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Forest Conservation Makes Strange Bedfellows:
Moonshiners and the Forest Service in Southern Appalachia

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Abstract

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What happens when the goals of a U.S. federal agency are at odds with state and national rules prohibiting alcohol? This thesis will explore the Forest Service's purchases and activities in the Southern Appalachian region of the United States between 1908 and 1936, while situating the narrative within the context of state and local Prohibition. This project aims to shed light on the seemingly paradoxical relationships that sprung up between local Forest Service administrators and illicit whiskey distillers before, during, and after local and federal Prohibition. In a broader sense, this thesis argues that as much as Forest Service bureaucracy shaped the lives of local Appalachian peoples, those peoples equally transformed the goals and actions of the Forest Service.

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In 1923 Gifford Pinchot, formerly the first chief of the Forest Service, then the governor of Pennsylvania, decried the “flood of illegal liquor” drowning the United States. Pinchot thought that the federal government was at fault for its inability, or worse, reluctance, to stem alcohol trade and consumption. If only a Prohibition effort could rise above political squabbles and reach the efficiency “of the United States forest service,” he believed, then “the flood of illegal liquor will be stopped at the source.” Pinchot worried about the effect that alcohol had on families, social relations, and the U.S. economy.¹ And in one particularly impassioned speech, he asserted, “Lawlessness is anarchy. The present attack upon the constitution and the law by the liquor interests threatens all that is most sacred in our American life.”²

It is curious that Pinchot referred to the U.S. Forest Service as an exemplary agency in the fight against alcohol during Prohibition. Forest Service doctrine, from the agency’s inception in 1905, mandated the enforcement of all federal and state laws and the vigorous prosecution of trespassers on national forests.³ However, when the Forest Service bought populated land in the southern Appalachian region in 1911, rangers and supervisors realized that they required the support of locals living near the forests.⁴ And the fastest way to antagonize locals in the mountainous areas of Georgia, Tennessee, Virginia, and the Carolinas was to report moonshiners. The practice of distilling corn liquor was ubiquitous throughout the region, driven by traditions and economic necessity. Many forest officials

¹ Miller, Char. “The Greening of Gifford Pinchot.” *Environmental History Review* 16, no. 3 (1992).

<http://www.jstor.org.proxy.library.emory.edu/stable/pdf/3984750.pdf>, 11.

² “Challenge to Coolidge.” *Atlanta Constitution*, October 25, 1923. ProQuest Historical Newspapers [ProQuest].

³ Pinchot, Gifford. 1905 “Use Book.” Secretary of Agriculture, 1905, 108.

⁴ Bolgiano, Chris. *The Appalachian Forest: A Search for Roots and Renewal*. Mechanicsbury, PA: Stackpole Books, 1998, 93.

developed unofficial policies of overlooking illegal liquor distillation on their forests. Some officials were even customers.⁵

The alcoholic “anarchy” that Pinchot decried was tacitly accepted by the same agency he praised for its efficiency and apolitical work. The disconnect between Pinchot’s proclamations and Forest Service activities in the region sheds light on an agency forced to adapt more quickly than D.C. bureaucracy or national sentiment could follow. From 1911, when the Forest Service began buying lands in the southern Appalachians, until well after the end of Prohibition, U.S. foresters adjusted to a unique regional culture and economic situation.

The Jefferson National Forest of Virginia, for example, won the trust of locals by choosing rangers who had grown up in the area. With only a few full-time employees, the Jefferson National Forest relied on the low-income people living on and near Forest Service land to report and fight fires. The system worked well, as the Forest Service paid part-time workers who were happy to make some money while protecting their own lands from fires. One ranger claimed that moonshiners were actually their “best firefighters” who would only occasionally take breaks to tend to their moonshine stills.⁶ If the Forest Service officials had reported moonshiners, they would have alienated the community on which they relied. Far from “threatening all that is most sacred” in the U.S., moonshiners aided the Forest Service in safeguarding timber resources for the future.

⁵ Newfont, Kathryn. *Blue Ridge Commons: Environmental Activism and Forest History in Western North Carolina*. Athens: The University of Georgia Press, 2012, 117-118.

⁶ Sarvis, Will. “An Appalachian Forest: Creation of the Jefferson National Forest and Its Effects on the Local Community.” *Forest & Conservation History* 37, no. 4 (October 1, 1993): 169–78. doi:10.2307/3983555, 175.

The relationship between the Forest Service and local moonshiners complicates the traditional historical narrative of a growing federal bureaucracy intruding into the lives of locals. Political scientist Stephen Skowronek espouses this view in his book *Building a New American State*. He states that bureaucrats “assert the state’s claim to control the use of coercion within the territory,” determining how locals live.⁷ One can trace this line of thinking further back through history to influential thinkers like Friedrich Hayek. In his book, *The Road to Serfdom*, Hayek championed free-market economics as a solution for U.S. problems, both economic and political. He, like Skowronek, feared the growing influence of the bureaucrat “who wields the coercive power of the state and on whose discretion it depends how I am allowed to live and work.”⁸ But these analyses ignore the effects that locals have in shaping bureaucracies. The Forest Service bureaucracy did grow and fundamentally transformed the lives of southern Appalachian people throughout the early 20th century. But the people of southern Appalachia also left a profound mark on the Forest Service, illustrated by its curious acceptance of moonshine.

This study explores the history of the Forest Service’s relationship with moonshiners in the southern Appalachian region. The agency’s oftentimes-paradoxical relationship with the whiskey makers gives insight into the ways that the southern Appalachians necessitated an adjustment in Forest Service policy. Acquiring and managing 3.2 million acres between 1911 and 1933 in the mountains required constant contact with the mountaineers of the region.⁹ It is in the relationships between the national forests and

⁷ Skowronek, Stephen. *Building a New American State The Expansion of National Administrative Capacities, 1877–1920*. Cambridge: Cambridge University Press, 1982, 37.

⁸ Hayek, Friedrich. *The Road to Serfdom*. Reader’s Digest, 1945.
<https://mises.org/sites/default/files/Road%20to%20serfdom.pdf>, 41.

⁹ Clark, Thomas. *The Greening of the South*. Lexington, KY: University Press of Kentucky, 2004, 65.

their neighbors that the Forest Service's goal of "providing the greatest amount of good for the greatest amount of people in the long run" was truly put to the test.¹⁰

¹⁰ Pinchot, *Use Book*, 11.

Southern Appalachia, the Industrial Revolution and the Foundations of the Forest Service:

1800s-1911

Congress vested in the president the power to create forest reserves out of public lands in 1891. During his four-year term, Benjamin Harrison established 13 million acres of reserves using his new executive privilege. Grover Cleveland proclaimed another 25 million acres as forest reserves during his administration. "If the forest is destroyed it is only a question of a relatively short time before the business interests suffer in consequence," President Theodore Roosevelt proclaimed to a rapt crowd attending the American Forest Congress in 1905.¹¹ A month after President Roosevelt's 1905 speech, Congress signed the Transfer Act, which placed these reserves under the care of a newly formed Forest Service.¹² Congress created this agency, under the Department of Agriculture to ensure that the forest reserves, renamed national forests, would be protected and well-managed for generations.

As is apparent from Roosevelt's speech, the forests were not to be protected for their aesthetic value or cultural importance. Most forest conservation advocates, rather, saw the forests as the lifeblood of American industry. Wood supported the growth of cities like Chicago and New York, the expansion of the U.S. shipping, and arguably most crucial, the laying of railroad track. Railroads built in the western states and territories required enormous quantities of timber. Track mileage in these areas exploded from approximately

¹¹ Hagedorn, Hermann. *The Works of Theodore Roosevelt. National Edition.* Vol. 20. C. Scribner's Sons, 1926.

¹² Hays, Samuel. *The American People and the National Forests.* University of Pittsburgh Press, 2009.

1,300 miles in 1850 to a tremendous 62,400 miles by 1890.¹³ Railroads enabled rapid expansion into the West and access to ever more coal, gold, land, and wood.

But the feverish growth of American industry had costs. The forests in the Lake States, rich in hardwoods and located near waterways like the Erie Canal were perfect for the burgeoning timber industry in the late 19th century. Wood was so cheap and plentiful in these areas that timber companies could not afford to selectively cut only the trees they would send to the sawmill and sell. Instead they simply “clear-cut” swathes of forest, leaving all the felled trees that were not large enough to justify the cost of shipping and processing. By some estimates 1/4th of all timber cut was wasted.¹⁴

Clear-cutting had serious consequences for territories, states, and the nation as a whole. The trees left on the ground after clear-cutting, known as slash, would dry out, sometimes for years, until a lightning strike or careless farmer kindled these massive tinderboxes. In 1910, a fire known as the “Big Blowup” raged through Idaho, Montana, and Washington. One firefighter described, “wind so violent that the flames flattened out ahead, swooping to earth in great darting curves, truly a veritable red demon from hell.” When the embers finally cooled, the breadth of destruction was frightening. The fire had consumed 3 million acres of forest and killed 85 people.¹⁵ The Forest Service increasingly focused on fire prevention as an agency-wide goal after the Big Blowup.

Not only did these conflagrations consume forest and kill people, but they also destroyed underground seed reserves, slowing forest regrowth. The terrible consequences of timber industry practices like these frightened politicians and business leaders. A single

¹³ Depew, Chauncey. *1795-1895. One Hundred Years of American Commerce*. Kessinger Publishing, 1895, 102.

¹⁴ Shepherd, Jack. *The Forest Killers*. Weybright and Talley, 1971, 17.

¹⁵ The Forest History Society. *The 1910 Fires*. 2014.

<http://www.foresthistory.org/ASPNET/Policy/Fire/FamousFires/1910Fires.aspx>

fire had destroyed almost 7.5 billion board feet of timber. If wood was the lifeblood of the Industrial Revolution, then Americans feared their country would be bled dry by harmful logging activity.¹⁶

It is a common misconception that once the lumber industry depleted forests in the Lake States, it just moved west to the untouched forests in Colorado, California, and Washington. Brian Balogh, in a chapter of his book, *The Associational State*, skillfully covers timber developments in the West, but overlooks them in the South.¹⁷ A different historian explains this tunnel vision when he notes, logging in the South “did not encourage the sentiment of songs and myths” as it did in the West.¹⁸ Despite its poor representation in forestry historiography, Southern logging was essential to the growth of the U.S. In 1909 the South, encompassing Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Texas, Oklahoma, Arkansas, Florida, Alabama, Mississippi, Louisiana, and Georgia produced 45% of the total U.S. timber harvest. Up until 1929 the South still produced almost half of the nation’s wood.¹⁹ In order to understand the early Forest Service, one must understand its activities in the Southeastern United States.

Laurence Walker, author of *The Southern Forest*, argues, “Logger behavior [in the South] pretty much followed the pattern set in the Northeast and in the Lake States.”²⁰ Walker is more or less correct. Northern businesses had the capital to essentially import their methods as they set up shop in the Southern forests. They had few incentives to change. Wood was plentiful and its price was low, so lumber businesses could not justify

¹⁶ Shepherd, *The Forest Killers*, 19.

¹⁷ Balogh, Brian, Margot Canaday, Glenda Gilmore, Michael Kazin, Stephen Pitti, and Thomas J. Sugrue. *The Associational State*. University of Pennsylvania Press, 2015. <http://www.jstor.org/stable/j.ctt14jxw5n>.

¹⁸ Shepherd, *The Forest Killers*, 19.

¹⁹ Pikel, James. *A History of Georgia Forestry*. University of Georgia Bureau of Business and Economic Research, 1966, 23.

²⁰ *Ibid*, 25.

holding on to the land and growing successive generations of forest after they had clear-cut the first.

But that was exactly what the Forest Service intended to do to protect Southern forests. Forgoing private timber industry methods, trained foresters would selectively fell trees and use cutting-edge scientific forestry practices to cut with minimal waste. They would utilize knowledge of the biology and chemistry of tree and soil, known as silviculture, to grow a new crop of trees of superior quality and value.²¹ These national forests in the South would permanently defend against the potential “timber famine” that so worried political and business leaders throughout the country.²² Contrasting with the expensive forest reserves, the national forests would also ideally pay for themselves. Between 1897 and 1904, the reserves had earned \$203,100 from timber sales, but had spent \$1,605,700 of federal funds.²³ Gifford Pinchot, the first Chief Forester of the Forest Service, was confident that using silvicultural methods would produce higher-quality trees at a lower price. Additionally, as careless companies denuded the country’s unprotected forests, the price of wood would rise and sale from the national forests would become more and more lucrative for the federal government.²⁴

The Forest Service set its sights on the southern Appalachians. This mountainous and relatively isolated area of the country located in Georgia, Tennessee, Virginia, and the Carolinas, was ideal for Forest Service goals in the South. The region contained valuable hardwoods like beech, birch, maple, hemlock, American chestnut, and yellow poplar that

²¹ Mastran, Shelley Smith. *Mountaineers and Rangers : A History of Federal Forest Management in the Southern Appalachians, 1900-81*. Washington, D.C.: U.S. Department of Agriculture, Forest Service, 1983. <https://archive.org/stream/mountaineersrang380mast#page/32/mode/1up>, 37.

²² Hagedorn, *The Works of Theodore Roosevelt*.

²³ Hays, *The American People*, 46.

²⁴ Pinchot, “Use Book,” 5.

were under threat from private enterprise.²⁵ The limestone-based soil was also rich in calcium and organic matter, making it perfect for silviculture. In the early 1900s speculators and timber companies were just beginning to buy up southern Appalachian land, so the Forest Service wanted to begin acquiring forest quickly.²⁶

The companies that bought and aggregated tracts of in this region oftentimes did not fell the trees themselves. It was almost prohibitively expensive to harvest trees on the steep hillsides and isolated coves of the southern Appalachians in the late 19th and early 20th century. In the Northeast and Midwest where logging had dominated during the early years of the Industrial Revolution, loggers felled trees in the winter and dragged them across frozen ground with little friction towards rivers. The logs would sit until spring floods when the rivers drove logs toward urban centers with spectacular speed. This low-tech mode of transporting logs did not work in the southern Appalachians. The air seldom reached temperatures low enough to freeze the ground solid, and rivers were too small and rocky to safely drive logs.²⁷ So instead of felling trees, the lumber companies became speculators, purchasing land and waiting for its value to rise until selling it for the right price. In some cases, companies with access to more funds and better railroad technology bought those lands. In other cases the Forest Service beat them to it.

Cornelius Vanderbilt, the wealthy railroad and shipping magnate, demonstrated that speculation on Appalachian forests could be incredibly lucrative. In 1895, the Vanderbilt family purchased 87,000 acres in North Carolina for about \$2 per acre. In total, the

²⁵ Wigginton, Eliot. *The Foxfire Book*. Anchor Press, 1972, 37.

²⁶ Walker, Laurence. *The Southern Forest*. Austin: University of Texas Press, 2014, 60.

²⁷ *Ibid*, 94.

Vanderbilts earned about a million dollars in profit from simply sitting on the land and selling timber and land rights to the highest bidders.²⁸

While Northern speculators would be one problem, Forest Service officials would also be forced to adapt to the unique culture and economic situation of the region. Of the 90 national forests in existence in the first decade of the 20th century, only a single one was east of the Mississippi.²⁹ Since its inception, the Forest Service had formulated policies that functioned in the relatively unpopulated West. The agency managed vast, uninhabited plains and forests that few Euro-Americans had ever set foot in, let alone settled.

The southern Appalachian region was almost totally different, with a unique culture and economic situation based on its history. In 1770, the Cherokee tribe had exclusively dominated the region. But the promise of new lands to settle had drawn hundreds of thousands of poor whites that steadily fought the Cherokee and pushed them off of their lands. Richard Drake, a prominent historian of Appalachia, estimates that by 1790 there survived no more than 50,000 Cherokee attempting to hold their ground against almost 200,000 whites.³⁰ By 1810 the average population density throughout the region had reached six people per square mile. Unlike Western states like California that were not settled until the 1850s, the white settlement of the southern Appalachians had begun soon after the revolutionary war. The resulting population density necessitated a different management strategy for an organization wanting to operate in the southern Appalachian region versus one in the West.

²⁸ Davis, Donald. *Where There Are Mountains: An Environmental History of the Southern Appalachians*. Athens: University of Georgia Press, 2000, 175.

²⁹ US Forest Service. *Find a Forest by State*. March, 2013.
https://www.fs.fed.us/recreation/map/state_list.shtml.

³⁰ Drake, Richard. *A History of Appalachia*. Lexington, KY: The University Press of Kentucky, 2001, 61.

Although hundreds of thousands of Euro-Americans settlers moved into the region and displaced the Cherokee, transportation infrastructure remained sparse. Into the late nineteenth century, rivers formed the core transportation networks for much of the U.S. But fierce rapids and tumbling waterfalls on the rivers of the southern Appalachians precluded much river travel. Roads did link major towns, but they were notoriously rugged. And in the backwoods, to use the word road might be misleading. Horace Kephart, a writer who moved to western North Carolina at the turn of the century lamented, “The only roads follow the beds of torturous and rock-strewn water courses, which may be nearly dry when you start out in the morning, but within an hour may be raging torrents. There are no bridges. One may ford a dozen times in a mile. A spring ‘tide’ will stop all travel, even from neighbor to neighbor, for a day or two at a time.”³¹ The terrain was generally too mountainous for horses, let alone wagons. One old woman growing up in the same period in northern Georgia recalls that when she was child “she used to carry corn and eggs for miles in baskets.”³² The rugged terrain and difficulty of movement would force the Forest Service to rely heavily on the communities in the region to fight fires and manage vast forests in the 20th century.

Despite white settlers driving out almost all of the Cherokee from the region, the tribe’s legacy and practices shaped southern Appalachian culture.³³ Corn was a central Cherokee contribution to the southern Appalachian diet and formed a pillar of southern Appalachian society. About half of an Appalachian mountain farm’s cropland was dedicated

³¹ Kephart, Horace. *Our Southern Highlanders*. Outing Publishing Company, 1913, 21.

³² Wigginton, *Foxfire*, 123.

³³ Gold discovered in north Georgia on Cherokee land was one of the main causes for the removal of the tribe to reservations in the West. The infamous march, led by Andrew Jackson, is known today as “The Trail of Tears” because of the high death rate as the Cherokee were forced out. Drake, *A History of Appalachia*, 71.

to corn in the late 1800s.³⁴ Mountaineers, as Appalachian peoples tended to call themselves, ate corn off the cob and used it to make bread.³⁵ One Appalachian historian estimates that a family of seven “generally consumed about 100 bushels in a single year.”³⁶ If a bushel is somewhere between 40-60 ears, then on average each member of the household consumed an impressive 550 to 800 ears of corn per year. However they consumed only a fraction of the corn was consumed directly. Much was dedicated to feeding livestock.

Hogs were the primary source of protein in the southern Appalachian diet. Raising them required minimal labor. It was common for a farmer give his pigs a certain brand or ear marking and then release them. Most farmers kept almost half of their land forested, which meant that the animals had plenty of area to roam from farm to farm.³⁷ Once speculators and timber companies began purchasing land and derelict farms as long-term investments, hogs had even more forest to wander through, gorging themselves on plentiful chestnuts, acorns, seeds, and shoots. This commons was so bounteous that corn was generally only used as a supplement to a pig’s diet before it was to be sold or slaughtered.

Corn was also central to the region’s social customs. In many areas, “it was expected [at the time of a wedding] that the groom’s father would give his son a horse, a hog for meat, and a wagonload of corn.” People wove corn husks into “hats, dolls, mops, and chair bottoms.” And fall corn shuckings, known as frolics, were annual festivals that brought the

³⁴ Mastran, *Mountaineers and Rangers*, xx.

³⁵ Wigginton, *Foxfire*, 15.

³⁶ Davis, *Mountains*, 140.

³⁷ Mastran, *Mountaineers and Rangers*, xx.

entire community together. During shuckings neighbors would help each other bring in the harvest, exchange news, and arrange marriages.³⁸

But corn became most famous for one use in particular, both inside and outside of southern Appalachia: Whiskey. The peoples of Celtic background who settled the mountainous South brought their methods of whiskey distillation to their new homes. In Scotland, distillers had primarily made whiskey with wheat and rye. But as they settled in the mountains and adopted the Cherokee taste for corn, they adapted whiskey methods to utilize the staple crop.³⁹

The entire process took days. First a whiskey maker would moisten grains of corn for hours, until they began to sprout. Then he would add malt to begin breaking the starches from the corn into sugars inside a copper tub, or still. This solution was called mash. Corn was commonly used not just because of its ubiquity, but also because its grains had higher sugar content than any other grain. The whiskey-maker would then add yeast, beginning the fermentation process. Fermentation could last up to a week. Once sufficiently fermented, the whiskey distiller would set a fire underneath the copper still. The mash would begin boiling, giving off vapors or spirits. A copper spiral tube, known as a worm caught the alcoholic vapors, which then were condensed by running cool water over the worm.⁴⁰

Whiskey was widespread because of the every day realities of life in the mountains. When it was “twelve miles *by horseback* to th’nearest doctor,” people generally had to make

³⁸ Davis, *Mountains*, 140.

³⁹ Carr, Jess. *The Second Oldest Profession An Informal History of Moonshining in America*. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972, 12.

⁴⁰ Joyce, Jaime. *Moonshine : A Cultural History of America's Infamous Liquor*. Minneapolis, MN: Zenith Press, 2014.

<https://login.proxy.library.emory.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=lebk&AN=785561&site=ehost-live>, 9.

do with what they had.⁴¹ Horace Kephart interviewed a North Carolina man who argued, “Whiskey means more to us mountain folks than hit does to folks in town, whar thar’s drug-stores and doctors. Let ary a thing go wrong in the fam’ly – fever, or snake bite, or somethin’ – and we can’t git a doctor up hyar less’n three days; and it costs scand’lous.”⁴² Modern medicine simply cost too much time and money to use in the event of sickness or accident. A history of Union County, Georgia recounted a popular mill owner whose left leg became dangerously infected and swollen. “After drinking almost a pint of whiskey,” a doctor tied him to a table and removed his leg. The article noted that the man survived and operated the mill for years afterwards.”⁴³

A compilation of southern Appalachian beliefs and remedies illustrates the extent to which whiskey functioned as medicine and permeated mountaineer culture. To ease painful arthritis symptoms, some suggested drinking “a mixture of honey, vinegar, and moonshine.” Another palliative was “powdered rhubarb dissolved in white whiskey.” Drinking “lamb’s tongue and whiskey tea” or “whiskey and honey mixed” supposedly cured the common cold. The cure for dysentery was more involved. The suffering patient was directed to “Take high proof liquor, put it in a cup and set it afire, and after it burns and goes out, drink what’s left.” In the case of a black widow spider bite, one remedy inexplicably instructed “drink liquor heavily from 3 P.M. to 7 P.M.” It then dubiously added, “You won’t get drunk, you’ll be healed.”⁴⁴

⁴¹ Wigginton, *Foxfire*, 230.

⁴² Kephart, *Southern Highlanders*, 121.

⁴³ Mills, Don. *The Heritage of Union County: Union County, Georgia 1832-1994*. Vol. 1. Walsworth Publishing, 1994, 37.

⁴⁴ Wigginton, *Foxfire*, 231-240.

There were also compelling economic reasons to distill whiskey. Bartering goods was the most common form of trade in the mountains, but people still needed currency to pay taxes. By some estimates of the region in the 1820s “one fourth to one half of the total corn harvest may have been allocated to the production of corn liquor.”⁴⁵ Selling whiskey was one of the common methods by which mountain farmers could acquire currency. As one man described it in the early 1900s, “the main reason for this ‘moonshining,’ as you-uns call it, is bad roads.” Two mountains and seventeen miles lay between this man and the nearest railroad. Even if he could use the only wagon in town to haul his wares, it would take four days round trip.⁴⁶ Ten pounds of whiskey could fetch far more money than ten pounds of corn. And on a 17-mile walk, every pound counted. Additionally, corn could spoil on its way to the railroad, or on the train to market. Whiskey, however, was not perishable and retained its value over time. Whiskey was such a reliable substitute for money, in fact, that “preachers sometimes accepted home-brewed spirits in lieu of a cash tithe for spiritual guidance.”⁴⁷

A general rule of thumb was that one bushel of corn could produce two to three gallons of whiskey.⁴⁸ An 1883 article from the *Atlanta Constitution* quoted the price of a bushel of corn at about 60 cents, while a gallon of whiskey could fetch about two dollars. If three gallons of whiskey could fetch \$6, then a farmer could make ten times more money distilling a single bushel into whiskey rather than selling the bushel itself.⁴⁹ Gilmer County, in northern Georgia, had a reputation as a whiskey hub. A history of the area recalls, “When

⁴⁵ Davis, *Mountains*, 140.

⁴⁶ Kephart, *Southern Highlanders*, 122.

⁴⁷ Garrison, Judith. *North Georgia Moonshine, A History of the Lovells & Other Liquor Makers*. Georgia: Arcadia Publishing, 2015, 53.

⁴⁸ Kephart, *Southern Highlanders*, 154.

⁴⁹ Speer, Emory. *The Atlanta Constitution (1881-1945)* [Atlanta, Ga] 23 Sep 1883: 2.

taxes were due, it was said there was a haze of smoke in every hollow in Gilmer County” due to all the fires kindled to distill whiskey.⁵⁰ And Gilmer was not unique. Managing national forests in the southern Appalachian region would force the Forest Service to contend with and understand the widespread commodity.

It took a peculiar kind of chemistry to transform corn whiskey into moonshine. The whiskey took on the name “moonshine” once the producer stopped paying taxes on it. Unlike traditional golden whiskey, moonshine was condensed and sold immediately as a completely clear liquid, rather than aging in a barrel. The term moonshine referred to the moonlight that reflected off whiskey as it was distilled at night to prevent discovery. The history of untaxed whiskey in the U.S. stretches back before Prohibition. In order to pay off debts accumulated during the War for Independence, the U.S. had enacted an excise tax in 1791. Farmers in rural areas of Pennsylvania had rebelled against the “whiskey tax,” fomenting the Whiskey Rebellion. These farmers, like the mountaineers of southern Appalachia, had used whiskey as currency and medicine and resented the federal taxes. The Washington administration abolished the whiskey taxes in 1794 after quelling the rebellion with military force. They did not generate enough revenue to justify causing so much anger.⁵¹

The terrible costs of the Civil War persuaded the Union to reinstate a tax on liquor. In 1862, Congress created the Office of Internal Revenue within the Department of the Treasury and mandated a 20-cent per gallon tax on distilled spirits.⁵² The chaos of war drove alcohol prices through the roof. When alcohol was particularly hard to come by in

⁵⁰ Mills, Don. *Heritage of Gilmer County, Georgia, 1832-1996*. USA: Walsworth Publishing, 1996, 57.

⁵¹ Bureau of Alcohol, Tobacco, Firearms, and Explosives. *ATF History Timeline*. <https://www.atf.gov/our-history/atf-history-timeline>.

⁵² *Ibid.*

the Confederacy, a single gallon of whiskey could fetch up to \$60.⁵³ By 1864, Congress raised the tax to \$2.00 per gallon hoping to benefit from the high demand. Soon afterwards Congress approved the employment of three detectives to investigate why, despite raising taxes, tax revenue was not also increasing.⁵⁴ These detectives were the precursors to the infamous “revenuers” who would crisscross the southern Appalachians, arresting moonshiners and breaking up moonshine stills.

As the Office of Internal Revenue matured and hired more agents to seek out and destroy illegal stills, moonshiners were forced to innovate to stay ahead of them. An *Atlanta Constitution* reporter wrote almost reverently in 1885 about “one of the largest and finest stills in the state” in Rabun County, Georgia. On the condition of secrecy as to its whereabouts, the reporter related that the only entrance into the distillery was “through a hollow chestnut tree.” The still had reportedly remained unmolested for six years and in that time had “turned out nearly quite 22,000 gallons” of whiskey. Revenuers often discovered stills because of the smoke from fires used to heat the corn mash. The moonshiners who had crafted this particular still solved that problem by leading the smoke through a pipe “to the top of the tree,” preventing revenuers from seeing or smelling it.⁵⁵

Revenue agents developed new methods to root out stills, thwarting even the best camouflage. One experienced agent reportedly stopped his horse at every river and creek that he crossed. The alcoholic by-products of whiskey distilling repulsed horses. When his horse refused to drink, the revenue agent would follow the creek upstream until he found

⁵³ Carr, *The Second Oldest*, 24.

⁵⁴ Mastran, *Mountaineers and Rangers*, xxiv.

⁵⁵ The Moonshiners: A Northern Correspondent Tackles Corn Whiskey. Pen Picture of a Moonshiner. How Corn Whisky is Made. In *Outwitting Revenue Officers*. The *Atlanta Constitution* (1881-1945) [Atlanta, Ga] 19 Apr 1885: 9.

other telltale signs of a moonshine still.⁵⁶ Smoke, well-worn trails, and bare areas where moonshiners cut trees for fuel all suggested illicit distilling activities nearby.

Colorful accounts of violent moonshiners abound in newspapers, articles, and stories. Carl Schenk, the manager of the Vanderbilt family's Biltmore estate in North Carolina and the founder of the first school of forestry in the U.S., railed against moonshiners who, "Went about armed, keeping the others in awe and threatening death to any betrayer of their secrets."⁵⁷ Schenk's difficulties foreshadowed problems that would eventually confront the Forest Service as it purchased land in southern Appalachia.

The Vanderbilt family hired Schenk in 1895 to manage the vast forested estate purchased in western North Carolina. Schenk was German and had trained as a forester in Germany, a country with a long history of silviculture. Three years into his tenure as the manager of the Biltmore Estate, Schenk established the first U.S. forestry school on the lands.⁵⁸ He eventually became known as one of the founding fathers of forestry in the U.S., training young Americans in forestry practices on the estate.

Schenk quickly became frustrated with the locals. He complained about mountaineers' constant trespassing and the lack of help from "the state, the county, or the town."⁵⁹ Whenever people cut his fences or set fire to the Biltmore estate, the local sheriff did not make arrests. Schenk sought moonshine stills on his property with zeal, but he recorded with annoyance that stills were "removed before I could get the sheriff" to seize

⁵⁶ Kephart, *Southern Highlanders*, 129.

⁵⁷ Mastran, *Mountaineers and Rangers*, xxiv.

⁵⁸ Newfont, *Blue Ridge Commons*, 58.

⁵⁹ Mastran, *Mountaineers and Rangers*, 15.

them.⁶⁰ Schenk, closing hundreds of acres of forest commons for a millionaire landlord, did not have the sympathy of the local sheriff or community.

Schenk's young forestry students, however, seemed to embrace local customs more readily than Schenk did himself. In a 1921 issue of the Forest Service Bulletin, a circular distributed among Forest Service officials, the writer recorded a song he heard from the "bronzed and bareheaded students of the Biltmore forestry school:"

"Down under the hill there is a little still,

And the smoke goes curling to the sky.

And you can easily tell by a snuffle and a smell

There's good liquor in the air close by.

For it fills the air with a perfume rare

And it's only known to a few.

So you wrinkle up your lip

And you take another sip

Of the good old mountain dew."⁶¹

⁶⁰ Newfont, *Blue Ridge Commons*, 58.

⁶¹ T.R.B. "The Makers of Mountain Moonshine." *The National Sand and Gravel Bulletin* 2, no. 9 (September 1921). <https://books.google.com/books?id=bB8xAQAAMAAJ&pg=RA3-PA27&dq=forestry+moonshine+OR+moonshiner+OR+moonshining&hl=en&sa=X&ved=0ahUKFwj54ceTwajPAhVKNSYKHb9LBy8Q6AEILjAD#v=onepage&q=forestry%20moonshine%20OR%20moonshiner%20OR%20moonshining&f=false>, 27.

Forest Service leadership projected an image of professionalism, efficiency, and esprit de corps to the American public. As political scientist Daniel Carpenter put it, Forest Service officials skillfully used “popular constituencies to build their institutional reputations and, therefore, power.”⁶² The above song illustrates, however, that the young men graduating from the forestry school had a more liberal view of regional traditions than Schenk and the Forest Service leaders in Washington D.C. might have liked. Foresters romantically singing about mountain moonshine certainly calls into question the image of the efficient and professional Forest Service ranger. Carpenter asserts that the Forest Service gained power by appealing to certain constituencies. He does not mention, though, that this process sometimes meant that the Forest Service compromised its own values. As the Forest Service attained land and power in the southern Appalachians, mountaineer peoples and traditions also exerted power on the agency.

These rangers from the Biltmore School would not become men “who were too indolent to go over the country and examine its geography, who simply sat in their offices and made the laws, doing the utmost injustice to the people” as one Senator derided Forest Service bureaucrats.⁶³ These future leaders of the agency were rather the result of a Forest Service adapting to the situation on the ground. They were men who understood better than their teacher that integration into the local community would help them form relationships and advance the Forest Service’s goals.

A relationship between moonshiners and the Forest Service at first glance seems unlikely. Historian Char Miller, in *The Greening of Gifford Pinchot*, draws an intellectual

⁶² Foner, Eric. *American History Now*. Philadelphia: Temple University Press, 2011. <http://site.ebrary.com/lib/emoryac/reader.action?docID=10478465>, 103.

⁶³ Balogh, *The Associational State*, 42.

connection between alcohol and poor forestry practices. She claims that, for Gifford Pinchot after his tenure as chief forester, "Alcohol, like forest devastation, was a waste, an anathema to true Progressives."⁶⁴ But Forest Service rangers, however much they represented Progressive values in tackling problems using science and government power, did not hold strong anti-alcohol stances. Indeed, it soon became clear that moonshiners would become a great asset to the Forest Service.

The traveler and writer Horace Kephart disagreed with Schenk's characterization of moonshiners and painted a picture that Schenk's students might have been more sympathetic to, in his popular book *Our Southern Highlanders*. At the turn of the century, Kephart had left his life as a librarian in St. Louis and begun an exploration of the southern Appalachians.⁶⁵ He argued that moonshiners were not nearly so quick to become violent. When a traveler or neighbor stumbled upon a moonshine still, a common solution was for the moonshiner to force them to work at the still for an hour or two. He would then be free to go, now culpable if he were to report the still to the authorities. As one of Kephart's interviewees put it, the worst that could happen if he were reported would be a month or two in jail so why should he commit murder "and get hung for it?"⁶⁶

As opposed to Schenk's description, the moonshiner of Southern Appalachia reserved most of his approbation and violence for revenue officers themselves.⁶⁷ Kephart records a story he heard from a moonshiner in which a band of 11 revenue officers banded together for defense before raiding a still in Tennessee. The night before the raid they slept

⁶⁴ Miller, "The Greening," 11.

⁶⁵ Kephart, *Southern Highlanders*, 17.

⁶⁶ *Ibid*, 118.

⁶⁷ "Revenue Men Now Go Armed to the Teeth." *Atlanta Constitution*, December 10, 1912. ProQuest Historical Newspapers [ProQuest].

in a farmhouse, but awoke in the middle of the night by gunshots. The storyteller recalled that almost 200 armed moonshiners had flooded in from the surrounding area to ambush the revenuers.⁶⁸

For the most part, moonshiners felt that they had a right to distill whiskey without paying onerous taxes on their product. A man in North Carolina reportedly explained, “taxes is fair and squar’. [Property] taxes cost mebbe three cents on the dollar; and that’s all right. But revenue costs a dollar and ten cents on twenty cents’ worth o’ liquor; and that’s robbin’ the people with a gun to their faces.” For such a self-sufficient people who benefitted little from federal government programs, these taxes seemed manifestly unjust. The same man claimed that many of his neighbors didn’t “know that the government is anything but a president in a biled shirt who commands two-three judges and a gang o’ revenue officers.”⁶⁹ Another man felt that being shot by revenuers was an occupational hazard. Whether the agent or moonshiner lay dead at the end of an encounter was simply a “fortune of war.”⁷⁰

The poor estimation of Uncle Sam spread through the mountains in songs and poems. In 1910 the *Atlanta Constitution* recorded a poem called *The Moonshiner’s Complaint* that had been written in moonshine country. The poem lamented “The gover’mint’s the rich one, with thousan’-dollar bills, An’ yit won’t let me make the stuff fer curin’ o’ the chills.”⁷¹ To tax heavily a product that was used so widely in medicines and

⁶⁸ Ibid, 181.

⁶⁹ Ibid, 120.

⁷⁰ Ibid, 123.

⁷¹ FLS. “The Moonshiner’s Complaint.” *Atlanta Constitution*, January 31, 1910. ProQuest Historical Newspapers [ProQuest].

remedies seemed, to rural farmers, exceedingly harsh. And the perception of a wealthy, out of touch government did not improve relations.

To conserve the vast forests in southern Appalachia, the Forest Service was willing to operate in this suspicious, if not overtly hostile atmosphere. But before winning over locals and navigating the difficulties of moonshine, the agency had to win over Congress. The Forest Service could not even begin to operate in southern Appalachia until Congress passed a law allowing it to buy private land. The federal government's policy up until the 1890s had been to dispose of public land as quickly as possible, encouraging private commerce and settlement of the West. The forest reserves in 1891 had been the first step towards a reversal of this policy. The reserves symbolized Americans' recognition that timber resources could disappear if managed poorly.⁷² What the Forest Service wanted, however, was an even greater blow to the old paradigm. Instead of writing off public lands to be held as reserves, the Forest Service wanted the power to buy private lands and transform them into government-owned national forests.

Massachusetts congressman John Weeks, along with Tennessee congressmen Richerd Austin and Walter Brownlow, and congressman Frank Guernsey of Maine introduced a bill to Congress in 1909 allowing Forest Service purchase of private land "for the purpose of conserving the navigability of navigable rivers [sic]."⁷³ ⁷⁴ After two decades of intense lumber activity throughout the country, some American politicians and scientists had seen a link between deforestation and flooding. Couching the bill in terms of river

⁷² Marsh, Christopher. "Andrew Gennet, The Weeks Act of 1911, and the Development of the National Forests in Appalachian Georgia." University of Georgia, 2001.

https://getd.libs.uga.edu/pdfs/marsh_christopher_j_201312_ma.pdf, 24.

⁷³ An Act To Enable Any State to Cooperate with Any Other State or States, or with the United States, for the Protection of the Watersheds of Navigable Streams, and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers., §§ 186-2-14 (1911). Print.

⁷⁴ Ise, John. *The United States Forest Policy*. Yale University Press, 1920, 211.

navigability followed legal precedents that enabled the forest reserves, evading the thorny question of whether Forest Service purchases of private land were unconstitutional. But the navigable river argument succeeded in motivating many congressmen to champion the bill that would become known as the “Weeks Act.” One common line of argument for the bill pointed to a series of catastrophic floods in 1901 and 1902 that caused \$18,000,000 in damages in the South. Weeks Act proponents argued that the floods would have been harmless if the rivers’ headwaters had had not been heedlessly deforested by private companies.⁷⁵

The many opponents of the bill countered that the relationship between deforestation and flooding was exaggerated, or perhaps non-existent. Another argument against the bill, repeated with some frequency, was that the potential costs could grow. While the Weeks Bill provided \$11 million over four years for forest purchases, these Congressmen feared that additional grants and costs might spiral out of control. An additional potential cost would be speculators who, expecting the Forest Service purchases, would buy land and then jack up the price. But after two years of coalition building and lobbying, William Taft signed Weeks into law in 1911.⁷⁶

⁷⁵ Ibid, 216.

⁷⁶ Ibid, 217.

The Weeks Act, State Prohibition, and Southern Appalachian Transformation: 1908-1920

The passing of the Weeks Act in 1911 was a monumental victory for the Forest Service. Now the agency could follow private enterprise into the vast, privately owned forestlands of the Southeast. The Forest Service planned to buy up denuded and mismanaged land and then use modern forestry techniques to conserve the forests that it hoped would benefit both local people and the nation. Congress designated the National Forest Reservation Commission (NFRC), a group of seven comprised of the secretaries of Interior, Agriculture, War, two congressmen, as well as two senators, to select and purchase these lands.⁷⁷ Advocates of the Weeks Act were so persuasive that the commission received more money than it could spend. Congress appropriated two million dollars, approximately \$49 million in today's dollars for the acquisition of forests. After nine months, whatever money was not spent would return to the Treasury.⁷⁸

Despite the NFRC's eagerness buy land before Congress could renegotiate its appropriation, the commission learned that buying land in southern Appalachia would be no simple task. The Weeks Act stipulated, "no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General."⁷⁹ In southern Appalachia, land surveys generally were poor or non-existent. Boundaries overlapped and records frequently went missing. Thomas Clark, a scholar of Appalachian history, notes that it was a

⁷⁷ Marsh, "Andrew Gennet."

⁷⁸ Clark, *The Greening*.

⁷⁹ An Act To Enable Any State to Cooperate with Any Other State or States, or with the United States, for the Protection of the Watersheds of Navigable Streams, and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers., §§ 186-2-14 (1911). Print.

traditional practice for mountaineers to “establish in their deeds fewer acres than they actually claimed, in order to reduce tax bills.”⁸⁰ This would not be the last time that regulations from Washington did not line up with the situation on the ground. The Weeks Act legally bound the commission to accept only perfect titles, but in southern Appalachia, those were few and far between. The NFRC sat on a mountain of money with no way to spend it.

An enterprising businessman named Andrew Gennett thought of a solution to the title conundrum. Gennett, co-owner of the Gennett Lumber Company, had traveled hundreds of miles through the rugged mountains of northern Georgia in the early 1900s to acquire titles to land. He would inspect the trees on a property and then offer the landowner a price for his land. Often he offered more cash than a farmer had seen in his entire life. Gennett tended, on his journeys, to stay with hospitable mountaineers, eating with them, hunting with them, and joking with them. Over the course of a few years he had painstakingly consolidated hundreds of small farms, averaging less than 90 acres, into one large tract.⁸¹

When Gennett learned in 1911 that the Forest Service had deep pockets and planned to buy land in the southern Appalachians, he approached the assistant attorney of the Department of Agriculture about selling. After a perusal of Gennett’s records, the attorney informed Gennett that only about five percent of his 232 titles met the Attorney General’s standards. The tract was exactly what the Forest Service was looking for; it was 31,000 acres consolidated under one name and much of the land was old growth forest that had never been cut down. The Weeks Act, however, still stood in the way.

⁸⁰ Clark, *The Greening*.

⁸¹ Davis, *Mountains*, 179.

Gennett persevered and dug into law books, searching for a mechanism by which the NFRC could buy his land. He found his answer in a 1795 act allowing the federal government to condemn private lands in order to build lighthouses and “for other purposes.”⁸² The assistant attorney conceded to Gennet that condemning the lands and seizing them by eminent domain would legally bypass the problem of titles. This was the first recorded instance of what historians would later coin, “friendly condemnation,” using eminent domain with the consent of the landowner. All that was left was to settle on a price.

In order to approximate the worth of the Gennett tract, the Forest Service sent their appraisers to survey as well as a U.S. attorney, Colonel Tate. Gennett ensured that they had the best experience possible. He hired a cook from Atlanta, rented tents, chopped firewood, and supplied horse feed. He accompanied them throughout their foray and instructed the cook where to meet them with hot meals at every stop. Gennett reported in his memoir that the men, many of whom had never gone camping, thoroughly enjoyed the campfires, hearty meals, and fresh mountain air.⁸³ Gennett was a shrewd salesman and wanted his potential buyers to have the best possible experience.

Two details from the trip foreshadowed the coming difficulty that the Forest Service would meet in dealing with moonshine on their property. The first Andrew Gennett recorded in his own memoir. Gennett mentioned that one of their campsites on the three-week trip happened to be situated near a moonshine still. During the trip, neither the government employees nor Gennett had been aware of their neighbors. Soon afterwards,

⁸² Marsh, “Andrew Gennet,” 81.

⁸³ Gennet, Andrew. *Sound Wormy: Memoir of Andrew Gennet, Lumberman*. University of Georgia Press, 2007, 114.

however, a newspaper article accused the U.S. attorney of protecting it.⁸⁴ If a short camping trip in the vicinity of a moonshine still elicited suspicions of cooperation between moonshiners and government officials, what would happen when the government actually owned the land?

One of the surveyors found the second detail important enough to write it down himself. While examining the Gennett tract the surveyor found signs throughout the property addressed "TO THE PUBLIC." The signs, posted by Gennett, urged people not to set fires, cut timber, graze cattle, or operate stills. It explained that fires destroy young plants, burn up the seeds underneath the ground, and hasten erosion. Cutting timber, even worthless timber, opens up a hole in the woods, which dries out the soil. And lastly, "We object to the operation of stills because the stillers insist on cutting green timber and practically clear up the land around their stills, instead of using dry and dead wood."⁸⁵

Gennett's posters were clear signs that attaining this land would cost more than just an initial sum. These were problems inherent to owning large tracts of private land in the southern Appalachians. Mountaineers traditionally used lands as a commons, setting fires, cutting timber, and moonshining. But if the commission recognized this fact, it wasn't reflected in the price. Gennett and the NFRC agreed to a considerable \$6.66 per acre. The Forest Service paid out the money, condemned the Gennett Company land, and acquired the first tract of forest under the Weeks Act.

⁸⁴ Ibid, 115.

⁸⁵ National Forests and Purchase Units of Region Eight; Box 1, 95-75-0588; Land Acquisition and Historical Files 1911-1960. Land Classification, General, Historical; Record Group 95; National Archives Building, Morrow, GA.

The Forest Service at first pursued the land of large landholders like the Gennett Company for the sake of efficiency. Andrew Gennett had surveyed his land and secured land titles that formed a contiguous tract before he even approached the commission. The majority of sales to the NFRC after the initial purchases in the early 1910s, however, were small farms. Owning anywhere from 40 to 200 acres, farmers usually approached a Forest Service representative with a desire to sell at a certain price that they thought was fair. In order to confirm the price the Forest Service hired surveyors to estimate the farm's value. The process was arduous.

Formal land inspection was so scarce that the Forest Service survey often formed the basis for the first official county lines. The surveyors had few accurate maps and had to improvise. A record from the NFRC describes the proposed line of the Savannah National Forest in northern Georgia with agonizing imprecision. The surveyors, in 1919, proposed one boundary to run "south up said unnamed stream approximately one and one-fourth ($1\frac{1}{4}$) miles to the summit of Tremont mountain; thence continuing the course south over the summit and following down a small unnamed tributary to Tremont creek; thence down Tremont creek to the crossing of the wagon road leading to the town of Franklin."⁸⁶ The boundary meanders in this way for miles. The Forest Service had no hope of managing land so untouched by government organization without the help of locals.

The NFRC paid for the surveying of boundary lines as well as the valuation of timber for every piece of land for sale. Many savvy landowners caught on and used this fact to get a

⁸⁶ Woodward, K.W., July 1911, Reconnaissance of the Eastern Portion of Savannah Area. Wildland Studies Georgia. Box 2, 95-75-0588; Land Acquisition and Historical Files 1911-1960; Record Group 95; National Archives Building, Morrow, GA.

better deal.⁸⁷ The farmer would allow the NFRC to survey their land at no expense to themselves. Once the commission offered a price, the landowner would raise it, reasoning that the commission would not want to waste the cost of a survey and would meet their offer.

Another tactic landowners used to squeeze better deals out of the commission was to hire a lawyer. Those who could afford an attorney and threatened the Forest Service with lawsuits generally received higher offers than those who did not. Whether there was any legal basis for threatening the Forest Service was beside the point. The Forest Service could not afford to fight legal battles so instead paid higher prices to the few landowners that could afford lawyers.⁸⁸

The same price inflation applied when landowners hired agents. These were usually well-connected Southerners with knowledge of the region and its forests. They would approach the NFRC with a price and drive a harder bargain than an uneducated farmer could. The agent would then take a cut of the sale. The problem was widespread enough that Forest Service officials took note. One official complained that agents “tend to increase the price of land above what it ought to be and will make it difficult for the government to buy at a reasonable price.”⁸⁹ The Forest Service learned to carry out purchases as quietly as possible. As soon as rumors spread and third parties got involved, land purchases became more expensive.⁹⁰

Holding out for a better price, however, could backfire on landowners. Forest Service documents recount a Tennessee farmer who offered his land to the Forest Service

⁸⁷ Mastran, *Mountaineers and Rangers*, 27.

⁸⁸ Davis, *Mountains*, 173.

⁸⁹ Mastran, *Mountaineers and Rangers*, 27.

⁹⁰ Clark, *The Greening*, 63.

for \$7 per acre. When NFRC buyers only offered \$4 per acre, the man refused to sell. The buyer wrote a concerned letter to his superior asking whether to raise the price. The official responded, "I suggest you wait awhile and if possible let them ask you about it and tell them (reluctantly) that you may be able to get them \$5."⁹¹ The Forest Service had time on its side. As it bought up land in the region, life became more difficult for the few holdouts. There were fewer neighbors they could rely on for support and public services steadily decreased. Four years after the NFRC offer, the farmer sold his land for \$5 per acre.

Some historians argue that the Forest Service had a particularly difficult task buying land because mountaineers associated them with federal revenue agents. Suspicion hindered sales and made farmers less likely to sell their land to the Forest Service.⁹² But the sheer number of small farm sales suggests that economic imperatives overrode most distrust and hostility.

Around the same time that the federal government was experimenting with buying forests in southern Appalachia, southern states were experimenting with alcohol prohibition. Prohibition was born out of a decades-long struggle against the effects of alcohol by many different segments of American society. The Women's Christian Temperance Union, or WCTU, was one of the foremost supporters of restricting alcohol. The Anti-Saloon league rallied not only religious supporters, but also industrialists who desired a sober, malleable labor force, and elites who feared black activities away from white surveillance.⁹³

⁹¹ Davis, *Mountains*, 173.

⁹² Mastran, *Mountaineers and Rangers*, 49.

⁹³ Smith, Ron. *Prohibition in Atlanta: Temperance, Tiger Kings & White Lightning*. Arcadia Publishing, 2015, 64-65.

Anti-alcohol sentiment had reached a fever pitch in the early 1900s and in 1908 Georgia became the first dry state in the region. North Carolina and Tennessee voted to become dry in 1909, followed by South Carolina in 1915. A dry state could strictly regulate the production, trade, and consumption of alcohol. Many counties decided to ban inter-county alcohol movement. Some banned alcohol production altogether, while others allowed a few legal distillers.

An analysis of still seizures in southern Appalachia sheds some light on the efficacy of state prohibition. There is not perfect causality between the number of stills seized and the amount of moonshine activity that actually occurred. It is possible that seizures might have been higher in some states because of more adept revenue agents or inept moonshiners, rather than an actual difference in moonshine activity. Illicit alcohol production and consumption, however, is by nature opaque and difficult to measure. Still seizures give at least a glimpse of how policy affected alcohol distillation and consumption.

In 1905, even before state prohibition, federal revenueurs had seized over 1,000 illegal stills pumping out tens of thousands of gallons of alcohol. The majority was seized in areas with old moonshining traditions, Georgia, North Carolina, and Tennessee. Jess Carr, in her book *The Second Oldest Profession* argues that moonshiners who didn't pay taxes could outcompete legitimate distilleries. Oftentimes legal distilleries went underground and stopped paying taxes just to compete. By 1910, Georgia, North Carolina, and Tennessee were all dry states and in that year still seizures shot up to 2,000.⁹⁴ The paradox was that counties that enforced liquor restrictions more effectively drove the liquor price higher,

⁹⁴ Carr, *The Second Oldest*, 87.

enticing more farmers into the practice.⁹⁵ A 1910 *Atlanta Constitution* article reported a “startling increase” in liquor manufacture in Georgia. In the fiscal year ending in June 1909, authorities seized 623 illicit distilleries, compared to 294 in the state in 1908, before Georgia prohibition.⁹⁶ State prohibition was so good for moonshiners’ business, in fact, that they often advocated for it. Moonshiners consistently attended temperance rallies, channeling public sentiment to drive their legal competitors out of business.⁹⁷

Another consequence of state prohibition was that enforcement relied more heavily on state and local authorities. In some towns, moonshining plummeted as local law enforcement, familiar with the area and its people, more easily enforced the laws and broke up stills. But this familiarity frequently had a countervailing effect. In many cases, local sheriffs had grown up with local moonshiners. Sheriffs knew the plight of their neighbors intimately and understood the necessity of moonshine in southern Appalachian life.⁹⁸

Local courts became far more lenient than federal ones in terms of moonshining cases. A perceptive Forest Service official observed that in local court, a guilty moonshiner’s sentence commonly depended on the season. If the lawbreaker went to court in the spring “when the farm fields are waiting for the plow and the ultimate harvest depends on present endeavor, then is a suspended sentence the custom.”⁹⁹ Unlike federal judges, local judges understood the patterns and necessities of living in the Southern Appalachians.

⁹⁵ Ibid, 88.

⁹⁶ Moonshine Whisky on Increase
The Atlanta Constitution (1881-1945) [Atlanta, Ga] 21 May 1910: 6.

⁹⁷ Kephart, *Southern Highlanders*, 187.

⁹⁸ Wigginton, *Foxfire*, 304.

⁹⁹ T.R.B. “The Makers of Mountain Moonshine.” *The National Sand and Gravel Bulletin* 2, no. 9 (September 1921). <https://books.google.com/books?id=bB8xAQAAMAAJ&pg=RA3-PA27&dq=forestry+moonshine+OR+moonshiner+OR+moonshining&hl=en&sa=X&ved=0ahUKFwj54ceTwajPAhVKNSYKHb9LBy8Q6AEILjAD#v=onepage&q=forestry%20moonshine%20OR%20moonshiner%20OR%20moonshining&f=false>, 27.

Between 1911 and 1913, as the NFRC pursued more land for purchase, annual still seizures hovered close to 2,500 despite local authorities sympathetic to moonshiners. In the first few years after the Weeks Act, the commission focused on using up its appropriations by buying large private holdings. These purchases were generally easier to initiate, negotiate, and settle, rather than dealing with the multitudes of small farms in the region. Like the Gennett lumber company, the Ritter, Little River, and Champion companies accumulated land parcels in rural, well-forested areas. They all bet that after lumber companies clear-cut Northern and Midwestern forests, they would move south to the less accessible trees in the southern Appalachians, practically untouched by industrial logging.

Absentee landholders usually did not mind when the neighboring mountaineers used their forests as a commons. Hunters did not negatively affect the value of the timber. A farmer's hogs rifling through the underbrush for mushrooms and acorns did not hinder tree productivity. Moonshiners, however, threatened forests with fire. The distillation of moonshine requires fires for hours at a time to heat the mash and quickly break down corn into sugars. A careless (or drunk) moonshiner easily could and often did start forest fires. In an interview for a Gilmer County, Georgia history, one ex-moonshiner claimed that the "riskiest thing was the fire" because it had to burn hot for many hours.¹⁰⁰ Additionally, this fire was usually located under thick, flammable brush to conceal it from prying eyes.¹⁰¹

An increasing rate of transformation in the southern Appalachians allowed the Forest Service's tens of thousands of acres to expand into hundreds of thousands of acres in the late 1910s. The twin forces of industrialization and population growth incentivized rural farmers to sell their lands to the Forest Service and move into towns. And one of the

¹⁰⁰ Mills, *Heritage of Gilmer County*, 57.

¹⁰¹ Long, John. "Menace of the Stills." *American Forests*, May 1956, 37.

effects of empty forests was a decrease in small moonshine operations and a parallel increase in large ones that were attracted to isolated areas.

Shelley Smith Mastran, a Forest Service historian, argues in the book, *Mountaineers and Rangers* that even before the Forest Service began purchasing land in 1911, the population throughout much of Southern Appalachia had been falling. Between 1900 and 1910, the population of Union County, Georgia dropped by a full 18 percent.¹⁰² Nearby Rabun County, Georgia saw a 12 percent decrease in the same period. Clay County, North Carolina lost 14 percent of its population.¹⁰³

This was due in large part to unsustainable rural farming practices in the 19th century. Traditionally, a farmer in the mountains had burned a portion of his forested land every year. The fertile land, now full of nutrients, would yield a bounteous harvest. Additionally, burning hollowed out the understory and was believed to eliminate bugs and snakes.¹⁰⁴ As long as a farmer burned in different part of his land every harvest, the nutrients would over time be replenished in the soil.

But as population densities increased throughout the region in the late 1800s, the number of farms had increased while their sizes remained constant.¹⁰⁵ Timber companies and speculators exacerbated the trend towards smaller farms by buying up thousands of acres. Individual farmers began burning greater proportions of their smaller farms. And there was less free land for a farmer's son to start his own farmstead. Thinner forest cover led to higher rates of erosion because roots could not hold the soil in place. This was the

¹⁰² Mastran, *Mountaineers and Rangers*, 13.

¹⁰³ Forstall, Richard. *North Carolina Population of Counties by Decennial Census: 1900 to 1990*. US Bureau of Census, March 1995. <https://www.census.gov/population/cencounts/nc190090.txt>.

¹⁰⁴ Mastran, *Mountaineers and Rangers* xx.

¹⁰⁵ *Ibid*, 46.

same woodland that farmers depended on to regenerate their soils, feed their hogs, and support game to hunt.

Environmental problems seemed to stack on each other. Traditionally, farmers had left the steep hillsides forested while farming the flatter coves and plateaus. But higher population densities forced farmers to cultivate steep land. Burning steep soil, eliminating roots, and intensively plowing hillsides caused fertile soil to slide down hills in sheets during rainstorms.¹⁰⁶ The exhausted soils became even harder to farm on, prompting more burning in an attempt to add fertility. These environmental problems were what drove population loss in the early 1900s and set the stage for two developments, the entrance of the Forest Service to protect the land, and the impoverishing of the mountaineer. And poor mountain farmers were more likely to supplement more of their incomes with money from moonshine.

An example of mountain life hardships pushing people into moonshining was the story of Clifford Reece. Reece was born in 1901 to parents Bob and Addie Reece, and would be arrested in October 1925 for moonshining.¹⁰⁷ Two accounts mentioning Reece focused on the death of his father, Bob Reece. According to the accounts, Bob Reece was working on his farm when a stranger approached and shot him. Bob Reece “bled to death while his family watched.” Clifford Reece, born in 1901, would have been six years old when his father was killed. It is unclear what the motivation for the killing was, but afterwards Bob’s wife, Addie “struggled to take care of her four children.”¹⁰⁸ Gilmer County genealogies never again mentioned this Clifford Reece born in 1901. The boy in a household without a

¹⁰⁶ Ibid, xx.

¹⁰⁷ Auto Seizure no. 217, *The State vs. Clifford Reese*, July, 1925; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Subgroup 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

¹⁰⁸ Chatham, Marsha. *Family Legends of Gilmer County*. Gilmer County Genealogical Society, 2000.

farmer or father learned to support himself through moonshining. If nothing else, the story illustrates two points. The first point is that life could be incredibly difficult in southern Appalachians in the early 1900s. The second point is that tracing lawbreakers through history who purposely stayed out of records is quite challenging. The only reason the clues led to Clifford Reece was that he was caught.¹⁰⁹

On top of all the difficulties of the mountaineer lifestyle was added the American Chestnut Blight. American chestnut was widespread throughout southern Appalachia before the American chestnut blight. By one estimate, chestnut trees made up almost 20% of pre-blight Appalachian mountain forests. In some areas, chestnuts comprised more than 30%. Environmental historian Donald Davis writes, "Reports of chestnuts 4 inches deep on the forest floor were not uncommon in the southern mountains."¹¹⁰ Chestnuts were a key food source for wild game like wild turkey, squirrel, deer, raccoon, and grouse that supplemented a rural family's diet. They were also crucial for the hogs that browsed throughout the region. One farmer in southwestern Virginia reminisced, "Didn't cost a cent to raise chestnuts or hogs in those days. It was a very inexpensive way to farm. The people had money and meat on the table too."¹¹¹ Chestnut was also rot-resistant so mountaineers used its wood as posts and building material throughout the southern Appalachians. The blight spread to the region in the 1920s and by the 1930s severely affected traditional ways of life in the mountains.¹¹²

¹⁰⁹ Auto Seizure no. 217, The State vs. Clifford Reese, July, 1925; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Subgroup 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

¹¹⁰ Davis, *Mountains*, 194.

¹¹¹ *Ibid*, 194-195.

¹¹² *Ibid*, 193.

Industrialization in the southern Appalachians offered an escape valve for farmers whose quality of life continually diminished. The region had some history of industrial endeavors. A U.S. mint had been located in Dahlonega, Georgia, for some time after the Georgia gold rush and over its years of operation, had minted almost \$40 million.¹¹³ Copper mining, too, had a long history in northeastern Georgia and southeastern Tennessee. In the 1850s and 60s, multitudes of farmers had felled trees for smelting operations and worked with ore.¹¹⁴ But the ubiquity of industrial timber in the 1920s was entirely different.

A new development in railroad technology meant that railroad companies and mills could employ thousands of former farmers. Narrow-gauge tracks, known as dummy railroads could climb the steep slopes of the Appalachian Mountains. The trains facilitated the expansion of logging operations into every cove regardless of its distance from a river. Accidents were frequent and often hair-raising. Andrew Gennett tells a story in his autobiography of one of his jobs in north Georgia. Gennett had supervised the building of a small narrow-gauge railroad line over a waterfall and down a steep incline. One day Gennett was walking up the slope along the railroad when he heard the “roar of a locomotive” that “had escaped the track.” As he stood at the bend in the track, Gennett realized “it would more than likely jump the track at this sharp bend and crush us to death against the banks of the cut.”¹¹⁵ Gennett escaped by pure luck. After the train “dashed itself into a mass of wreckage at the foot of an incline” further down the track, he walked up the railroad and found that the wheels had dropped back into place right before the bend in the rails, saving his life.

¹¹³ Drake, *A History of Appalachia*, 71.

¹¹⁴ Davis, *Mountains*, 158.

¹¹⁵ Gennet, *Sound Wormy*, 147

Many families found the transition from a mountain farm to a valley mill town, from subsistence life to wage labor, strange and sometimes unbearable. Emma Miles, a self-identifying mountaineer, had written *The Spirit of the Mountains* in 1905 in which she described the hardship, nobility, and beauty of traditional Appalachian life. She had idolized the generosity of mountain peoples and their rich musical traditions and waxed poetic about the mountain air, sweet stream water, and “the clear, fiery product of the still.”¹¹⁶ She devotes the last chapter, however, to decry the “oncoming tide of civilization, that drowns as many as it uplifts.”¹¹⁷ In Miles’ view, a mountaineer who sold his farm to take a wage-paying job was selling his birthright.

In some cases, families involved in timber cutting were migratory rather than settled in towns. Railroad companies provided boxcars, which served as houses for entire families. Once a forest was logged out, the company simply placed the boxcar back on the track and the community, sometimes numbering in the hundreds.¹¹⁸

More commonly, wage-paying jobs attracted younger men without families or opportunities to cultivate mountain farms of their own. Andrew Gennett employed many of these men on mills on his land. Although for the most part work progressed smoothly, men in lumber camps had reputations for being particularly tough and frequently in trouble with the law. Gennett relates one story that backs up those claims. Gennett Company owned a lumber camp in Rabun County, Georgia where corn liquor “was so plentiful” in the area almost everyone drank it.¹¹⁹ Gennett was in a room with four drunken employees playing cards when one accused the other of stealing the jack. Before Gennett could blink, a

¹¹⁶ Miles, Emma. *The Spirit of the Mountains*, 1905, 194.

¹¹⁷ Ibid, 190.

¹¹⁸ Walker, *The Southern Forest*, 116-120.

¹¹⁹ Gennet, *Sound Wormy*, 39.

pistol round was shot right above a man's head, "One of the men drew a spring-back knife [...] pressing it against William's throat," while "the man with the Winchester pushed the muzzle of the rifle into the other fellow's breast and threatened at the same time to blow him to hell."¹²⁰ All of Gennett's other employees fled as Gennett managed to handle the situation and pacify the men.

The Forest Service argued that its activities supported Appalachian communities more than it undermined them. William Hall was Assistant Forester, high in the Forest Service hierarchy, when he wrote an article on the southern forests in 1919, published in *Forestry Quarterly*. Hall claimed that after buying "more than a million acres of land," the Forest Service created "a complete rearrangement of communities and material readjustments of industries."¹²¹ Hall recognized in his article that even before the Forest Service, industrialization had "brought industries into the region, made money plentiful, [and] given opportunity for employment." After "Forest Service purchases stimulate population movement out of the forests and into industrial centers," Hall observed "a tendency for population to increase, but upon a basis different from the old one."¹²² Hall argued that government jobs now supported a higher standard of living than subsistence agriculture. Building roads, telephone lines, and fire towers all paid high wages whereas before, the only outlet for the energies of the mountaineers were "the manufacture of moonshine liquor and the maintenance of community feuds."

Emma Smith would have resented Hall's superior tone and his assertion that wage jobs bettered the lives of mountaineers. And Donald Davis, a contemporary historian of the

¹²⁰ Ibid, 40.

¹²¹ Hall, William. "Influences of the National Forests in the Southern Appalachians." *Forestry Quarterly* 17, no. 1 (1919): 402.

¹²² Ibid, 402-407.

southern Appalachians argues that for the first few years, Forest Service activities did not benefit locals. It was common for farmers to sell their land to the Forest Service only to find that they did not receive enough money to begin a new life elsewhere. And for those that stubbornly remained on their land, Forest Service regulations eliminated the last vestiges of the commons that they had relied on for generations. Farmers who once had supplemented their diets with wild game now needed to acquire permits to hunt or fish.¹²³

A comparison of those southern Appalachian counties that sold many acres to the Forest Service after 1911, versus those that sold few, paints a picture of the effect of the purchases on population. The Forest Service bought about 55,000 acres of Gilmer County, Georgia, or just under 20% of the land area in the county by the late 1930s.¹²⁴ The national census reveals that Gilmer's population dropped from 9,237 in 1910 to 8,406 in 1920, to 7,344 in 1930.¹²⁵ Mountainous counties adjacent to Gilmer, where the Forest Service had made fewer purchases, grew in population or at least did not shrink so quickly. This pattern of reduced growth within counties with more Forest Service activity developed in Georgia, Tennessee, and North Carolina.¹²⁶ Environmental and economic problems may have been the main source of emigration out of southern Appalachia, but Forest Service purchases increased the intensity of farmer emigration.¹²⁷

Forest Service purchases were so heavily associated with population loss that in 1911 the agency promised 5% of all timber sales to the cities and towns in the vicinity. One

¹²³ Davis, *Mountains*, 175.

¹²⁴ Gilmer County. *Natural and Cultural Resources*. http://www.gilmercounty-ga.gov/forms/community-development/4-natural_and_cultural_resources.pdf, 4-27.

¹²⁵ Forstall, Richard. *Georgia Population of Counties by Decennial Census: 1900 to 1990*. US Bureau of the Census. March 1995. <https://www.census.gov/population/www/censusdata/cencounts/files/ga190090.txt>

¹²⁶ Mastran, *Mountaineers and Rangers*, 30.

¹²⁷ Corrigan, J. "Georgia Lands for the Reserve" *Atlanta Constitution*, June 30, 1911. ProQuest Historical Newspapers [ProQuest].

Forest Service record titled “Lands of Andrew and N.W. Gennett,” noted, “the emigration tendency [before Forest Service purchases] in the vicinity of this tract was so strong that the remaining settlers have been unable to maintain schools and churches or keep roads in good condition.”¹²⁸ By 1913, the Forest Service acceded to the pressure of state legislatures and devoted 25% of timber sales to communities inside and surrounding the national forests.¹²⁹

Despite the decline of traditional ways of life, there is evidence to support William Hall’s assertion that mountaineers could excel and build comfortable lives through work with the Forest Service. Local people oftentimes did well within the Forest Service bureaucracy. Arthur Woody and Roscoe Nicholson were sons of mountain farmers who became rangers in the northern Georgia mountains where they grew up.¹³⁰ They both used their knowledge of the area and its people to help the Forest Service achieve its conservation goals. The Forest Service *Use Book* of 1915 affirmed this policy, claiming in one passage, “The most successful rangers are usually those who have been brought up in timber work or on ranches or farms, and who are thoroughly familiar *through long residence*, with the region in which they are employed.”¹³¹

Woody received an award in the 1920s for fire prevention success in his district. When asked to explain his success he explained, “You have to know your people. I kiss all the babies, fish with the men, buy candy for the kids, and tell the women that if I wasn't

¹²⁸ National Forests and Purchase Units of Region Eight; Box 2, 95-75-0588; Land Acquisition and Historical Files 1911-1960. Land Classification – General – Historical; Record Group 95; National Archives Building, Morrow, GA.

¹²⁹ Mastran, *Mountaineers and Rangers*, 39.

¹³⁰ *Ibid*, 33.

¹³¹ Pinchot, “*Use Book*,” 1915.

married I'd sure like to make love to them."¹³² Rangers were responsible for enforcing the regulations on their ranger district while supervising timber sales, permits, and communications with their higher-ups, forest supervisors.

While some locals became rangers, far more joined the Forest Service payroll in part-time jobs. Many national forests offered positions called "forest guards."¹³³ Rangers had many thousands of acres to patrol, so forest guards helped rangers enforce the most pressing regulations on the forest. Ranger Nicholson recorded that forest guards were paid \$50 per month.¹³⁴ In a year, that \$600 a forest guard could make was close to the average amount a man in a city could earn in an industrial job in the Northeast.¹³⁵

In the early years of the Forest Service, the most pressing issue for these forest guards, as well as forest rangers and supervisors, was fighting fires. Farmers throughout the southern Appalachians had traditionally set fires to improve farming yields. But mountaineers did not just set fires on the few acres they planned to cultivate. They also set fires in the surrounding woods to clear the underbrush of rodents, snakes, and insects and to increase pasturage for sheep.¹³⁶ Sometimes farmers set fires on their own lands that then spread to Forest Service land. In other cases, hunters set fire to Forest Service land, not realizing or not caring that Forest Service owned it.

Not only did the population have a penchant for setting fires, but also timber companies deforested thousands of acres of land in the mountains. Once ignited by a fire meant to clear insects and underbrush, dried slash could wipe out hundreds of acres of

¹³² Marsh, "Andrew Gennet," 92.

¹³³ Mastran, *Mountaineers and Rangers*, 33.

¹³⁴ Ibid, 33.

¹³⁵ Nearing, Scott. *Wages in the United States, 1908-1910; a study of state and federal wage statistics*. The Macmillan Company, 1911.

https://archive.org/stream/wagesinunitedsta00near/wagesinunitedsta00near_djvu.txt, 208.

¹³⁶ Mastran, *Mountaineers and Rangers*, xx.

national forest. An *Atlanta Constitution* article quoted a Georgia official in 1921 claiming, “Forest fires are the greatest menace to the timber supply.” In 1921 alone, 3,800 separate forest fires burned 1,000,000 acres of trees in Georgia worth \$900,000.¹³⁷ In 1919, the Forest Service was so desperate for volunteers to report forest fires that they issued a call in the *Atlanta Constitution*.¹³⁸

National forests throughout the southern Appalachians pursued vigorous public education campaigns to stem local use of fire.¹³⁹ One ranger on a forest in North Carolina recalled giving lectures, showing silent videos, and passing out fliers in an attempt to change fire-setting behaviors. The Forest Service’s parent agency, the Department of Agriculture produced three films named *Forest Fires – or Game?*, *Unburned Woodlands*, and *Friends of Man*, that all challenged the widely-held belief that burning the underbrush benefitted the forest and increased game.¹⁴⁰

The Weeks Act supplemented Forest Service educational effort because of a clause in the law providing funds to match state firefighting money.¹⁴¹ These funds allowed the federal Forest Service to partner with the Georgia Forestry Commission in a 1920 plan to supply Georgia public schools with forest plots. According to the scheme, “each school was to be given a ten acre (or more) forest for demonstration and tree nursery purposes.”¹⁴² Educating children to the dangers of fire, however, was a long-term prospect. Between

¹³⁷ Georgia Timber Famine Looms Within 10 Years: EXPERT SEES FORESTS FALL BEFORE AX OF COMMERCE. *The Atlanta Constitution* (1881-1945) [Atlanta, Ga] 12 Dec 1923: 9.

¹³⁸ “Forest Fire Reporters Needed in the South.” *Atlanta Constitution*, December 26, 1919. ProQuest Historical Newspapers [ProQuest].

¹³⁹ Mastran, *Mountaineers and Rangers*, 36.

¹⁴⁰ United States Dept. of Agriculture. *Motion Pictures of the United States Department of Agriculture*, 1931.

¹⁴¹ Mastran, *Mountaineers and Rangers*, 34.

¹⁴² Pikel, *A History of Georgia Forestry*, 21.

1916 and 1920 approximately 20,000 forest fires raged through Georgia alone.¹⁴³ The Forest Service could not wait ten years until these children grew up and became stewards of their own land.

When education and public relations campaigns did not stop fires, the Forest Service had other means at its disposal. The 1905 Transfer Act, which created the Forest Service, gave rangers the authority to arrest rule-breakers on national forests. The Forest Service used this power primarily to fight fires. When rangers knew where a fire began, for example a moonshine still, they could use bloodhounds to track the arsonist down. Rangers used this tactic on the Shenandoah National Forest in Virginia and secured a confession and arrest.¹⁴⁴ While moonshining was in itself an offence that merited arrest, oftentimes officials looked the other way unless the moonshiners set fires.

A wizened and experienced ranger, Jerry Lethcoe, gave an interview in the Atlanta Journal Constitution detailing his long experience preventing forest fires. He detailed some of the more obscure reasons why mountaineers set fires on the Chattahoochee National Forest in north Georgia. One type of fire that this ranger covered was a “turkey burn.” Hunters with knowledge of the mountains knew that setting fire to the woods would help them shoot turkeys. A few days after the fire “the old gobblers would swarm in to pick around for roasted acorns and to wallow in the ashes to dust their wings.” Lethcoe “knows hunters about as well as hunters know turkeys” and would lie in wait at dawn for the fire-setting mountaineer trying to claim his prize.¹⁴⁵

¹⁴³ Ibid, 18.

¹⁴⁴ Langworthy, J.N. “Ye Editor Discovers.” *U.S. Forest Service Bulletin* 16, no. 19 (May 9, 1932). <https://archive.org/stream/servicebulletin1611unit#page/n163/mode/2up/search/moonshine>, 6.

¹⁴⁵ “HAROLD MARTIN: Hog Fires, Grudge Fires, And Turkey Burns” *The Atlanta Constitution* (1881-1945) [Atlanta, Ga] 09 Feb 1944: 13.

Another relatively common reason for a fire was to steal hogs. Most mountaineers owned hogs that roamed through the forest, with markings indicating the owner. They usually rooted through deep brush and were difficult to catch. But a hungry mountaineer determined to steal hogs would set these coves on fire, driving the pigs away from their owners and towards more thinly forested areas. The patient hunter could then easily pick off the pigs with his rifle.¹⁴⁶

Hog stealing could easily set the stage for a third type of fire peculiar to the southern Appalachians. The region had a reputation for bloody feuds that could span mountain ranges and last generations.¹⁴⁷ With the changes brought about by industrialization and the Forest Service, gun battles between families became less common. Instead, a family might express its hate for a neighboring clan by setting fire to the woods and then blaming it on them. Lethcoe noted that in these cases the rangers were instructed to simply put out the fire without choosing sides. Feuds ran deep and would not be solved by Forest Service meddling.¹⁴⁸

The Forest Service cherished local rangers like Jerry Lethcoe, Arthur Woody, and Roscoe Nicholson for good reason. A ranger well integrated into the communities on his forest district could often handle problems ingeniously without the use of force or expensive public education schemes. It was these local solutions that paved a way for a productive relationship between the Forest Service and moonshiners.

¹⁴⁶ Ibid.

¹⁴⁷ Drake, *A History of Appalachia*.

¹⁴⁸ "HAROLD MARTIN," 13.

National Prohibition and an Unlikely Alliance:

1920-1936

Rangers familiar with local moonshining practices could not have predicted the ways in which moonshining would transform with national Prohibition. Despite the miserable record of statewide prohibition in halting alcohol manufacture, national Prohibition was still a popular concept. Many Americans, such as Gifford Pinchot, believed that Prohibition faltered due to a lack of enforcement rather than any fundamental flaw.¹⁴⁹ In 1919, the United States ratified the 18th amendment, banning the sale or production of alcohol nationwide. The concomitant jump in still seizures was immediate. In Georgia, still seizures grew from 741 in 1919 to 2,089 in 1921.¹⁵⁰ Equally impressive increases from 753 to 3,104 in North Carolina, and 324 to 2,165 in Virginia over the same time period prove that the trend held across the region.¹⁵¹

The increase was due, in part, to additional law enforcement, but that is not the whole explanation. As with state prohibition, national prohibition raised demand for alcohol, also raising the price. Unlike state prohibition, with national prohibition one could not simply move out of a dry county and into a wet one. Nor could alcohol easily cross borders from a dry state to a wet state. Now that all states were legally dry, demand and illegal production soared.¹⁵²

¹⁴⁹ "Challenge to Coolidge." *Atlanta Constitution*, October 25, 1923. ProQuest Historical Newspapers [ProQuest].

¹⁵⁰ Carr, *The Second Oldest*, 93.

¹⁵¹ *Ibid*, 173

¹⁵² Sorohan, Sallie. *Heritage of Lumpkin County, Georgia 1832-1996*. USA: Walsworth Publishing, 1996, 7.

The standard historical narrative regarding national Prohibition points to the idea's inherent economic flaws. In this view, Prohibition was a simple lesson in supply and demand. As the government restricted the supply of alcohol, the demand for it grew along with the price. The high prices allowed organized crime and corruption to flourish. Many policy analysts assessing drug policies today still use national Prohibition as a case study in how not to regulate an addictive substance.¹⁵³ While this narrative is compelling, a more nuanced narrative attempting to transcend the myths that still linger from a determined anti-Prohibition campaign has gained traction. John Burnham was one of the first historians to question the efficacy of Prohibition using a public health lens. His question was simple: Did Prohibition reduce alcohol-related morbidity and mortality in the U.S.? The answer is a firm yes. Alcohol-related health problems fell drastically in 1920. Although these same health problems slowly rose over the course of the 1920s as more Americans devised methods to acquire alcohol, one could consider Prohibition as a dramatically successful public health intervention.¹⁵⁴ Burnham was a leader in viewing Prohibition in this more critical and specific way.

I believe that the economic argument against Prohibition, while valid, is not sufficient. Rather than viewing Prohibition through an economic or a public health lens, I use Forest Service policies and federal consistency as a measure of how unsuccessful Prohibition was. As I will illustrate, Forest Service officials in the southern Appalachians undermined Prohibition in order to gain the favor of locals. Multiple national forest managers formulated unofficial policies of noncompliance with federal law, tacitly allowing

¹⁵³ National Research Council Staff Committee on Substance Abuse and Habitual Behavior. *Alcohol and Public Policy*. Washington D.C.: National Academies Press, 1980.

¹⁵⁴ Burnham, John C. "New Perspectives on the Prohibition 'experiment' of the 1920's." *Journal of Social History* 2 (1968): 51-68.

moonshining despite representing a federal agency. This inconsistency at the federal level suggests that Prohibition was poorly conceived of, poorly executed, and ultimately a failure.

The case of Hamilton Gowder illuminates the ways in which Prohibition, instead of discouraging alcohol production, actually pushed farmers towards moonshining. On October 29, 1926, Gowder's case was number 71 on the Northern District U.S. District Court docket. Revenuers had caught Gowder at a moonshine still with 52 gallons of moonshine already distilled and ready to be sold. Gowder's was a rare case in a U.S. District Court in which the judge decided not to press for jail time or a monetary fine. Instead, Judge Samuel Sibley ordered that Gowder serve a probationary period of two years. During his probation, if Gowder wrote a letter to Sibley every week detailing his whereabouts and current job while staying out of legal trouble, the court would absolve Gowder of his crime.¹⁵⁵

Gowder's monthly letters reveal a small glimpse into the life of a convicted moonshiner. Presumably without a family farm to turn to, Gowder travelled to southern Georgia find work. On December 30 he wrote to the judge that he was "picking cotton at 75 c per hundred belt and expecting a better job soon." Picking cotton is infamously difficult and Gowder switched jobs quickly. The next letter was addressed from Canon, Georgia and Gowder stated that he was "doing farm work at \$25.00 per month." The ex-moonshiner kept drifting, reporting from farms in South Carolina, North Carolina, and towns throughout Georgia.

¹⁵⁵ Case no. 71, United States vs. Hamilton Gowder, October, 1926; District Court Northern District of GA, Gainesville Division, Criminal Case Files, October 1923-November 1969 Box 3. Georgia Archives, Morrow, GA.

Although Gowder frequently insisted in his letters that he was “getting along just fine” living the life of a law-abiding farmer, another letter in the collection casts his own into doubt. A letter from January 4, 1928, sent to the court from Rayston, Georgia inquired as to the whereabouts of one “Glen Hamilton.” The letter, mentioning Hamilton Gowder’s jail time and addressed to the correct court, reveals that Gowder had been using the pseudonym of Glen Hamilton. Gowder apparently had “ordered some furniture on stall payments” to the house of the letter-writer, and then disappeared. Gowder did not only leave the bills, but also a sad mother and her baby. Presumably Gowder had married the letter-writer’s daughter and then “gone and left his wife and a baby and no one to depend on.”¹⁵⁶ Although these actions were not exactly illegal, they suggest, as does the use of a pseudonym, that probation did not reform Gowder into a model citizen.

While there is no indication whether or not Gowder fell back into moonshining during or after his probation, it was surely a constant temptation. Assuming that \$25.00 per month was standard pay for the average farm hand and whiskey sold for, at the lowest, \$6 per gallon, then falling back into moonshining would have been tantalizing.¹⁵⁷ With the 52 gallons Gowder had been caught with, he could have earned more than \$300, or almost a year’s worth of cotton picking. In some areas particularly thirsty for whiskey, a single gallon could sell for a full \$25.00. It is not surprising then, that so many farmers began moonshining with the beginning of national Prohibition instead of working as farmhands

¹⁵⁶ Ibid.

¹⁵⁷ Speer, Emory. “Fighting the Excise: A Sketch from the Land of the Moonshiners.” *Atlanta Constitution*, September 23, 1883. ProQuest Historical Newspapers [ProQuest].

for wages.¹⁵⁸ After Gowder's final letter to Judge Sibley, the letters stopped and the small window into his life closed.

Besides a rise in whiskey prices, another development specific to the southern Appalachians in 1920 radically transformed moonshining. Mountaineers discovered how to use cane sugar in the moonshining process. With the traditional sugarless method, corn mash had to boil for hours so that the starches from the grain could break down into sugars. The yeast could then utilize the sugar as energy, thus transforming the mash into ethyl alcohol. Using cane sugar bypassed the first step altogether, saving time.¹⁵⁹ By some estimates, using sugar cut in half the time required to make moonshine. An additional quirk of moonshine fermented with added sugar was that a moonshiner could produce far more whiskey with the same amount of corn. The time saved and volume gained from using sugar caused the method to spread rapidly.¹⁶⁰

The demand for sugar in southern Appalachia became so great that individual counties actually formed direct relationships with sugar producing countries. A history of Gilmer County, in northern Georgia, mentions a special trade relationship between the county and Havana sugar producers.¹⁶¹ Moonshiners relied on sugar in ever-greater quantities to meet the rising demand for whiskey.¹⁶²

Although a moonshiner could potentially increase his profits by using sugar in his product, the method sometimes rendered the practice even more difficult. One moonshiner recalled, "I'd pick up a hundred pounds of sugar and go two miles and a half, way back

¹⁵⁸ Case no. 71, United States vs. Hamilton Gowder, October, 1926; District Court Northern District of GA, Gainesville Division, Criminal Case Files, October 1923-November 1969 Box 3. Georgia Archives, Morrow, GA.

¹⁵⁹ Stewart, Bruce. *Moonshiners and Prohibitionists*. Kentucky: The University Press of Kentucky, 2011, 218.

¹⁶⁰ Carr, *The Second Oldest*, 95.

¹⁶¹ Mills, *Heritage of Gilmer County*, 57.

¹⁶² Stewart, *Moonshiners and Prohibitionists*, 218.

across a mountain” to reach his isolated moonshine still. After allowing the mixture to ferment and distilling it, the man then hoisted his “ten gallon kag full of likker, put it on [his] shoulder and tote it back home.” On his return trek, those 10 gallons on his back weighed 80 pounds. He ended the interview with the proud claim, “Heck, I usta be stout as a mule.”¹⁶³

Whiskey has always held colorful names such as “white lightning,” “fire water,” “mountain dew,” “tiger piss,” and “panther’s breath.” The effects of sugar whiskey added a few more to the list. Many knew the brew as a variation of “popskull” “bust head,” or “skull cracker” because of its tendency to cause the drinker agonizing headaches.¹⁶⁴ But with demand for liquor so high, sales did not slacken.¹⁶⁵

The speed at which whiskey could now be distilled, and the astronomical profits made quantity more important than quality. When moonshiners could not get their hands on copper or steel for the still, they would resort to other metals, with deadly results. As cars became more prevalent, poor moonshiners substituted rusting car parts for copper to build the worms of their stills. Lead poisoning from this “radiator liquor” would commonly cause “convulsions and delirium, followed by a coma” if not death.¹⁶⁶ An Atlanta Constitution article noted the “perfect cyclone of tragedy sweeping” over the country due to moonshine of low quality.¹⁶⁷

Increasing numbers of moonshiners, tempted into the business by soaring whiskey prices, sought isolated areas where they could carry out distilling. And this more frequently

¹⁶³ Dabney, Joseph. *Mountian Spirits II*. Copple House Books, Inc., 1980, 25.

¹⁶⁴ Kephart, *Southern Highlanders*, 137.

¹⁶⁵ Wigginton, *Foxfire*, 301.

¹⁶⁶ Joyce, *Moonshine : A Cultural History*, 112.

¹⁶⁷ “Challenge to Coolidge.” *Atlanta Constitution*, October 25, 1923. ProQuest Historical Newspapers [ProQuest].

brought them on to Forest Service land. The main reason was that if revenuers happened to discover a still on a national forest, they could not simply arrest the property owner.¹⁶⁸ At this time, the Forest Service was preoccupied with how it might prevent fires from destroying its forests. And moonshiners did pose a fire danger to forests. Stills run on gasoline, though safer overall, had a tendency to explode.¹⁶⁹ A 1927 article from a circular, the *Forest Service Bulletin* noted a particularly fierce fire originating from a still explosion in Virginia's Shenandoah National Forest. Despite occasional explosive episodes, however, moonshiners actually became integral partners to the Forest Service in the fight against forest fires.

The *Forest Service Bulletin* was a circular that travelled to Forest Service officials around the country. Each week's issue gave a summary of the news in every region of the country while individual rangers circulated information about their forests. Rangers often described successful methods they used to complete a task, sharing ideas with rangers on other forests. Technical silviculture findings and national political developments relevant to the Forest Service filled many pages. The Bulletin released from July 2nd 1923, for example, contained articles about a "slash disposal experiment" in California, a new "Directory of purchases and sales" in the Washington D.C. office, European forest legislation, and "cannibalistic trout."¹⁷⁰ The Bulletin was invaluable for gauging what lower and mid-level Forest Service officials, working with communities, found important.

Some rangers took breaks from their physically grueling work and used the *Forest Service Bulletin* as a way to exercise their creative faculties. In "The Taste of the Work plan,"

¹⁶⁸ Garrison, *North Georgia Moonshine*, 58.

¹⁶⁹ Southern, E.L.D. "A New Fire Hazard." *U.S. Forest Service Bulletin* 9, no. 26 (June 27, 1927). <https://archive.org/stream/servicebulletin1111unit#page/n211/mode/2up/search/whiskey>, 6.

¹⁷⁰ Duston, C.E. "Forest Service Bulletin" VII, no. 27 (July 2, 1923), 1-6.

for example, a ranger named Silas Helms crafted a metaphor in a small article in a 1924 issue. Helms compared a work plan for his rangers in North Dakota to a bottle of moonshine. He split his rangers into three groups, those who “glory in its taste,” those who “get terribly sick at the smell of it,” and those who “make use of it” from time to time. Helms believed that the same distribution applied to a work plan for national forest employees. Some will benefit from it, some will be neutral, and some will hate it. Helms ended the article with an exhortation to “learn to make the work plan taste good!”¹⁷¹ The whimsical nature of the article and its connection to moonshine suggests that, as Carl Schenk found, some Forest Service employees had positive views of alcohol, despite national Prohibition. Although no one article can represent the thoughts of thousands of employees across the country, any article in the bulletin was approved by an editor so serves as a barometer of how employees might have felt about certain issues.

In that same bulletin, an official from a lumber company operating in South Carolina pointed out the difficulty in regulating moonshining on isolated private lands. The company owned 48,000 acres in 1927. Only six people lived on the land so it afforded moonshiners solitude and general impunity. Despite the risk of forest fires with so much moonshining activity, the company did not report to revenueurs. Instead, they found “it a good policy to say nothing to the stillmen” because moonshiners would likely “burn the woods” in retaliation. The company tiptoed around moonshiners, assuring them by signs and word of mouth that the company was “not fighting them.” In return it asked that they be careful with their fires.¹⁷² The fact that this story appeared in the *Forest Service Bulletin*, circulated

¹⁷¹ Helms, Silas. “The Taste of the Work Plan.” *Forest Service Bulletin* 8, no. 15 (April 14, 1924), 4.

¹⁷² Southern, E.L.D. “A New Fire Hazard.” *U.S. Forest Service Bulletin* 9, no. 26 (June 27, 1927).
<https://archive.org/stream/servicebulletin1111unit#page/n211/mode/2up/search/whiskey>, 6.

to hundreds of Forest Service officials in the southern Appalachians, suggests that at least some thought seriously about turning a blind eye to moonshining to prevent forest fires.

The Bulletin hosted opinions from those at the very top of the Forest Service hierarchy as well. Henry Graves, the second chief of the Forest Service, wrote in the *Forest Service Bulletin* about the ways in which local management might affect national forest land. He stressed that education was key to fighting fire. “In many States” he began, there are laws “punishing incendiarism, carelessness, in clearing land and in leaving campfires, etc.” According to Graves, the people in these states understood the hazards of fire as well as why and how to prevent them. “In most States, on the other hand, organizations to carry out the laws and an enlightened public sentiment to support them are lacking.”¹⁷³ The Forest Service used many tools to educate people, from lecturing at elementary schools to sharing films and pamphlets about stopping fire. Graves stressed that “public opinion” was the key to enforcing laws meant to combat fires.¹⁷⁴

In many southern Appalachian counties, by the late 1920s, moonshiners made up a significant percentage of the public that Graves was trying to educate. A history of Lumpkin County in northern Georgia estimated that as much as 40% of the county was either directly or indirectly linked to moonshine. While many mountaineers were not moonshiners themselves, they indirectly relied on moonshine for income. Corn millers, for example, depended on the business generated by the production of corn whiskey. A moonshiner had to crush his sprouted corn to turn it into mash for his still.¹⁷⁵

¹⁷³ Mastran, *Mountaineers and Rangers*, 36.

¹⁷⁴ Graves, Henry. “Protection of Forests from Fire.” *Forest Service Bulletin* 82 (1910). <https://archive.org/stream/protectionoffore82grav#page/n3/mode/2up>, 19.

¹⁷⁵ Sorohan, *Heritage of Lumpkin County*, 7.

Bootleggers were another type of indirect beneficiary of moonshining. The term bootlegging had originated from the early 19th century when U.S. laws banned the sale of liquor to Native Americans. Defiant traders hid flasks in their boots or pant legs to transport the alcohol. The name stuck in the 1920s, despite illicit liquor transportation graduating from boots to cars. Some bootleggers were moonshiners themselves, while others simply drove the product from one place to another. The largest markets for corn liquor were cities, so moonshine often had to be transported long distances. In north Georgia, moonshine bootleggers would attempt to drive down from the mountains into Atlanta to sell the product. They were frequently caught.

Between July 3rd 1925 and October 1927, Gilmer court “auto-seizure” documents record that Gilmer County sheriff R.L. Milton seized 27 vehicles for transporting whiskey. The Ford Touring seemed to be a particularly popular bootlegger vehicle. Under the auspices of the sheriff’s office, 14 were seized and sold in public auctions. On July 28, 1925, Milton arrested one bootlegger who managed to stuff 130 gallons of moonshine into his Ford Touring. With more than a thousand pounds weighing down the car, he could not have been particularly difficult to catch.¹⁷⁶

Some poorer bootleggers moved even more slowly. In that same window of time between 1925 and 1927 two official arrest records had the pre-written word “automobile” scratched out and replaced with “team.” In one of the cases, the officer seized “one wagon, harness and two mules” saddled with 49 gallons of moonshine.¹⁷⁷ In the other case, the

¹⁷⁶ Auto Seizure no. 216, The State vs. Hobart Reese, July, 1925; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Subgroup 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

¹⁷⁷ Auto Seizure no. 224, The State vs. Luther Mulkey & Bunyon Kincaid, December, 1925; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Subgroup 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

bootleggers must have realized that they had no chance of escaping with the cargo once they saw the sheriff. The Blue Ridge circuit court brought “this petition against parties unknown” and seized fifteen gallons of illicit alcohol along with a “black mare mule, 9 years old, one buggy and set of harness.”¹⁷⁸

The criminal docket of the U.S. district Gainesville court reveals that by the late 1920s, the court system was overrun with moonshine cases. Of the first 100 cases on the 1927 docket, 89 were for “Violation of the Prohibition Act.” In fact, the first 12 descriptors of the crimes on docket volume one were written out by hand. But the clerk must have ordered a stamp to handle the coming storm of moonshine crime, because in the preceding 77 cases, the section where the crime was to be written was stamped with “Vio. Nat’l Pro. Act” in large typeface.¹⁷⁹

As in previous decades, sympathetic judges generally accommodated members of the community who were caught moonshining. In the case file of “The United States vs. A.F. Lingerfelt,” in the Gainesville Division of the U.S. District Court, a letter from the defendant’s lawyer pleads for understanding. The lawyer requests that the Honorable Judge Sibley “defer the service of the following sentence until Oct. 1st” on account of the defendants’ dependents, as well as “the late condition of the crops, and especially the havock wrought by the late bad rains.” The letter refers to a previous conversation between the lawyer and the judge in which the judge presumably agreed to “grant some time more [sic] in which to serve the sentence.” Many communities of north Georgia were so tethered

¹⁷⁸Auto Seizure no. 229, The State vs. Parties Unknown, November, 1926; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Sub-group 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

¹⁷⁹ Gilmer County Superior Court Criminal Subpoena docket, 1927, Cases NO. 1-100; Record Group 161, Sub-group 1, Series 43; Georgia Archives, Morrow, GA.

to moonshine that to deal with the practice too harshly would have antagonized the people.¹⁸⁰

The circuit courts were not the only government bureaucracy that tempered its actions towards moonshining. The Jefferson National Forest is a perfect example of the way in which Forest Service policy actually accommodated moonshiners. Will Sarvis, a forest historian, extensively researched this national forest located in western Virginia. He conducted extensive interviews with former rangers who worked there in the 1920s and 30s. Sarvis found that the Jefferson National Forest's leadership sought "overall harmony [...] between the Forest Service and local people." Rangers on the Jefferson "attended local weddings and funerals, hosted Boy Scout meetings, and waved at everyone they saw while driving down the highway" to ensure integration into the community. And the community included plenty of moonshiners.¹⁸¹

William Campbell was a ranger on the Jefferson National Forest in the 1930s. He recalled seeing many moonshine stills throughout his career patrolling the forest. Although he stumbled upon a number of stills during national Prohibition, he recalled, "We didn't bother them, and they didn't bother us." The administrative district that Campbell worked in had had an informal policy regarding moonshining. When a ranger stumbled upon a still, he was instructed to simply leave a note asking the still to be moved, and carry on with his work. On the Jefferson National Forest rangers seldom reported moonshining to authorities.¹⁸² When Virginia and federal law enforcement asked rangers about

¹⁸⁰ Case no. 92, *The State vs. A.F. Lingerfelt*, November 24, 1926; Gilmer County Superior Court, Criminal Case Files, Record Group 161, Subgroup 1, Series 2, Location 4401-37. Georgia Archives, Morrow, GA.

¹⁸¹ Sarvis, "An Appalachian Forest," 169-178.

¹⁸² *Ibid*, 174.

moonshining, they would respond that they “had never seen a single still” on the national forest.¹⁸³

Accommodating moonshiners helped forest officials prevent fires in two ways. Firstly, a positive rapport with moonshiners ensured that they would not set fire to the forest on purpose. This had been a problem for private landowners who had attempted to crack down on moonshining. Moonshiners set fire to the forest in retribution.¹⁸⁴ Ideally the rangers could also convince moonshiners not to set fires to settle feuds.

But even more importantly, the policy of not reporting moonshine stills meant that moonshiners were willing to volunteer with the Forest Service to fight fires. One district on the Jefferson National Forest had only three full-time employees. When blazes could span hundreds of acres and take days to put out, volunteer fire fighters were crucial. One former ranger remembering his work on the Jefferson in the 1930s lauded “moonshiners as some of their best fire fighters” who would “take only an occasional day off to run their mash and then return to the fire line.”¹⁸⁵

This was not an arrangement unique to the Jefferson National Forest. Rangers on the Monongahela National Forest in West Virginia and the Pisgah National Forest in North Carolina refused to cooperate with law enforcement in moonshining cases. Pisgah rangers purposely avoided known moonshine sites and it was rumored that one district ranger actually did regular business with a local moonshiner. Allegedly the pair used a legal wood cutting permit to hide the liquor exchanges.¹⁸⁶

¹⁸³ Newfont, *Blue Ridge Commons*, 117.

¹⁸⁴ Southern, E.L.D. “A New Fire Hazard.” *U.S. Forest Service Bulletin* 9, no. 26 (June 27, 1927). <https://archive.org/stream/servicebulletin1111unit#page/n211/mode/2up/search/whiskey>, 6.

¹⁸⁵ Sarvis, “An Appalachian Forest” 169–78.

¹⁸⁶ Newfont, *Blue Ridge Common*, 117.

The *Forest Service Bulletin* recorded a story in 1924 of a ranger who used local knowledge and his own charisma to deal lightly with a moonshine problem, rather than report to revenue agents. R.H. McMahan was a ranger on the Nantahala national forest in North Carolina. He realized after looking over his records that the majority of forest fires in his district “had occurred on Sunday afternoon, along about the end of Sunday school time.” McMahan, understanding the locals’ “way of celebrating the Sabbath,” (drinking copiously) ran for the position of superintendent of the local Sunday school. He won the position and “from his vantage point while leading the singing Mac spots the drunkest bunch of worshipers.” The article drily noted, “Their religious fervor is directly proportional to their degree of inebriety.” McMahan began escorting this group home from services every weekend. The article ended by quipping, McMahan’s fire record showed “a decided improvement since he got religion.”¹⁸⁷ The article is humorous rather than judgmental, approving of a creative solution to stopping fires, rather than disapproving of McMahan’s decidedly lenient approach to drinking in the midst of national Prohibition. Although not necessarily moonshiners themselves, the men obviously drank the product and had connections to those who did produce it. But the article mentions nothing about the ranger reporting to revenuers. This suggests a laissez faire attitude towards alcohol and moonshining on many national forests. As long as they were not harming the forests, moonshiners and their customers were not a problem.

Even if Forest Service employees had wanted to end moonshining on their property, it is dubious that revenuers could have even backed them up. An article in the fifth volume of the 1921 *Forest Service Bulletin* recounted a story in Medicine Bow National Forest in

¹⁸⁷ T.W.A. “Fruit-Jar Religion, or Why Mac Goes to Sunday School.” *Forest Service Bulletin* 8, no. 1 (January 7, 1924). <https://archive.org/stream/servicebulletin8188unit#page/n1/mode/2up>, 9.

Colorado. A small town, Fox Park, was located within the forest and Forest Service supervisors learned of illicit liquor activity. In this case, the Forest Service decided to revoke the pool hall's permit for selling liquor because of complaints from the townspeople. After communicating with the local Internal Revenue Service bureau in March, the Forest Service agreed to wait to revoke the permit "in order that the prohibition officers might have an opportunity of securing reliable evidence of the violation of the prohibition laws and prosecute the offenders." After waiting for five months, the Forest Service decided to revoke the permit anyway, refusing to wait any longer for the laggard revenueurs.¹⁸⁸

And when they did respond to a situation on time, revenue agents could do more harm than good. The *Forest Service Bulletin* of 1922 told the story, in a November issue, of a moonshine still on the Unaka National Forest in western North Carolina. The revenue agents "found it, smashed it, and set fire to the tubs" allowing the fire to spread. The article then laments, "before it was finally extinguished 900 good acres on the Unaka were desolated." The article ended with the vaguely threatening addendum, "It now appears that this prohibition law enforcement case will soon develop into a much more interesting fire law enforcement case." The writer seems to be hinting that the revenue agents broke Forest Service rules by allowing the fire to get out of hand, resulting in some kind of legal action.¹⁸⁹ Whether the situation reached that point is unclear. It is obvious, however, that the Forest Service would have preferred harmless moonshiners on their forests to revenue agents that left acres of charred collateral damage.

¹⁸⁸ "Bootlegging in the National Forests." *Forest Service Bulletin* 5, no. 27 (August 8, 1921). <https://archive.org/stream/servicebulletin5154unit#page/n385/mode/2up/search/liquor>.

¹⁸⁹ Tinker, E.W. "Down Under the Hill There Was a Little Still." *U.S. Forest Service Bulletin* 6, no. 34 (November 20, 1922).

When it was moonshiners who were helping the Forest Service fight fires, amicable partnerships sprung up. An editor of the *Forest Service Bulletin* copied into the circular an extensive article from the *Washington Post*, which described the relationship between the Maryland State Department of Forestry and St. Mary County moonshiners. A few forest wardens wandered “too deeply for their health” into the county’s “moonshine district.” At first community members mistook the wardens for Prohibition agents and refused to answer any of their questions. But after the forest wardens made their purpose clear, to offer money to those who volunteered to fight fires, the community sang a different tune. One of the “chief bootleggers” revealed himself and showed interest in fire prevention. Reportedly he said, “Forest fires prove dangerous to still operators” and “attract people into the woods and make it difficult for liquor manufacturers to keep their stilling equipment in secret.” The Maryland State Department of Forestry touted the story as a great victory for fire prevention as they had gained allies in a county that “constitutes a natural resource which is of vital importance to the whole state.”¹⁹⁰

This story did not occur in the southern Appalachians and did not involve the U.S. Forest Service. However, the fact that someone found it important enough to publish in the *Forest Service Bulletin* signals the story’s significance to the agency. Along with updates from forests around the country, the bulletin published many technical and instructional pieces meant to help forests share best practices. More than just an amusing story, the article suggests that forests struggled with defining their relationships with moonshiners

¹⁹⁰ *Washington Post*. “Fire Fighters Gain Allies in Maryland Moonshiners.” *Forest Service Bulletin* 16, no. 3 (January 18, 1932).
<https://archive.org/stream/servicebulletin1611unit#page/n25/mode/2up/search/moonshine>.

and forging partnerships with them was one potential path. This path meant allying with moonshiners for the greater good of fire prevention.

CONCLUSION

National Prohibition ended in 1933 with the ratification of the 21st amendment to the Constitution. But that was hardly the end of illegal liquor production. Just as before Prohibition, many liquor manufacturers refused to pay taxes on their products, willing to defy the IRS to raise profits. Although the federal government could no longer ban the sale or transportation of liquor, state and county governments could still regulate alcohol. Even after national Prohibition, by certain estimates almost 10% of the population of the South lived in areas that enforced some type of prohibition on alcohol.¹⁹¹ In these areas that maintained local prohibition, the same logic of supply and demand fueled moonshining.

Jess Carr, the author of *The Second Oldest Profession*, points out another reason that moonshining did not simply disappear after the repeal of Prohibition. After 13 years without legal liquor distilleries, operators simply did not have the infrastructure to pick up right where they had left off before Prohibition. Legal operators had no stockpiles of liquor ready to sell and few supply chains with which to work. Illegal operations, however, could continue as they had, now without a well-funded prohibition force harrying them. Carr estimates that illegal liquor producers held many millions of gallons in supply when prohibition was lifted.¹⁹² While some operators came out of the shadows and began to pay taxes on their products, many continued manufacturing whiskey the way that they always had.

A 1956 article published in the journal, *American Forests*, is evidence that even two decades after the end of national Prohibition, moonshine on national forests still vexed

¹⁹¹ Long, "Menace of the Stills," 37.

¹⁹² Carr, *The Second Oldest*, 120.

revenue agents. And they believed that cooperation with the Forest Service was the key to ending moonshine activity. The article is ominously named, "Menace of the Stills," with the caption "Stills take their toll in human lives, evade payment of taxes, and apply the torch to vast acreages of forest land." It feels somewhat like a sales pitch, making every possible argument to try and win support in its battle against moonshining.

The article, written by Internal Revenue Service employee John Long, dives into moonshining in the southern Appalachians, providing a brief history of the "nefarious trade." Long employs IRS figures to support his argument, noting that in 1956 in the South, revenueurs seized more than 10,000 moonshine stills and 1,700 vehicles used for bootlegging. Although revenue agents seized almost double that number of stills in the 1920s, the number in 1956 was high enough that the IRS pleaded for help from foresters. After branding the "average southern moonshiner" a "trespasser" on government forestland, Long makes the argument that the moonshiner is "likely to be careless or indifferent about the way he treats the property he has intruded." Long is insinuating that Forest Service employees should provide information to the IRS in order to protect the forests. After admitting, "the Forest Service has no breakdown on the total extent of forest damage that can be attributed to moonshiners in the southeastern states" he insists, "a good share" of those fires noted as "unknown origin" derive from moonshining.

Long, recognizing his intended audience, notes, "We know we are not the most popular people in the world" and fishes for sympathy by mentioning the "366 attacks [...] made on 'T-Men' by moonshiners and other liquor law violators." On top of these attacks, local law enforcement and constables have "'kinfolk' or close friends whose livelihood

comes from the making or selling of moonshine” who do not enforce laws particularly stringently. The practice, Long concludes, is “still a pillar of the local economy.”¹⁹³

John Long’s characterization of moonshiners is misleading. While moonshiners certainly did occasionally start fires in national forests, they had an incentive not to do so. Fires brought unwanted attention to isolated forest coves where moonshiners built their stills. Long claimed, with little evidence, that fires from moonshining cost “hundreds of thousands of dollars annually,” in ruined trees.¹⁹⁴ He declined to mention, however, the cost of antagonizing moonshiners who in some areas made up the vast majority of a national forest’s firefighting forces. The reason that the forest rangers allied with moonshiners over revenueurs in 1915 is the same reason that they ignored Long’s appeal in 1956.

The Forest Service began in 1905 with the goal of using silviculture to conserve the nation’s timber resources. But after the Weeks Act of 1911, the young agency bought thousands of acres in the southern Appalachians, adding a human element to its mission. Rather than simply tending isolated forests in the West, the agency was forced to contend with the unique history and culture of the southern Appalachian region. As moonshining evolved throughout the area, the Forest Service took steps to evolve its own policies. Rather than an example of the growth of coercive state power, a view advocated by scholars like Skowronek and Hayek, the story of the Forest Service in southern Appalachia illustrates the transactional nature of federal bureaucracy, transforming to serve the needs of locals. Despite national Prohibition and pressure from the IRS, national forests

¹⁹³ Long, “Menace of the Stills,” 37.

¹⁹⁴Ibid, 37.

throughout the South forged partnerships with moonshiners to win over communities and safeguard timber resources for the future.

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