," *Smiley Pete Publishing* (November 3, 2010); "East Tennessee Hooch Goes Legit in Nashville: Hank Jr. Backs Legendary Recipe," *Nashville Tennessean* (November 12, 2010). Former Tennessee legislator Mike Williams of Franklin played a key role in getting the law passed allowing small batch operations. The bill was sponsored by State Representative Joe Carr of Lascassas, Tennessee. Williams' distillery, Collier and McKeel, began selling its white liquor in May, 2011.

