The Court Archive:
Prohibition

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More than one hundred years ago, prohibition was enshrined in the U.S. Constitution under the 18th Amendment. The Volstead Act allowed the federal government to enforce the new amendment. States passed their own prohibition laws and on June 27, 1921, Illinois passed the "Illinois Prohibition Act" to establish uniformity with the federal law. However, enforcement proved difficult, as many people resorted to bootlegging and speakeasies to obtain liquor illegally.

In Springfield, a new city administration elected in 1923 wanted to crack down on the establishments that were defying the law. Phil Aiello operated a confectionary store on Jefferson Street. In June 1923, police raided his store and two other establishments in downtown Springfield for selling liquor. Sangamon County Court Judge E. E. Bone issued an injunction against the businesses as public nuisances and for violating the state's prohibition laws.

Two months later, Aiello was still operating his confectionary store. A policeman sent his son as a plant to the store to order a bottle of white mule. Aiello told the man to go to the rear of the store and he would give him a sandwich. Once they got to the back of the store, Aiello asked his employee Thomas Benz to fill a half pint bottle with liquor and then handed it to the policeman's son. Aiello was found to be contempt for violating the injunction and fined $1,000 and sentenced to 10 months in the county jail, while Benz received 6 months in jail.

Aiello and Benz appealed their sentences to the Illinois Supreme Court in *State v. Aiello et al.*, 317 Ill. 159 (1925). Aiello and Benz argued that the Illinois Prohibition Act was unconstitutional because it conferred injunction powers on a county court. While the Supreme Court case was pending, both men were released from jail on bond. Before the Supreme Court heard arguments, Aiello and Benz were arrested again, this time as the result of a police raid at a Springfield hotel that yielded two quarts of liquor.

In a *per curiam* opinion, the Supreme Court affirmed the Sangamon County Court decision, declaring the Illinois Prohibition Act constitutional in that the legislature had conferred jurisdiction to county courts. The Court concluded that the "punishment is within the provisions

of the statute and is not excessive. The evidence shows a flagrant disregard of the injunction writ and the laws of this State."

Aiello and Benz petitioned for a rehearing, but the Supreme Court denied the request. Both were taken to jail. After a few months after his release, Aiello was arrested yet again in a federal sting for selling rum. Several Aiello family members were involved in Springfield bootlegging, and their gangland warfare reached Chicago and St. Louis crime networks. Several Aiello brothers were marked for assassination, and two of Phillip's brothers and a nephew were killed by a rival gang, probably from St. Louis, in 1927.