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Fracturing Falsehoods: Multiplexity in Windsor-Detroit's Organized Crime Networks 1900-1933

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By

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1900-1933

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ABSTRACT

In the Windsor-Detroit borderland, the period between 1900 and 1933 was characterized by the nation-state's increasing legislative ability to enact interventionist measures to produce a regulated border. While the criminalization of alcohol in 1916 and 1920 by both the Canadian and U.S. governments respectively, enabled policy-makers to establish a transnational boundary, its implementation resulted in the production of legal asymmetries which forced the expansion and integration of the illicit economy into legitimate society through organizational actors and their respective enterprises.

Employing Chris M. Smith and Andrew V. Papachristos concept of multiplex ties in criminal organizations in conjunction with Willem van Schendel's theory of illicit flows in borderlands, the paper seeks to reconstruct Harry Low's Windsor-based organized crime network to determine how his syndicate employed multiplexity as an operational mechanism to circumvent the newly defined legislative boundaries between licit and illicit to make products flow during prohibition. By analyzing how the growth of organized crime was imbricated in the state process to control the flow of goods and people in the borderland; therefore, undermines the presentation of the Windsor-Detroit border as a static reciprocal relationship in which the illicit economy operated during the first third of the 20th century.

DEDICATION

To my mom and late grandfather, Elizabeth Rivet and Donald Reynolds, who have encouraged and taught me the value of education.

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AN ODE TO PROHIBITION

Prior to the 20th century the weakest point of a nation-state was its border and surrounding region where the continued interaction and shared culture of different populations defined a given geographic space. However, by the turn of the century borders and broader borderlands were increasingly defined by their territorial proximity to neighbouring nation-state(s).[1] As a borderland, Windsor-Detroit demonstrates how states exerted increasing legislative control along their respective peripheries.[2] Between 1900 and 1933 the Canadian and United States governments enacted legislation which sought to define and regulate the movement of people and goods in the region. The legal asymmetries produced from competing legislation forced the expansion and integration of the region's illicit economy into legitimate society. Entrenched in Windsor-Detroit's cross-border culture, its infiltration is best illustrated in the movement of alcohol across the border following the onset of the United States prohibition in 1919.[3] Older historiography has emphasized the impact government legislation had on the product using a binary lens; therefore, omitting how its criminalization forced the integration of regional organized crime into legitimate society by participants and their respective enterprises.

Previous studies have employed a binary lens to analyze the manufacture, wholesaling, and transportation of alcohol across the Windsor-Detroit border during

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[1] Sarah Maza, *Thinking About History* (Chicago: The University of Chicago Press, 2017), 8, 66-68.
[2] Brandon Dimmel, "Sabotage, Security, and Border-Crossing Culture: The Detroit River during the First World War, 1914-1918," *Histoire sociale/Social History* 47, no. 94 (June 2014): 405.
[3] Holly M. Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland* (Chapel Hill: University of North Carolina Press, 2015), 16-17.

prohibition. Daniel Okrent's seminal work *Last Call: The Rise and Fall of Prohibition* characterizes its application, arguing that "[f]or Windsor which now seemed welded to Detroit by the same river that had previously been a dividing line, [p]rohibition was the equivalent of a land rush."[4] While correct to describe prohibition as "a land rush," his portrayal of the Windsor-Detroit border prior to 1920 as "a dividing line," is not only misinformed, but dangerous.[5] Invoking the present conception of a border as an imaginary line which separates two or more countries first constructs a false assumption reliant on the implied ability of the nation-state to control illicit flows prior to prohibition. Second, it reduces the border to a static reciprocal relationship.[6] Consequently, Okrent's work, like the broader research it represents, restricts a nuanced analysis of the relationship between the implementation of interventionist state legislation and the movement of illegal products across a borderland.

Exemptions include historians Robert Rockaway, Larry Engelmann, and Holly Karibo. Their research addresses Detroit's immigrant-based organized crime networks, the relationship between Canadian exporters and American combines, and the expansion of the region's early and mid-century illicit economy into legitimate society respectively.[7] However, they do not examine the relationship between the integration of organized crime into legitimate society and the increasing legislative capacity of the nation-state.

[4] Daniel Okrent, *Last Call: The Rise and Fall of Prohibition* (New York: Simon & Schuster, Inc., 2010), 153.
[5] Daniel Okrent, *Last Call: The Rise and Fall of Prohibition*, 153.
[6] Donna L. Lybecker, Mark K. McBeth, Adam M. Brewer, and Carine De Sy, "The Social Construction of a Border: The US-Canada Border," *Journal of Borderlands Studies* 33, no. 4 (2018): 529. I am referencing their use of the Merriam-Webster definition of 'border.'
[7] Larry Engelmann, *Intemperance: The Lost War Against Liquor* (New York: Free Press, 1979), 145.; Holly M. Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland*, 5.; Robert A. Rockaway, "The Notorious Purple Gang: Detroit's All-Jewish Prohibition Era Mob," *Shofar* 20, no. 1, Special Issue: American Jews (Fall 2001): 113.

For that reason, oral testimony from the 1926-1927 Royal Commission of Customs and Excise, alongside court transcripts from local, regional, and inter-state newspapers were chosen to reconstruct Harry Low's organized crime network. By analyzing how his syndicate used its operational mechanisms to circumvent prohibition legislation to make products flow it is possible to see how this undermines the presentation of the Windsor-Detroit border (1900-1933) as a static reciprocal relationship in which the illicit economy operated.[8]

Employing Chris M. Smith and Andrew V. Papachristos' concept of multiplex ties in criminal organizations, in conjunction with Willem van Schendel's theory of illicit flows in borderlands, the research posits that between 1920-1928 Harry Low employed both multiplex relationships and legal asymmetries produced by interventionist state legislation to create and maintain his Windsor-based liquor and beer network. Using familial and business relationships to buy out the Old Carling Brewing Company in 1923, Low implemented deviant business practices within the company's vertical structure to circumvent interventionist legislation. Growing in tandem with his operations, these practices were adopted alongside local, regional, and transnational multiplex relationships to create and integrate a variety of semi- and illicit enterprises into legitimate society. Fostering cooperation and coordination between elite participants within his network, Low's companies strategically navigated between legal and illegal with intent and regularity.[9] By so doing, they minimized associated risks and maximized

[8] Willem Van Schendel, "Spaces of Engagement: How Borderlands, Illicit Flows, and Territorial States Interlock," in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, ed. Willem van Schendel and Itty Abraham (Bloomington: Indiana University Press, 2005), 47.
[9] Mark H. Haller, "Bootleggers as Businessmen: From City Slums to City Builders," in *Crime & Justice In American History: Historical Articles on the Origins and Evolution of American Criminal Justice 8.*

profits in Windsor-Detroit's competitive decentralized market through mutually beneficial co-offending business practices.[10] Low's decline coincided with the Canadian government's successful attempt to take control of the country's liquor and beer industry under the 1926-1927 Royal Commission of Customs and Excise. Prosecutors used multiplexity against elite participants to dismantle their criminal networks. Therefore, de-legitimizing organized crime in the Windsor-Detroit borderland as a licit business practice is indicative of the growing state process to curtail transnational flows in the region.

ORGANIZED CRIME AND THEORETICAL FRAMEWORK

During the 19th century organized crime in North America operated at the fringes of society with minimal publicity and was geographically restricted to individual neighbourhoods.[11] However, the onset of both Canadian and U.S. prohibition re-shaped criminal networks. Previously small-scale operations were forced to integrate into legitimate society through organizational actors and their respective enterprises to reach

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Prostitution, Drugs, Gambling and Organized Crime Part 1, ed. Eric H. Monkkonen (Los Angeles: University of California, 1992), 309.; Chris M. Smith and Andrew V. Papachristos, "Trust Thy Crooked Neighbor: Multiplexity in Chicago Organized Crime Networks," *American Sociological Review* 81, no. 4 (August 2016): 649, 662.

[10] Patricia Adler*, Wheeling and Dealing: An Ethnography of an Upper-Level Drug Dealing and Smuggling Community* (New York: Columbia University Press, 1985), 80.; Mark H. Haller, "Bootleggers as Businessmen: From City Slums to City Builders," 309.; Aili Malm, Gisela Bichler, and Rebecca Nash, "Co-offending between criminal enterprise groups," *Global Crime* 12, no. 2 (May 2011): 113.

[11] J.C. Burnham, "New Perspectives on the Prohibition 'Experiment' of the 1920's," in *Crime & Justice In American History: Historical Articles on the Origins and Evolution of American Criminal Justice 8. Prostitution, Drugs, Gambling and Organized Crime Part 1*, ed. Eric H. Monkkonen (Los Angeles: University of California 1992), 107.; Michael Woodiwiss, "Transnational Organized Crime: The Strange Career of an American Concept," in *Critical Reflections on Transnational Organized Crime, Money Laundering, and Corruption*, ed. Margaret E. Beare (Toronto: University of Toronto Press, 2003), 7-8.

and maintain a stable supply of alcohol to regional, national, transnational, and international markets.[12]

Encouraged by the financial opportunities afforded from the production of legal asymmetries found in Temperance, Volstead, and later legislation, Canadian participants developed or bought out failing or closed breweries and distilleries. These companies were "the first corporations to be[come] vertically integrated, handling all aspects of their trade including production, distribution, sales, export, financing, and marketing."[13] However, they were the most corrupt enterprises to operate during the early 20th century. Using their company's vertical structure, executives implemented and actively participated in organizational or white-collar crime. A "subset of organized crime," organizational crime refers to the planned "crimes [committed] by corporations during the course of business," for corporate or personal gain.[14] Deviant business practices such as commercial bribery, obstruction of justice, and misconduct were first adopted within their vertical structure and carried over to semi-licit and illicit import and export companies where they took on new meaning within the decentralized market. Like their legitimate companies, smuggling operations required extensive planning to reach consumers. However, to secure product safety and transportation to the point of dispersal,

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[12] Haller, "Bootleggers as Businessmen," 296.; R.T. Naylor, "Predators, Parasites, or Free-Market Pioneers: Reflections on the Nature and Analysis of Profit-Driven Crime," in *Critical Reflections on Transnational Organized Crime, Money Laundering, and Corruption*, ed. Margaret E. Beare (Toronto: University of Toronto Press, 2003), 40-41.

[13] Stephen Schneider, *Iced: The Story of Organized Crime in Canada* (Mississauga: John Wiley & Sons, 2009), 197.

[14] Jay S. Albanese, *Organized Crime in America, Third Edition* (Cincinnati: Anderson Publishing Co., 1996), 4.; Jay S. Albanese, Ph.D., *Organizational Offenders: Understanding Corporate Crime, Second Edition* (Niagara Falls, New York: Apocalypse Publishing Co., 1988), 7.; F.N. Baldwin, "Racketeer Influenced and Corrupt Organizations Act (RICO) and the mafia must now welcome organizational crime," *Journal of Financial Crime* 17 no. 4 (2010): 405.; Stephen Schneider, *Iced: The Story of Organized Crime in Canada,* 197.

their operations were organized on a horizontal structure in which participants were required to form and maintain multiplex relationships with legitimate actors and people of questionable or criminal background.[15]

The social network theory of multiplexity occurs when an individual takes on more than one role in a familial, social or business network.[16] For example, they could be an employee, neighbour, or husband who interacts with "particular sets of people who share with [them] a particular activity or interest."[17] The same person can take on another position. They may also be known as an individual's sibling, act as a fellow employee, or belong to the same athletic association. These ties provide the foundation for obligation, reciprocity, and trust in which information, influence, and resources flow between two or more individuals. It is within this lens that networks can overlap regardless of apparent differences.[18] While rare, multiplex ties are structurally relevant, forming the backbone among elite participants in criminal networks.[19]

In "Trust Thy Crooked Neighbor: Multiplexity in Chicago Organized Crime Networks," Chris M. Smith and Andrew V. Papachristos determine that success in the illicit economy during prohibition required individuals to trust others as a means to succeed in operating illicit and licit investments. Used to facilitate partnerships, multiplexity mattered most when individuals and their respective business(es) operated

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[15] Jay S. Albanese, *Organized Crime in America, Third Edition*, 99.; Jay S. Albanese, Ph.D., *Organizational Offenders: Understanding Corporate Crime, Second Edition*, 7-9.; Schneider*, Iced*, 197.
[16] Jeremy Boissevain, *Friends of Friends: Networks, Manipulators and Coalitions* (Great Britain: Western Printing Services Ltd., 1974), 24-25, 28.
[17] Jeremy Boissevain, *Friends of Friends: Networks, Manipulators and Coalitions, 28.*
[18] Boissevain, *Friends of Friends, 29.;* Chris M. Smith and Andrew V. Papachristos, "Trust Thy Crooked Neighbor: Multiplexity in Chicago Organized Crime Networks,"646*.*
[19] Smith and Papachristos, "Trust Thy Crooked Neighbor," 646, 662-663.

outside vertical structures which provided procedure, coordination, reliability, and regulation in a legitimate business.[20] Their smuggling ventures functioned as complex networks at the interstices between legitimate and illicit through multiplex relationships, and were built along a horizontal structure in which cooperation and coordination between ties outweighed the efficiency found in legitimate enterprises.[21]

As formally independent bootleggers became horizontally organized, they created inter-provincial, transnational, and international networks which relied on co-offending business practices to operate. These practices required two or more individuals and their respective enterprises - regardless if they were legitimate, semi-licit, or illicit - to work together employing illegal methods and included predatory pricing practices, bribery, fraud, tax evasion, and money laundering.[22] Therefore, their ability to exert influence in a market depended on the active involvement of employees, mediators, related professions, legal institutions such as banks or any person or external company which received or supplemented income from criminal activities.[23] To maintain supply and demand, bootleggers formed a complex web of familial, business, and criminal ties extending across Canada, in which elite participants integrated organized crime into legitimate society through multiplex ties at each point in the supply chain to create a semi-stable

[20] Smith and Papachristos, "Trust Thy Crooked Neighbor," 663.
[21] Smith and Papachristos, "Trust Thy Crooked Neighbor," 663, 645.
[22] Aili Malm, Gisela Bichler, and Rebecca Nash, "Co-offending between criminal enterprise groups," 117.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 645, 663.
[23] "$30,000 Is Ransom of 2 Brothers," *The Border Cities Star*, January 15th, 1930. According to *The Border Cities Star* article, mediators used by brewers and distillers included public officials and police officers, while related professions pertained to label and glass bottle makers.; Mark H. Haller, "Organized Crime in Urban Society: Chicago in the Twentieth Century," in *Crime & Justice In American History: Historical Articles on the Origins and Evolution of American Criminal Justice 8. Prostitution, Drugs, Gambling and Organized Crime Part 1*, ed. Eric H. Monkkonen (Los Angeles: University of California 1992), 354-357.

liquor market.[24] Windsor-Detroit demonstrates how multiplexity visibly overlapped in a borderland during prohibition.

Willem van Schendel's "Spaces of Engagement: How Borderlands, Illicit Flows, and Territorial States Interlock," describes "a borderland as a zone or region which lies an international border, and a borderland society as a social and cultural system straddling that border."[25] Addressed as a single "unit of analysis," borderlands offer historians the ability to visibly analyze the power configurations required to make illicit goods flow by providing access to the site(s) of origin, manufacture, transportation, and consumption.[26] Examining multiplexity as an operational mechanism in Harry Low's organized crime network offers a window onto the relationship between interventionist legislation, illegal flows, inter-provincial, and transborder arrangements in one of the country's largest liquor warehousing and distribution centres.[27]

Between 1900 and 1933, the Great Lakes region of southwestern Ontario and southeastern Michigan was defined by Canadian and American nation-building with the integration and expansion of a transnational north-south economy.[28] As the primary industrial centre along the United States and Canadian border prior to the Second World

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[24] Smith and Papachristos, "Trust Thy Crooked Neighbor," 645, 662-663.
[25] Willem van Schendel, "Spaces of Engagement: How Borderlands, Illicit Flows, and Territorial States Interlock," 44.
[26] Itty Abraham and Willem van Schendel, "Introduction: The Making of Illicitness," in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization,* ed. Itty Abraham and Willem van Schendel (Bloomington: Indiana University Press, 2005), 9.; Schendel, "Spaces of Engagement," 47-48-49.
[27] Schendel, "Spaces of Engagement," 62.
[28] David R. Smith, "Structuring the Permeable Border: Channeling and Regulating Cross-Border Traffic in Labor, Capital, and Goods," in *Permeable Border: The Great Lakes Basin as Transnational Region, 1650-1990,* ed. John Bukoczyk, Nora Faires, David R. Smith, and Randy William Widdis (Pittsburgh: University of Pittsburgh Press, 2005), 120.

War, commuters, immigrants, and tourists regularly moved between the countries.[29] However, both governments utilized their growing state powers to implement interventionist legislation meant to regulate the increasing transportation of goods, services, and individuals. Despite legislative efforts, the border remained porous to white Americans and Canadians.[30]

During this period, the illicit economy grew in tandem with the region and was visible through Windsor-Detroit's "wide-open nature," in which drugs, gambling, and prostitution dominated transnational flows.[31] Entrenched in the region since the 17th century as a source of income for residents, vice related activities came under increasing scrutiny during the mid-19th century by religious authorities and later politicians with moral-reformist backgrounds in the United States and Canada. Facilitating religious terminology, moral-reformists sought "to curb what they saw as a moral decline," in the working class by "convinc[ing] followers that society's ills could be cured in a world without drink."[32] As a form of social change, the shift toward collective prohibition was influenced by the implementation of secular temperance legislation during the later 19th century.

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29 Karibo, *Sin City North*, 16-17.; Paul-Matthias Tyrell, "Utilizing a Border as a Local Economic Resource: The Example of the Prohibition-Era Detroit-Windsor Borderland," *Comparative American Studies An International Journal* 13, no. 1-2 (2015): 17.

30 Brandon Dimmel, "Sabotage, Security, and Border-Crossing Culture: The Detroit River during the First World War, 1914-1918," 404.; Karibo, *Sin City North*, 16-17.; David R. Smith, "Structuring the Permeable Border: Channeling and Regulating Cross-Border Traffic in Labor, Capital, and Goods," 121.

31 Karibo, *Sin City North*, 5, 27.

32 Karibo, *Sin City North*, 26.; Edgar-André Montigny, *The Real Dope: Social, Legal, and Historical Perspectives on the Regulation of Drugs in Canada* (Toronto: University of Toronto Press, 2011), 6.; Stephen T. Moore, "Defining the 'Undefended,': Canadians, Americans, and the Multiple Meanings of Border," *The American Review of Canadian Studies* 34 no. 1 (Spring 2004): 3.

Both Ontario and Michigan experimented with federal and local forms of prohibition.[33] In Ontario, this included the federally mandated 1878 Canada Temperance Act (or The Scott Act) while in Michigan individual counties "adopted 'dry' ordinances."[34] These attempts to regulate social behaviour were hindered by the inability of both provincial and state governments to implement legislation along national, provincial, and inter-state borders.[35] As a result, the Windsor-Detroit region did not experience an influx in the movement of alcohol until the end of the First World War when Canada and the United States implemented temperance legislation at each level of government using interventionist measures.[36]

In Canada these measures included the War Measures Act (1914) and in Ontario, the Ontario Temperance Act (1916) while in the United States Congress passed the Eighteenth Amendment (1919) and later the Volstead Act (1920). By "prohibiting the manufacture, sale, and consumption of alcoholic beverages" these interventionist measures reflect the shift from informal temperance to state sanctioned prohibition.[37] The ability of the nation-state to produce and implement legislation which criminalized the consumption and transportation of alcohol, demonstrates their increasing bureaucratic capacity to enact wide-reaching laws through local, regional, and federal agencies.[38]

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[33] Philip Mason, *Rumrunning and the Roaring Twenties: Prohibition on the Michigan-Ontario Waterway* (Detroit: Wayne State University Press, 1995), 13.
[34] Philip Mason, *Rumrunning and the Roaring Twenties, 13.*
[35] Dan Malleck, "An Innovation from Across the Line: The American Drinker and Liquor Regulation in Two Ontario Border Communities, 1927-1944," *Journal of Canadian Studies* 41, no. 1 (2008): 154.
[36] Mason, *Rumrunning and the Roaring Twenties*, 13. According to Mason, the region did not experience an influx because Ohio did not adopt similar legislation.
[37] Mason, *Rumrunning and the Roaring Twenties*, 13.
[38] F.L. Barron, "The American Origins of the Temperance Movement in Ontario, 1828-1850," *The Canadian Review of American Studies* 11, no. 2 (Fall 1980): 140.; Greg Marquis, "'Brewers and Distillers Paradise': American Views of Canadian Alcohol Policies, 1919 to 1935," *Canadian Review of American Studies* 34, no. 2 (2004): 138.

However, enforcement was legislatively impeded in Canada through the division of federal and provincial law.

In opposition to the United States which enforced prohibition at the national level, its implementation in Canada was curtailed by the Canadian constitution which defined provincial and federal jurisdictions.[39] Following the end of the War Measures Act on January 1st, 1920, the Canadian federal government "passed legislation authorizing each province to decide if [p]rohibition would continue."[40] Excluding Quebec, all provincial governments passed laws which banned the purchasing of alcohol. The effectiveness of prohibition was further challenged by the federal government which later approved legislation legalizing the production of alcohol for export in all provinces.[41] Because Ontario provincial legislation only banned the purchasing and/or consumption of alcohol, there were no laws governing the "production, import[ation], and export[ation] [of alcohol] to or from another province or a foreign country because these rights rested with the federal government."[42] It is within this lens that early exporters like Harry Low took advantage of provincial and federal legal asymmetries.

Born March 17th, 1888, to Frank and Sarah Ann Low of 127 George Street, ByWard Market, Bytown, present-day Ottawa, Harry was the first of their five children and was raised in the working-class neighbourhood. An urban centre where the lack of social mobility and vice visibly intersected, Low was exposed from a young age to the

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[39] Okrent, *Last Call*, 146.
[40] Mason, *Rumrunning and the Roaring Twenties,* 37.
[41] Mason, *Rumrunning and the Roaring Twenties,* 37.
[42] Paul-Matthias Tyrell, "Utilizing a Border as a Local Economic Resource: The Example of the Prohibition-Era Detroit-Windsor Borderland," 19.

underbelly of ByWard Market that in turn shaped his own need for familial and business mobility as is demonstrated in his education, marriage, and business acquisitions.[43]

During the late 19th century, there were three paths for persons from working-class neighbourhoods or inner-city slums to pursue. The majority received minimal education and upon entering the workforce joined shops, factories or menial service where mobility was incremental. A second, albeit smaller group sought professional employment following college, while the third joined organized crime.[44] Like his contemporaries, Low fell into the third category. Growing up he received minimal formal schooling and was trained as a teenager in tool and die by his father, a machinist who operated his own business. Following his apprenticeship Low pursued the trade working at his father's shop.[45] In 1908, he married Norah Ellen Morgan who bore two children, Norah Ellen and Frank Gordon in 1910 and 1916 respectively. The family lived in ByWard Market until their move in 1911 from their 347 Dalhousie Street apartment to 72 Dufferin Road in the fashionable district of New Edinburgh, located across from the Governor General's Rideau Hall residence.[46] This abrupt change in the family's lack of social mobility was the result of a lucrative business acquisition.

Between their move in 1911 and 1915 Low purchased 299 Bank Street's St. George's Theatre and quit working in tool and die. Described as an ambitious and innovative entrepreneur, Low not only featured an outdoor screen to show silent films to passersby, but regularly rented out the theatre for lectures and gatherings. Alongside his legitimate

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[43] Mark H. Haller, "Organized Crime in Urban Society: Chicago in the Twentieth Century," 341-342.; Gary May, *Two Men and Their Monster* (Windsor: Your Story Publishing, 2015), 23.
[44] Haller, "Organized Crime in Urban Society," 342.
[45] Gary May, *Two Men and Their Monster*, 23-24.
[46] May, *Two Men and Their Monster*, 23-25.

business, he ran a lucrative side venture buying and fattening horses for profit.[47] While it cannot be determined that Low actively engaged in organized crime as a member of the entertainment industry, because of his need to further the social and economic positions of his family and business(es), it cannot be ruled out that during his ownership of St. George's Theatre he at minimum participated in deviant business practices. This is because Low's earliest investments illustrate how he managed enterprises over his lifetime as illustrated in his move to and acquisitions made in Windsor.[48]

Spurred by the financial opportunities offered by the Windsor-Detroit region, Low moved his family to Sandwich, Ontario (today a neighbourhood of Windsor) in 1919 where he briefly resumed working as a tool and die maker in Detroit. From the Low's arrival in Windsor to their 1923 acquisition of 262 Devonshire Road the family lived at several residences including 220 Askin Boulevard and on Caron Avenue.[49] Following his early business patterns, between 1919 and 1920 Low opened a licit pool hall at 100 Sandwich Street West. Older than other early bootleggers and an experienced businessman, he used a $300 loan to create an illegal side venture in the form of a gambling room and blind pig at the back of his enterprise.[50] A popular semi-licit establishment among American tourists and locals, Low's success encouraged his siblings, notably his brother Samuel James and parents Frank and Sarah Ann, to move to

[47] May, *Two Men and Their Monster,* 23-24.
[48] Haller, "Organized Crime in Urban Society," 343, 345.; May, *Two Men and Their Monster,* 25-26.
[49] "Death takes Harry Low, 67," *Windsor Star*, August 23rd, 1955.; May, *Two Men and Their Monster,* 26, 30.
[50] May, *Two Men and Their Monster*, 28.

Sandwich by 1922. Following the onset of U.S. prohibition in 1920, Low expanded his semi-licit operations entering the chaotic liquor market as a mid-level purchaser.[51]

In 1920, he established one of the first export warehouses for liquor in LaSalle (near Windsor) where he worked as an independent purchaser, buying from various Montreal brands including Bovin and Wilson, Lawrence Wilson, and Martel Goods.[52] While Low was an experienced businessman, specializing in importation facilitated the initial growth of his network by influencing the type(s) of people and their respective enterprise(s) that he maintained relationships with.[53] Notably, his venture shifted preferred business ties from familial to social and functional local and inter-provincial partnerships. As an independent, Low's early activities were horizontally structured and operated on a limited scale. However, it offered the time needed to acquire new skills such as organizing transactions and coordinating the transportation of goods which were necessary to compete with other local purchasers and vertically structured companies.[54] During the first year of U.S. prohibition, most of the region's import and export companies operated

[51] Mark H. Haller, "The Changing Structure of American Gambling in the Twentieth Century," in *Crime & Justice In American History: Historical Articles on the Origins and Evolution of American Criminal Justice 8. Prostitution, Drugs, Gambling and Organized Crime Part 1*, ed. Eric H. Monkkonen (Los Angeles: University of California 1992), 315. According to Haller's research, "[l]eading bootleggers tended to be young, born between 1892 and 1900, and thus some 20 to 28 years old when prohibition began."; Marty Gervais*, The Rumrunners: A Prohibition Scrapbook, 30th Anniversary Edition* (Windsor: Biblioasis, 2015), 95.; May, *Two Men and Their Monster*, 28, 31, 50. According to May, the establishment operated under several names during prohibition. These included The Border Cities Billiard Parlour, Harry's Recreation Room, and Harry's Pool Room.
[52] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VIII, May 2nd, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,522-16,523.; "Death Takes Harry Low, 67," *Windsor Star.*
[53] Haller, "Bootleggers as Businessmen," 295.
[54] Patricia Adler, *Wheeling and Dealing: An Ethnography of an Upper-Level Drug Dealing and Smuggling Community,* 127.; Boissevain, *Friends of Friends*, 84.; Haller, "Bootleggers as Businessmen," 295-296.

independently of large-scale brewers and distillers; however, both used the region's geography to access Detroit's illicit market.[55]

A competitive decentralized regional and transnational market, Windsor-Detroit "could absorb not just vast quantities of liquor but also a large variety of types: beer, scotch, bourbon, gin, wines, [and] champagnes."[56] Unlike the popular depiction of illegal markets as hierarchical and monopolistic, Windsor-Detroit was defined by ad hoc associations which were subject to market pressures.[57] Within the market, early resale value for a $1 to $2.50 bottle of Canadian liquor or beer imported and/or purchased in Windsor could sell between $10 to $13 (and in some cases $20) in Michigan. These inflated prices acted as an insurance and were informally governed by purchasers and exporters who based cost on location, transportation or labour expenditures, availability, competition, risk, and product reputability.[58] Following the introduction of large companies such as the British-American and Kuntz Breweries between 1920-1921, whose popular and reputable products commanded higher prices, independents were forced to cut back on profits to maintain inventories, cash, and product flow.[59] However, organized crime did not emerge from increasing or inflated prices and regional competition, rather these factors were the foundations on which strategic multiplex partnerships were later built for the purpose of co-offending to profit in and attempt to

[55] "Death Takes Harry Low, 67," *Windsor Star*.; Patrick Brode, *Border Cities Powerhouse The Rise of Windsor: 1900-1945* (Windsor: Biblioasis, 2017), 91.
[56] Adler*, Wheeling and Dealing,* 80.; Michael Woodiwiss, *Organized Crime and American Power: A History* (Toronto: University of Toronto Press, 2001), 188-189.
[57] R.T. Naylor, "Predators, Parasites, or Free-Market Pioneers: Reflections on the Nature and Analysis of Profit-Driven Crime," 41.; Schendel, "Spaces of Engagement," 51.
[58] "Death Takes Harry Low, 67," *Windsor Star*.; Adler, *Wheeling and Dealing*, 45-46.; Patrick Brode, *Border Cities Powerhouse The Rise of Windsor: 1900-1945*, 91.; May, *Two Men and Their Monster*, 28.
[59] "Public Hearings*," Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VIII, May 2nd, 1927, 16,522-16,523.; Adler, *Wheeling and Dealing*, 46.

control the region's decentralized market. Instead, syndicates evolved in response to favourable legal asymmetries from competing state and local legislation which benefited vertically structured Canadian suppliers.[60]

During his tenure as a Michigan federal judge, Arthur J. Tuttle sought to uphold "the idea of [p]rohibition and believed deeply in its enforcement."[61] While morally opposed to the consumption and transportation of alcohol under the Volstead Act, in August 1921 he allowed "bonded rail shipments originating at the Hiram Walker Distillery," to be shipped to their intended destination in Mexico.[62] Tuttle "based his decision on his belief that under the law the 'Volstead Act' or national prohibition law [did] not abrogate the treaty of July 4, 1871, between the United States and Great Britain."[63] By ruling in favour of the treaty, he established precedence granting a Canadian company a "temporary injunction" to transport alcohol across the border intended for a foreign destination.[64] Instead of sparking concern, the ruling produced disinterested views among U.S. customs agents.

When the legislation passed, Detroit customs collector Richard I. Lawson commented to the *Detroit Free Press* that he "[did not] believe the granting of a [future] permanent restraining injunction by Judge Tuttle [would] greatly affect Canadian shipments of liquor in bond through the United States for export."[65] At the time the article was

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[60] Albanese, *Organized Crime in America*, 99.; Tyrell, "Utilizing a Border as a Local Economic Resource," 18.
[61] Okrent, *Last Call*, 151.
[62] Okrent, *Last Call*, 152.
[63] "$300,000 Booze Bound Via U.S. To Alien Ports: Walker Firm Starts First $10,000 Cargo as Tuttle Grants Injunction Distilleries Clogged With Order For Rum District Attorney to Take 'Hands Off' Ruling to Supreme Court," *Detroit Free Press*, August 24th, 1921.
[64] "$300,000 Booze Bound Via U.S. To Alien Ports," *Detroit Free Press*.
[65] "$300,000 Booze Bound Via U.S. To Alien Ports," *Detroit Free Press.*

published, neither Tuttle nor customs were concerned with either future rulings in the state or cases presented in Windsor that could alter the Michigan federal court's injunction.

In Windsor, local police magistrate W.E. Gundy was responsible for producing competing legislation which legitimized the exportation of alcohol for any Canadian brewery or distillery to the United States using clearance papers or B-13s. In August 1921, he presided over "a test case, in which A. Raffelay, an American citizen, bought 100 cases of beer from the British-American Brewing Company."[66] In his ruling, Gundy determined "that Canadian officers had no right to stop shipments of liquor destined for the United States, or any other point out-side Ontario," so long as they had clearance papers.[67] Gundy based his injunction on the way in which Raffelay ordered from the brewery. He stated that "[h]ad Raffelay made his order by let-ter from the United States the transaction would have been valid."[68] Stipulating that "[c]itizens of the United States who want[ed] to purchase liquor from Canadian sources [had to] remain away from Ontario during purchase negotiations, if they would avoid conflict with the Ontario temperance act."[69] Despite ruling in favour of distilleries and breweries, Gundy's injunction did not overturn preceding federal export legislation.[70]

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[66] "Canadian Officials Look For Increasing in 'Rum Running:'" Police or License Department Officers Said to be Powerless to Interfere with New Angle of Liquor Traffic," *Border Cities Star*, August 11th, 1921.
[67] "Liquor Pouring Across Border: Decision of Windsor Judge The Export Shipments Are Legal, Starts Flood," *The Charlevoix Herald,* August 19th, 1921.
[68] "Cannot Buy In Ontario: Liquor Brought Across Border Must Be Ordered From U.S.," *Evening Star*, August 21st, 1921.
[69] "Cannot Buy In Ontario: Liquor Brought Across Border Must Be Ordered From U.S.," *Evening Star*.
[70] C.W. Hunt, *Booze Boats and Billions: Smuggling Liquor Gold* (Toronto: McClelland & Stewart, 1988), 175-176.

Under the federal government, when brewers and distillers sold Canadian manufactured products within the country, they were to pay a sales tax of $10, while exported goods required a $9 excise tax. The fee was not applied if a receiving customs officer provided a landing certificate or B-13 to confirm that a duty paid product was exported legitimately to a foreign destination.[71] Because alcohol was an illegal product in the United States, American customs officers could not produce these certificates. As a result, exporters used foreign destinations on clearance papers to circumvent both the legislation and tax.[72] However, all parties involved were aware that alcohol transported across the border was not reaching its stated destination, rather its intended local and inter-state markets in Detroit, Michigan, Cleveland, Ohio, Chicago, Illinois, St. Louis, Missouri, and New York City, New York.[73] The lack of coordination and cooperation between the Canadian and American judicial and police process, highlights the underlying tension to uphold prohibition by attempting to transfer its enforcement to another party.[74] Based on the rulings made by Tuttle and Gundy, their respective decisions demonstrate the primary legislative way in which the expanding nation-state impacted the movement of goods across the border.

Increasing legislative control is demonstrated not in their ability to control the volume of alcohol moved, but in their attempts to regulate who and where alcohol was being

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[71] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 3, Victoria Part I, November 26th, 1926, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 981.; C.W. Hunt, *Booze Boats and Billions: Smuggling Liquor Gold*, 175-176.

[72] "Canadian Officials Look For Increasing in 'Rum Running,'" *The Border Cities Star*.; Hunt, *Booze Boats and Billions*, 175-176.

[73] "$300,000 Booze Bound Via U.S. Ports," *Detroit Free Press*.; Marty Gervais*, The Rumrunners: A Prohibition Scrapbook, 30th Anniversary Edition*, 9, 23, 96-97.

[74] Julien Comte, "'Let The Federal Men Raid': Bootlegging and Prohibition Enforcement In Pittsburgh," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 77, no. 2 (Spring 2010): 167.

shipped to and is illustrated in the ways the judges reached their rulings. However, Gundy's ruling rendered Canadian customs agents and police officers powerless if clearance papers were provided. While in the United States, customs, police, and dry agents lacked the numbers needed to stop shipments.[75] Of which the legal asymmetries and lack of federal, state, and provincial cooperation disproportionately benefitted Canadian manufacturers who transported alcohol to the Windsor-Detroit market for dispersal to U.S. and Canadian consumers. In turn, vertically structured companies used their newfound legitimacy to form strategic alliances to facilitate product flow; thereby, pushing out small-time operators between 1921 and 1923.[76] The process is illustrated in Low's shift from independent purchaser and exporter to "legitimate" businessman.

Low continued to work independently until 1923, when Montreal distilleries formed the Montreal Liquor Commission and small-scale liquor warehouses went under. Unable to operate his enterprise, Low quit the export business.[77] Based on his following two business decisions which occurred in the same year, it can be determined he understood that Ontario brewers and distillers were becoming organized based on the legal asymmetries produced by judges Tuttle and Gundy. However, transitioning to a "legitimate" businessman required Low to mobilize familial multiplex relationships and invest in a partnership with likeminded individuals to manufacture and export alcohol on a large-scale.[78]

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[75] "Liquor Pouring Across Border," *The Charlevoix Herald*.
[76] Itty Abraham and Willem van Schendel, "Introduction: The Making of Illicitness," in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalization*, 23.
[77] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,523.
[78] Haller, "Illegal Enterprise," 228-229.

In criminal networks, multiplex relationships are the strongest in familial or ethnic groups where trust binds two or more individuals to a common risk-based goal or cause.[79] Harry Low's network was no exception. Instead of selling the poolhall outright, his father Frank was appointed proprietor and his younger brother Samuel James as manager in 1923.[80] By taking on additional roles within Low's network both his father and brother acquired multiplex ties. Mobilizing these ties to maintain his initial business investment, Low took his greatest risk extending his assets beyond the Windsor-Detroit borderland to purchase the Old Carling Brewing Company.[81]

Located on Waterloo Street in London, Ontario, Carling Brewery was created by Thomas Carling in 1843. Passing ownership to his sons John and William in 1850, Carling grew to become a profitable family-run enterprise. Following the death of John Carling in 1911, the company was passed onto his son Harry. However, the First World War and later prohibition crippled production, forcing its closure in 1920.[82]

In October 1923, Low established a formal partnership with Montrealer Marco Leon and Londoner Charles Burns to purchase the company.[83] Buying out the Carling family, Low made the transaction on behalf of Leon and Burns. Organizing the new Carling Brewery, the trio became the company's executives. Of which Low himself acquired the positions of Vice President and General Manager. Replacing the machinery with the

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[79] Adler, *Wheeling and Dealing,* 66.; Karen Schweers Cook, "Networks, Norms, and Trust: The Social Psychology of Social Capital," *Social Psychology Quarterly* 68, no. 1, 4-14 (2005): 9-11.
[80] May, *Two Men and Their Monster*, 31.
[81] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,523-16,524.
[82] "Carling Breweries (plaque no. 39)," London Public Library, accessed June 28th, 2019, http://m.lpl.ca/research/local-history/historic-sites-committee/carling-breweries-plaque-no-39.
[83] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,524.

latest upgrades the re-established brewery produced its first beer for export in April 1924.[84] To establish a supply chain Low, Leon, and Burns leased both the station and dock 30 of the Canada Pacific Railway Station at Sandwich Street West and Caron Avenue and used it as their main office.[85]

Coinciding with their Windsor investment and first beer production, the trio officially consolidated their control in 1924, making the enterprise "a joint stock company, Carling Breweries Limited." [86] Later, they amended the name to Carling Export Brewing and Malting Company Limited pronouncing their entry in the export business as Carling Export or the Carling Agency.[87] However, reaching their intended inter-provincial and transnational markets required significant financial risks.[88] Between 1923 and 1925 Low made key investments to secure product safety and transportation by purchasing multiple speedboats as well as two large sea-going vessels, the Vedas and Geronimo, of which the company used to ensure their supply chain to move large orders of alcohol out of Carling's dock.[89] An urban location which provided rail and water access, the C.P.R.

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[84] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 10, Toronto Part III, March 23rd, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 14,302-14,303.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XI, April 4th, 1927, Archives/Collections and Fonds, Library and Archives Ottawa, Ontario, Canada, 14,250.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Windsor Part XII, May 6th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 17,082.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 17, Montreal Part VI, June 9th, 1927, Archives/Collections and Fonds, Library and Archives Ottawa, Ontario, Canada, 19,428, 19,440-19,441.

[85] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Hamilton Part IV, May 12th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 17,722-17,723.; May, *Two Men and Their Monster*, 29.

[86] "Carling Breweries (plaque no. 39)," London Public Library.

[87] "Judgement in Erie Case Is Reversed," *The Border Cities Star*, August 24th, 1928.; May, *Two Men and Their Monster*, 31.

[88] Haller, "Bootleggers as Businessmen," 296-297.

[89] Gervais, *The Rumrunners*, 96.; May, *Two Men and Their Monster*, 33.

station and dock enabled the company to transport large cargos to Quebec and New Brunswick, navigate international waters, and sail to large U.S. cities with port access; therefore, cultivating loyal customers of which, Mr. Savard of Detroit, Michigan became the brewery's primary purchaser. [90]

Like the relationship between the illicit and legitimate economy, American purchasers ran parallel and increasingly intersected with Canadian manufacturers and later their export ventures as Detroit's organized crime syndicates consolidated their power along the Detroit River between 1923 and 1924.[91] Originally operating under the alias "Mr. Grandi," "C.A." or "F. Savard," and later "Druzinsky," this elusive buyer purchased alcohol out of Detroit from Carling and its export subsidiaries between 1924 and 1927.[92] Per arrangement, Savard paid for the products before they left Windsor and split the profits with Carling fifty-fifty, minus the expenses for shipping until the creation of the brewery's subsidiary Low's Group in 1925, at which time the agreement was seemingly transferred to their export company.[93] To expedite products, in 1924 Low began creating

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[90] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XI, April 4th, 1927, 14,251.; Haller, "Organized Crime in Urban Society," 357.; Schneider, *Iced*, 188.

[91] Mason, *Rumrunning and the Roaring Twenties*, 41.

[92] *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume I, Interim Report No. 10, October 11th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 58.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Windsor Part XII, May 6th, 1927, 17,075.; "Board To Probe B.C. Liquor Here," *The Border Cities Star*, April 5th, 1927.; "Savard Must Face Board," *The Border Cities Star*, April 29th, 1927.; "Crown Says Illegal Sale Proven: Witness Admits Carling Agency Gave Beer Away, *The Border Cities Star*, August 22nd, 1928.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*, August 23rd, 1928.

[93] *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume I, Interim Report No. 10, October 11th, 1927, 61.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,530-16,531.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Hamilton Part IV, May 12th, 1927, 17,717-17,719.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 17, Montreal Part VI, June 9th, 1927, 19,492-19,500.

separate bank accounts for Savard at the Dominion Bank of Windsor ostensibly with the purpose of setting aside money for "wages, trucking, demurrage," or other incurred expenses.[94] Because Savard worked at the most dangerous point in the supply chain as purchaser, he faced great risk from American authorities for illegally procuring alcohol and went to extreme lengths in order to conceal his operations.[95]

Of Savard's covert practices, he employed John Allen Kennedy as his representative to maintain his interests at the C.P.R. dock to circumvent Windsor police magistrate W.E. Gundy's 1921 ruling.[96] When he was not representing Savard, Kennedy oversaw Carling's warehouse as manager and worked as a bookkeeper for the brewery.[97] Therefore, each time Savard reinvested in his relationship with Low's companies, Kennedy by extension, acted as a multiplex tie, which connected the American purchaser, his subordinates, and distributors to Carling Brewery and later its export subsidiaries. Furthermore, as a Carling employee, Kennedy held a secondary multiplex tie, which linked the brewery's vertical and horizontal enterprises to facilitate the movement of

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[94] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XIII, April 6th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 14,486-14,487.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VII, April 29th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,312-16,313.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part XI, May 5th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,960.; "Banker Informs Court Kennedy Worked For Carling's," *The Border Cities Star*, May 9th, 1928.

[95] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XIII, April 6th, 1927, 14,486-14,487.; "Banker Informs Court Kennedy Worked For Carling's," *The Border Cities Star*.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.; "Savard Must Face Board," *The Border Cities Star*.; Adler, *Wheeling and Dealing*, 72.

[96] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XIII, 14,487.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.; "Liquor Pouring Across Border," *The Charlevoix Herald*.; "Cannot Buy In Ontario," *Evening Star*.

[97] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XIII, 14,487.; "Banker Informs Court Kennedy Worked For Carling's," *The Border Cities Star*.

alcohol between the points of manufacture and wholesaling. However, to profit in a competitive decentralized market required Carling's executives, employees, and their American purchaser(s) to cooperate and coordinate their activities.

Based on Low's partnerships outside the familial network, his alliance with Leon and Burns was strategic and binding. By himself, he did not have the financial resources to acquire, refurbish, and wait almost six months to establish a stable production line. Aligning with similar minded individuals, brought together the political clout, managerial skills, and investment capital needed to plan operations and access better markets.[98] Together, they were bound in their self-interest, mutual trust, equality, and shared profit in a legitimate enterprise.[99] While Carling was a legitimate company, because of Low's previous exposure in operating legitimate, semi- and illicit investments, his transaction to buy out the brewery made the acquisition a predatory purchase. Infiltrating a reputable business outside the Windsor-Detroit borderland afforded the trio the ability to establish themselves as "legitimate" businessmen, authorizing them to conduct 'illegal' transactions with purchasers like Mr. Savard.[100] However, to circumvent interventionist legislation to reach Canadian and U.S. buyers and consumers, executives implemented manufacturing and trade violations which required employees at each level of the enterprise to conspire to commit organizational crime.[101]

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[98] Haller, "Bootleggers as Businessmen," 297.
[99] Adler, *Wheeling and Dealing*, 63-64.; Albanese, *Organizational Offenders*, 7-8.; Haller, "Bootleggers as Businessmen," 297.
[100] Albanese, *Organized Crime in America*, 6-7.; Haller, "Illegal Enterprise," 228-229.; May, *Two Men and Their Monster*, 24-26, 28.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 645.
[101] Albanese, *Organizational Offenders*, 7, 16.

Taking over the site of origin and manufacture, the trio used their company's vertical structure to plan, introduce, and formalize deviant practices in the production, wholesaling, and transportation process for their personal gain.[102] Carling employees and related professions (i.e. glass bottle manufacturers) which held contracts with the company became complicit in manufacturing and trade violations. Significantly, employees such as John Allen Kennedy who held overlapping roles in both the vertical and horizontal structures of Low's businesses therefore, upheld "routine" business methods regularly crossed the spheres of legitimate and illicit.[103] Practices initiated within the vertical structure were rendered visible in horizontally organized export companies created between 1925 and 1927 within the Windsor-Detroit borderland. These included: bribery, predatory pricing or price-cutting, undervaluation, price-fixing, fraud, money laundering, and tax evasion. Institutionalized under Harry Low and Charles Burns, these practices took on new meaning within their network as co-offending business practices which cultivated and intersected with multiplex ties to form the backbone of their smuggling operations.[104] To launch their semi-licit and illicit export subsidiaries, Low, Leon, and Burns used their new found "legitimacy" to form external partnerships as independent businessmen.[105]

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[102] Albanese, Organizational Offenders, 7.; Haller, "Bootleggers as Businessmen," 295.
[103] "$30,000 Is Ransom Of 2 Brothers," *The Border Cities Star*.; Albanese, *Organizational Offenders*, 7, 10.; M. David Ermann and Richard J. Lundman, "Corporate and Governmental Deviance: Origins, Patterns, and Reactions," in *Corporate and Governmental Deviance: Problems of Organizational Behavior in Contemporary Society, Sixth Edition*, ed. M. David Ermann and Richard J. Lundman (Oxford: Oxford University Press, 2002), 19-20, 24.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 649, 655.
[104] M. David Ermann and Richard J. Lundman, "Corporate and Governmental Deviance: Origins, Patterns, and Reactions," 9, 19, 29.
[105] Haller, "Illegal Enterprise," 218, 228-229.

CHAPTER TWO:
A GOLDEN HOPPORTUNITY

Acting independently, the trio's entry in and creation of various enterprises was not dictated by Carling's bureaucratic structure. Rather, the actions taken by individual partners were informed by their association in a mutually beneficial enterprise, as well as further legislative measures implemented by both the U.S. and Canadian governments in their pursuit to curtail illegal transnational flows. One of the first combined attempts to take legislative control was the June 6th, 1924 Anti-Smuggling Treaty. Implemented in 1925, the treaty enforced "regular clearances of all boats, no clearances after six o'clock, and no loading or clearances on Sunday. It [further] provided for the notification of American officers when boats did clear."[106] By so doing, it became advantageous for vertically structured companies to heavily invest in small-scale export ventures for the purpose of circumventing legislation to transport their products to intended markets.

These export ventures operated on a small-scale having "lower capitalization, fewer personnel, and less formal management than comparable legal enterprises," which necessitated coordinating efforts horizontally by forming multiplex partnerships to facilitate product flow.[107] Through their endeavours, Low, Leon, and Burns worked to form, uphold, and reinvest in overlapping strategic partnerships which sought to circumvent interventionist legislation for financial gain, product and price control, and

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[106] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part I, April 21st, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 15,234, 15,275.; "River Blockade Hits U.S. Parties R.V. Sharp," *The Border Cities Star*, August 26th 1926.; Haller, "Illegal Enterprise," 227.
[107] Haller, "Illegal Enterprise," 208.

market access.[108] To avoid government detection, it was necessary to not only horizontally organize their supply chains for subsidiary companies by establishing interests in other various enterprises through multiplex ties, but to ingratiate products into legitimate society by co-offending to conceal their illegal transactions and transportation methods. As an operational mechanism, multiplexity generated their network's structure shifting desired partnerships from small ad hoc associations to integrated syndicates which relied on horizontal partnerships. However, these alliances were not equal.[109] Individuals who held significant economic, political, or social resources along with the capacity to engage in multiple short and long-term partnerships at once were the most sought after for their ability to exert influence within a market.[110] As previously stated, competition and product inflation within the Windsor-Detroit market provided the basis in which initial partnerships were formed and reinvested. Therefore, the transition to operating a large-scale syndicate which employed multiplexity as an operational mechanism to circumvent interventionist legislation relied on Low, Leon, and Burns' ability to produce a horizontally coordinated inter-provincial, and transnational import and export network based on price cutting as a co-offending business practice to minimize risk and maximize their profits within a decentralized market, and was launched with Low and Leon's reinvestment in their initial partnership in 1925 forming Low's Group.[111]

[108] Haller, "Illegal Enterprise," 215.
[109] Smith and Papachristos, "Trust Thy Crooked Neighbor," 659.
[110] Haller "Illegal enterprise," 222.
[111] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; Haller "Illegal Enterprise," 222.; Aili Malm, Gisela Bichler, and Rebecca Nash, "Co-offending between criminal enterprise groups," 113.

Low's Group (or Low, Leon, and Burns) was initially composed of Harry Low, Marco Leon, and Samuel James Low.[112] Acting as an independent businessman, Low established a multiplex tie with Leon because of their pre-existing partnership and strengthened his relationship with his brother Sam. Tying preceding partnerships and familial relationships to an alliance afforded the enterprise with the stability and skill sets needed to adapt to the 1924 Anti-Smuggling Treaty. By coordinating their business activities, Low's Group co-offended to purchase beer and liquor from local and regional breweries and distilleries ostensibly for export, thereby, crossing the spheres of legitimate and illicit with intent and regularity.[113] However, to exert influence and manipulate the regional and transnational market, Low had to expand his network outside the Windsor-Detroit borderland and more broadly, Ontario. Through his efforts, Low established a strategic partnership with Consolidated Exporters of Vancouver which provided access to needed resources for the purpose of price-cutting the Windsor-Detroit market.[114]

In April 1925, Low partnered with the Consolidated Exporters of Vancouver or C.E.V. which specialized in procuring imported liquors from Europe, as well as local brewers and distillers by representing the interests of the following nineteen formerly independent export houses:

The National Exporters Limited
The Calgary Export Company Limited
Rithet Consolidated Company, Ltd.

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[112] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.
[113] *Royal Commission of Customs and Excise,* Volume I, Interim Report No. 10, 61.; Haller "Illegal Enterprise," 215.; Malm, Bichler, and Nash, "Co-offending between criminal enterprise groups," 115.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 645, 649, 659.
[114] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,524-16,525.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,719-17,720.; Adler, *Wheeling and Dealing*, 79-82.; Boissevain, *Friends of Friends*, 85, 147.; Haller, "Bootleggers as Businessmen," 309.

Consumers Export Company Limited
B.C. Liquor Company, Limited
Dominion Liquor Company, Ltd.
J.G. Brooks, Limited
Davis Liquor Company, Limited
Pither and Leiser Ltd.
Nat. Bell Wine Company, Ltd.
Gold Bond Limited
Lloyd & Son, Limited
Dominion Trading Co. Ltd.
The Great West Wine Company, Ltd.
Brofman's Limited
Metropole Liquor Co. Limited
The Independent Exporters Limited
The Glasgow Traders Limited
The Standard Drug and Supply Co. Ltd.[115]

Within C.E.V.'s immediate network the company held multiple long-term agreements with regional brewers, distillers, and other export companies which provided the West Coast and prairie provinces with a semi-stable network in which multiple legitimate and semi-licit businesses co-offended.[116] The addition of Low's Group to C.E.V.'s network presents a mutually beneficial relationship in which Low's Group gained access to international markets, while C.E.V. acquired a reliable connection to the U.S. Midwest and East Coast markets via the C.P.R. and C.N. railways to Windsor where products were handled by Low's Group and exported to their Detroit purchaser who in turn moved the

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[115] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61-62.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 3, Victoria Part III, November 29th, 1926, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 1,271-1,277.; "Public Hearings*," Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 4, Vancouver Part IV, December 8th, 1926, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 5,036-5,039, 5,045.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part VIII, 16,524-16,525.

[116] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 4, Vancouver Part IV, December 8th, 1926, 5,045-5,047, 5,053-5,060. Please note page discrepancy in the Commission. These partnerships included Consolidated Distilleries and United Distillers, as well as competitors such as Joseph Kennedy.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 17, Montreal Part VIII, June 13th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 19,956.

products to their intended markets. From their alliance, Low's Group produced an inter-provincial network used to price-cut the Windsor-Detroit market. However, to move products to their intended markets required Carling's subsidiary and their American buyer to align their respective networks to secure rail transportation.[117]

In July 1925, Low approached Mr. Hawker, a C.P.R. Yardmaster at Windsor, on behalf of Savard who requested the switching of railcars to ensure product safety during transportation.[118] Hawker not only accepted the bribe, but relayed their scheme to the Michigan Central Yardmaster Mr. McGowan to have bonded railcars from the Carling Brewery be transported to Windsor, where for $100 per car they would "be diverted from the Michigan Central yards to the C.P.R. yards, the seals broken, liquor loaded on them, and sent on to the United States."[119] Upon discovery, Hawker was immediately fired by Horace C. Grout, the General Superintendent of Ontario for the Canadian Pacific Railway.[120]

[117] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 4, Vancouver Part IV, 5,051-5,052.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 4, Vancouver Part V, December 8th, 1926, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 6,074.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part I, April 21st, 1927, 15,278.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VII, April 29th, 1927, 16,356.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Hamilton Part IV, 17,719-17,720.; Gervais, *The Rumrunners*, 96-97.
[118] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,360-16,361.
[119] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part III, April 25th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 15,630-15,631.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part VII, 16,356, 16,360-16,361.
[120] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part III, April 25th, 1927, 15,630-15,631.

At first glance, the switching of rail cars seems impossible. To achieve his goal, Low would have had to go to the largest U.S. train yard, where heavy commodities were shipped and bribe the following individuals:

> the loading foreman; he would have to bribe the office staff to make false bills; he would have to get in touch with some firm that was using the stamp of the Commission; that is, the stamp of weights, to that the car would not be molested to be weighed. When he got the car into Detroit, he would have to see the Customs officers or somebody, to make sure that they did not open the car as an empty, on account as you can generally tell an empty car from a loaded one by the sound of it on a boat, and when it got on this side, he would have to bribe a certain number of switchmen, Customs officials, clerks in order to put his proposition through.[121]

However, the related practice of camouflaging rail cars was employed by Carling. Since 1924, the brewery actively bribed railway employees, used false invoices, and export seals identifying their products as canned meat and other goods for the C.P.R, Wabash, and C.N.R.[122] These illegal practices were orchestrated by executives who used their company's vertical structure to implement deviant practices which were upheld by cooperating employees. Leveraging their power and influence, elite participants coordinated efforts horizontally conspiring to commit bribery and fraud.[123] This illustrates how "legitimate" companies moved between the spheres of legal and illegal

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[121] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,363.
[122] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,353-16,354, 16,356, 16,360.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 17, Montreal Part V, June 8th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 19,350.; "Carling Beer Exports Told: Over $1,500,000 Taken By Bermuda Co. In 9 1-2 Months," *The Border Cities Star*, May 10th, 1928.; Brode, *Border Cities Powerhouse*, 136.; Hunt, *Booze, Boats and Billions*, 158-159.
[123] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,356.; Hunt, *Booze, Boats and Billions*, 158-159.

with intent and regularity for the purpose of minimizing risks for inland transportation to major Canadian and U.S. cities.[124]

While his plan backfired, all of Low's businesses, both vertical and horizontal, developed large-scale organized payments to warehouse owners, police, railway employees and officials, customs agents and officials, and ferry employees.[125] Because Windsor (and the Border Cities) was the country's fastest growing industrial centre, the region acted as a hub for Canada and the American Midwest's major railway lines of which the C.P.R., C.N., Michigan Central Railway, Pere Marquette, and the Wabash converged in the city.[126] Facilitating the movement of alcohol, shipments to the U.S. were primarily carried out using rail; however, boat, auto, ferry, and trucking services were also used. The horizontal ties used to secure transportation were discrete, yet functional, and provided access to favouritism, political support, and money. What they lacked in trust, they made up in resources, favours, and new strategies to circumvent legislation for companies.[127]

Based on the stipulations established under the June 6th, 1924 Anti-Smuggling Treaty, alcohol was legally exportable under Canadian law; however, it was an illegal product in

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[124] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 17, Montreal Part V, June 8th, 1927, 19,350.; Haller, "Illegal enterprise," 228-229.; Hunt, *Booze, Boats and Billions*, 41.

[125] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part I, 1926, 15,278.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part X, May 4th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,740-16,741.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,350.; Gervais, *The Rumrunners*, 29.

[126] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part I, 15,278.

[127] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part I, 15,278.; Louis Corsino, "They Can't Shoot Everyone: Italians, Social Capital, and Organized Crime in the Chicago Outfit," *Journal of Contemporary Criminal Justice* 29 no. 2 (May 2013): 270.

the United States. Bribing officials and fraudulently employing bonded rail cars to mimic legal cargo prevented the Canadian government from carrying out due diligence to notify the United States of impending liquor shipments.[128] While using mimicry to move alcohol with or as legal products illustrates the network's ability to adapt to interventionist legislation designed to regulate transborder flows; therefore, conspiring to commit bribery, fraud, and mimicry indicate the growing entrenchment of smuggling operations within the borderland.[129] Finally, Low's attempt to bribe members of the Michigan Central Railway indicates the markets his syndicate intended to reach.[130]

The Michigan Central Railway or M.C.R. was connected to the New York Central Railway which was the second-largest railway system in the United States during the early 20th century. Stretching over 10,000 miles, it serviced Ontario, Quebec, and Montreal, as well as nine U.S. states. Major American cities within the network included Detroit, Cleveland, Buffalo, New York, Chicago, Cincinnati, St. Louis, and Boston.[131] As some of the most lucrative urban centres for Canadian exporters, Low was willing to procure U.S. Customs seals at any cost and if he could not bribe his way through the M.C.R. he would allegedly attempt to do so at other junctions such as Bridgeburg and St. Thomas.[132] Demonstrated in Carling's later shipments, the company successfully switched and camouflaged their products using tracks at Windsor or Walkerville and

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[128] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 17, Montreal Part V, 19,350.

[129] Schendel, "Spaces of Engagement," 54.

[130] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Windsor Part XII, 17,094A-17,095. Please note page discrepancy in the Commission.

[131] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Windsor Part XII, 17,077, 17,091.; Drew Jacksich, "New York Central Railroad, The Water Level Rout," *American-Rails.com*, accessed October 23rd, 2019, https://www.american-rails.com/york.html.

[132] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,354-16,355.

along other railways such as the Wabash to infiltrate other Ontario junctions including St. Thomas and Port Stanley, for the purpose of shipping products east of Buffalo, Ohio. Of these known shipments, products were listed as canned goods, milk, scrap paper, and sugar. One was consigned by F. Savard, another by Samuel Low in Savard's name, and the last was receipted by Low himself.[133] Significantly, the car which contained Low's signature was loaded with Carling beer, camouflaged as "sugar for Niagara Falls, N.Y., [and] sealed with American and Canadian Customs seals on a through waybill."[134] With secure rail transportation, Low's Group and C.E.V. reinvested their partnership one year later to allocate more resources to price-cut Southwestern Ontario.

On April 3rd 1926, Low and Leon travelled to Vancouver to sign exclusive agency for C.E.V. products in Ontario at the Vancouver Sittings. Based on the agreement, they were to sell a certain amount per month and products were to be handled by Low's Group for export to their Detroit purchaser.[135] Renewing their alliance produced a multiplex tie which strengthened the trust and reciprocity between the two companies and in turn was used to enforce greater coordination for the purpose of co-offending to price-cut and take control of the Windsor-Detroit market. As opposed to their 1925 agreement which benefitted both parties, Low's Group leveraged their multiplex structure to enlarge their position as a growing regional and inter-provincial network.[136]

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[133] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Windsor Part XII, 17,065-066.
[134] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Windsor Part XII, 17,065-17,066.
[135] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,524.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XIII, 14,479-14,480.
[136] Boissevain, *Friends of Friends*, 85.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 646.

In the agreement Low's Group included Charles Burns as an independent partner despite the appearance of minimal involvement in the export industry. Like Low, Leon, and Burns' initial partnership to acquire Carling, by tying trust to a high-risk enterprise, Charles Burns was obligated to uphold company operations in the interest of Low's Group as demonstrated in their profit's distribution. Divided in a four-way split, Low, Leon, and Burns acted as equal partners and received the same shares, while Samuel Low received a smaller portion of the earnings because he was interested exclusively in imported liquor and not domestic products.[137] The addition of Burns shifted power dynamics by affording the company greater cooperation, capital, and resources needed to exercise influence in their agreement with C.E.V. along with their growing inter-provincial operations. Despite reinforcing their alliance, they were unable to take control of the Windsor-Detroit market because of regional and transnational competition which forced Low's Group to merge with other exporters and vertically structured companies to create new enterprises. Therefore, shifting the purpose of coordinating co-offending multiplex partnerships from price-cutting to taking control of the market, to using the predatory pricing strategy, to stabilizing the market, and finally, produce greater profits.

Pooling their interests in May 1926, Low's Group merged with the Harold Massey Group and later the Nathanson group to form the Vancouver Forwarding Company or V.F.C. to ship domestic and international liquor to the United States.[138] While the

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[137] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,524-16,526.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Toronto Part XIX, May 23rd 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 18,556-18,557.

[138] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; "Public Hearings," *Royal Commission Customs and Excise*, Volume 14, Windsor Part VIII, 16,530.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 15, Hamilton Part IV, 17,716.

company operated from C.P.R. dock alongside Carling and their subsidiary Low's Group, V.F.C. was not a new enterprise and existed prior to its incorporation under Low and Massey as a fruit shipping company.[139] Unlike Low's previous enterprises, the V.F.C. did not purchase liquor, rather as a forwarding company products were purchased exclusively by Mr. C.A. or F. Savard and his later alias B. Syringe through one of the three participating export companies and at the buyer's direction sent to a local dock where the products were forwarded to Detroit.[140] Within their alliance, each export company forwarded affiliated products from pre-existing partnerships. Hence Low's Group forwarded Consolidated Exporters of Vancouver, Nathanson the Atlas Shipping Company, and Massey the Kennedy Company.[141] As a result, Low initially established a single-stranded tie with the Massey Group which was reinforced following the creation of the V.F.C. While under the forwarding company he produced a single-stranded tie with the Nathanson Group, and strengthened his multiplex ties with the Consolidated Exporters of Vancouver, Charles Burns, Marco Leon, and Samuel Low.[142] Because each group acted as sub-agents to the other Low established single-stranded ties with Joseph

[139] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,304-16,305.; "Public Hearings," *Royal Commission Customs and Excise*, Volume 14, Windsor Part VIII, 16,530.
[140] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,307.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,530-16,531, 16,539.
[141] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,304-16,307.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,530.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 15, Hamilton Part IV, 17,716.
[142] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,300-16,307.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part VIII, 16,528.

Kennedy and the Atlas Shipping Company; therefore, reinforcing his West Coast interests and extending his business investments to the East Coast respectively.[143]

Within the V.F.C., because two of the three participating exporters held prior partnerships, the company acted as a "complex joint venture" in which co-offending to stabilize inter-provincial price-cutting became attainable through cooperation to end local rivalries between the Low and Massey Groups, this coordination of interests allowed all participants to profit from their enterprises by selling exclusively to one purchaser.[144] Illustrated in the company's profits and subsequent division, on average the V.F.C. earned $200,000 to $300,000 per month; of the revenue earned Low's Group received 55%, Nathanson 45%, and Massey the final third.[145] Based on revenue distribution, the participating partners were not equal. Employing the same strategy to leverage power at the Vancouver Sittings, Low's Group used their company's multiplex ties to form the primary interests in the company, while one of the leading shareholders was Samuel Low.[146] Therefore, Low's Group used familial, personal, and business ties to maximize profit intake and exert influence over the company's decision-making process. However, because the V.F.C. was formed as a risk-based venture it was wracked with infighting between participants and suffered from chronic undervaluation of products during the

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[143] "Public Hearings," *Royal Commission Customs and Excise*, Volume 14, Windsor Part VIII, 16,526-16,527.

[144] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,308-309.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,531.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,716, 17,720.; Haller, "Illegal Enterprise," 215.

[145] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,720.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,541.

[146] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,305.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,706, 17,708, 17,716, 17,720.

export process.[147] To combat tensions, in October 1926, participants disbanded the original V.F.C. and began operating under other names including the Vancouver Forwarding and Shipping Company Limited and the Wayne Products Company.[148]

Following its second re-organization, the Vancouver Forwarding and Shipping Company Limited or V.F.S.C. acted as both a forwarding company and a warehouse.[149] Because the company represented the same exporters, all elite participants in Low's network acquired multiplex ties. As a conduit to re-invest their co-offending business practices, the company acted as a common carrier for the Wayne Products Company shielding it from increasing local and regional legal proceedings against the warehousing of liquor and beer.[150] The second company created as a result of internal tensions in the V.F.C. was the Wayne Products Company or W.P.C. which consisted of the same three groups of exporters who turned in their V.F.C. stocks and used their capital to adjust their partnership agreement.[151]

The W.P.C. operated between November 5th, 1926 and April 30th, 1927 and was employed to purchase liquor for the V.F.S.C. based on a small commission and continued to use the same import companies. Reinforcing their multiplex ties, the W.P.C.

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[147] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,720. For example, Marco Leon was threatened with a pistol over the undervaluation of an account.

[148] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.

[149] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part XI, May 5th, 1927, 16,965.; "Public Hearings," *Royal Commission of Customs and Excise,* Volume 15, Hamilton Part IV, 17,721.

[150] "Magistrate Smith Explodes Bomb In Rum Export Fight," *The Border Cities Star*, August 17th, 1928. A common carrier "as defined by Regulation I (B) under The Liquor Control Act is any person approved by the Liquor Control Board as a carrier and who carries or conveys liquor or beer as provided by the Act and Regulations."

[151] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,697-17,698.

financially benefited all co-offending participants; however, the new enterprise was not a joint stock company, instead it was a partnership which operated out of the C.P.R. dock and divided profits monthly on the same basis as the original V.F.C.[152] On average the company made between $20,000 to $25,000 per month with the highest at $50,000. Over the course of its operation, $1,693,000 was moved through the account with cheques signed by two of the following men: Harry Low, Samuel Low, Maurice Nathanson, Sidney Nathanson, John Massey, and Harold Massey.[153] By assigning his brother as power of attorney, Low used familial trust to consolidate control over the W.P.C.[154] While the company suffered from chronic undervaluation and infighting like the V.F.C., Low's need to maintain a horizontally coordinated supply chain outweighed efficient purchasing methods found in vertically structured enterprises as is illustrated in his following endeavour: the Cuban Export Company.[155]

For six weeks following April 27th 1926, the Cuban Export Company or C.E.C. was composed of the same exporters, operated as a non-incorporated enterprise, and was used to forward $240,000 worth of products from the Distillers Corporation or D.C. of Montreal through the W.P.C. to Detroit.[156] Sam and Harry Bronfman opened the

[152] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part XI, 16,956-16,958.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,697-17,698, 17,705-17,707.
[153] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part XI, 16,956-16,957.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,696-17,698, 17,705-17,707.
[154] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part XI, 16,956-16,957.; Boissevain, *Friends of Friends*, 83-85.
[155] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,694-17,698, 17,705.
[156] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part XI, 16,956-16,958.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,728-17,729.

Montreal based distillery in 1924. As prolific liquor manufacturers, the Bronfman brothers operated numerous companies during prohibition of which the Distillers Corporation, Dominion Distributors, and the Atlas Shipping Company were their primary enterprises.[157] Like Low, the Bronfman brothers invested in creating an inter-provincial import and export network. Successfully handling their products allowed Low's Group to shift from acting as a sub-agent under the Nathanson Group to forming a strategic alliance with the Bronfman interests as formal agents for the Distillers Corporation in August 1926.[158] With their formal partnership Low's Group established a single-stranded tie which provided access to the company's popular products, larger American markets, and reinforced their access to the Canadian East Coast and European market. Of the Bronfman associated companies on the East Coast which had access to the international market, Low, Leon, and Burns reinvested their partnership to buy out the Franco-Canadian Import Company for the purpose of price-cutting imported European liquors in the Windsor-Detroit market in 1926.

Originally incorporated on June 16th 1923 in Halifax, Nova Scotia the Franco-Canadian Import Company or F.C.I.C. acted as a joint operation employed by foreign manufacturers to forward their liquor and beer to Canada.[159] The enterprise also blended

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[157] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 51-56. Other companies under their control included the Canada Drug Company, Yorkton Distributors, Gainsborough Liquor Limited, Gainsborough Liquor Company, Atlantic Import Company, Atlas Shipping Company, and the Regina Wine and Spirit Company Limited.; Schneider, *Iced*, 201.

[158] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,302-16,304.; "Public Hearings," *Royal Commission Customs and Excise*, Volume 14, Windsor Part VIII, 16,526-16,527.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part XI, 16,965.; Schneider, *Iced*, 193, 200-205.

[159] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 64-65.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 19, Halifax Part IV, June 30th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 21,835-21,836.;

and rebottled imported products and ran a bonded warehouse at 57 Upper Water Street, Halifax. Commencing operations under Harry Rabinovitch as manager and owner, and an agent for several Bronfman companies, the F.C.I.C. conducted most of its business between March 1924 and June 1925.[160]

Changing hands four times, Low, Leon, and Burns independently reinvested their multiplex ties in a predatory purchase to buy out the F.C.I.C. and establish themselves as directors in December 1926.[161] During the same month, the company's former President Mr. John Mitchel sold Low, Leon, and Burns his stock on the condition "that it was incumbent upon the company getting permission to accept their duty-paid goods which were in the ware house."[162] However, the deal did not go through. As a result, they could only sell the goods held in the warehouse upon purchase for a 15% commission plus shipping costs and were to reimburse Mr. Mitchell when the products sold.[163] Incorporating the new company as the Maritime Import and Shipping Company of Halifax, it was "not a live company," and operations declined rapidly.[164] Despite functioning at a lower capacity under Low, Leon, and Burns, the trio used the company to force the Bronfman's Atlas Shipping Company to price-cut their imported European liquor by flooding Windsor-Detroit's regional and transnational market with European

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[160] *Royal Commission of Customs and Excise*, Volume I, Interim Report, 50-56, 64-65.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 19, Halifax Part IV, June 30th, 1927, 21,797-21,799.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 20, Ottawa Part I, September 1st, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 22,284.; May, *Two Men and Their Monster*, 36.

[161] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 20, Ottawa Part I, September 1st, 1927, 22,284-22,285.

[162] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 20, Ottawa Part I, 22,260, 22,286-22,287.

[163] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 20, Ottawa Part I, 22,286-22,287.

[164] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,732.

liquor and wine.[165] Although Low's Group held a multiplex partnership with the Nathanson Group, it did not stop Carling's subsidiary from leveraging their power to take control of lucrative domestic and European products in the Windsor-Detroit market as is demonstrated in their reinvestment in two Bronfman associated companies.

In the fall of 1926, Low's Group changed its name to the Western Exporters Company and reinvested their initial partnership with the Bronfman interests acquiring a multiplex tie to handle their products through the Erie Transit Company or E.T.C., a Carling export subsidiary.[166] Using their familial bond, Low strategically consolidated control over Bronfman products by positioning his brother as President, himself as an official, and Carling employee Walter Hardie as secretary. The E.T.C. was created alongside the W.P.C. and was also used to legally protect liquor shipments for the Distillers Corporation and Joseph E. Seagram & Sons. While E.T.C. closed its operations between February and March 1927, as a transit company it was associated with local warehouses and sold products to anyone willing to purchase.[167] Of the companies which bought from Erie, Samuel Low was also connected to the Seagram's Distilling Agency or S.D.A.

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[165] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 65.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,732-17,733.; "Liquor Exporters' Trials Begun: Defence Counsel Threatens Plea to High Court," *The Border Cities Star*, August 20th, 1928.

[166] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,724-17,725.

[167] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VI, April 28th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 15,143-16,146. Please note page discrepancy in the Commission.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,301-16,304.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,726-17,727.; "Denies Story Liquor Being Shipped Back," *The Border Cities Star*, August 20th, 1928.; "Judgement In Erie Case Is Reversed," *The Border Cities Star*.; "Crown Says Illegal Sale Proven: Witness Admits Carling Agency Gave Beer Away," *The Border Cities Star*.; May, *Two Men and Their Monster*, 36.; Karen Schweers Cook, "Networks, Norms, and Trust: The Social Psychology of Social Capital," 9-11.; Schneider, *Iced*, 202.

During the same fiscal year, the S.D.A. was created as an export subsidiary which operated from the same office as the E.T.C., used the C.P.R. dock, and American consignee. Within the enterprise itself, Samuel Low acted as vice-president and Walter Hardie kept the company's books.[168] Therefore, both men held multiplex ties which connected Carling and its export subsidiaries with the Bronfman and Seagram interests to co-offend within the Windsor-Detroit market by facilitating product flow to intended markets. Following the creation of the Bermuda Export Company, the E.T.C. and S.D.A. used the export combine's docks to ship products.[169] The Bermuda Export Company was created as a coordinated response by regional brewers against W.M. Egan's rat fund and the 1924 Anti-Smuggling treaty between the U.S. and Canada.

Prohibition in the Windsor-Detroit region not only benefitted brewers, distillers, and exporters but customs agents as well. The Department of Customs and Excise at the port of Windsor and its subports acted as a key conduit in Low's network tying the illicit economy to legitimate society through their agent's systemic participation and acceptance of regularized payments to facilitate the exportation of alcohol to the U.S.[170] W.M. Egan was one of the department's most prolific solicitors to participate in these practices. In 1923 he created a "'rat fund'" to "normalize" payments from local and regional breweries, distilleries, and export firms for "favourable treatment and immunity" from

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[168] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,301.; "Judgement In Erie Case Is Reversed," *The Border Cities Star*.; "Crown Says Illegal Sale Proven," *The Border Cities Star*.; May, *Two Men and Their Monster*, 36.; Schneider, *Iced*, 202.
[169] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,532.; "Judgement in Erie Case Is Reversed," *The Border Cities Star*.
[170] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; "Public Hearings," *Royal Commission of and Excise,* Volume 13, Windsor Part I, 15,278.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part X, May 4th, 1927, 16,740-16,741.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,350.; Gervais, *The Rumrunners*, 29.

possible government interference.[171] The agreement initially benefitted both Egan (who not only received additional income but used the money to establish an economic stake of 500 common and preferred shares in the Bixel Brewing and Malting Company) and participating suppliers. Of which the companies involved were able to moderate competition by coordinating their activities through Egan to access U.S. markets beyond Detroit with minimized risk.[172] Because brewers and distillers destroyed and/or did not disclose payments in their records only five companies were known participants, of which included Carling Brewery. Therefore, both customs agents and vertically structured companies co-offended to limit competition by regularizing payoffs to coordinate their activities to export uninhibited.[173] However, their ability to legally export large volumes of product was limited by the 1924 Anti-Smuggling Treaty. As a result, regional breweries held multiple conferences in their attempt to establish an agreement to circumvent the legislation. Coordinating their activities horizontally to maintain supply

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[171] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 46.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,524.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 16, Montreal Part I, June 1st, 1927, Archives/Collections and Fonds, Library and Archives Ottawa, Ontario, Canada, 18,651-18,653.; "Public Hearings," *Royal Commission Customs and Excise*, Volume 17, Montreal Part V, 19356.; "Prosecution of Egan On Rat Fund Charges Is Urged From Bench: Chief Commissioner Says Former Windsor Lawyer Should Be Prosecuted "Good and Plenty" if Canadian Authorities Can Lay Hands On Him," *The Globe*, June 9th, 1927.; Haller, "Illegal Enterprise," 209.

[172] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 15, Hamilton Part V, May 13th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 17,783.; "Prosecution of Egan On Rat Fund Charges Is Urged From Bench: Chief Commissioner Says Former Windsor Lawyer Should Be Prosecuted "Good and Plenty" if Canadian Authorities Can Lay Hands On Him," *The Globe*.; Haller, "Illegal Enterprise," 209.

[173] "Egan May Not Be Heard At Royal Probe," *The Border Cities Star*, May 23rd, 1927.; "Prosecution of Egan On Rat Fund Charges Is Urged From Bench," *The Globe*.; Other participants included the Walkerville Brewery, the British-American Brewery, the Hamilton Brewing Company, and John Labatt's.

and demand to major markets, their cooperation spawned three separate agreements all of which fell through prior to the creation of the Bermuda Export Company.[174]

Incorporated in Hamilton, Bermuda the Bermuda Export Company or B.E.C. commenced operations on Thursday July 15th, 1926 as an export combine used exclusively to ship beer for the following eleven Ontario breweries:

The British-American Brewery
Bixel Brewing and Malting Company Limited
Carling Export and Malting Company Limited
Cosgrave Export Brewery Limited
The Cronmiller and White Brewing and Malting Company Limited
The Kuntz Brewery Limited
The Hamilton Brewing Association Limited
John Labatt Limited
O'Keefe Brewery Limited
Taylor and Bate Limited
Walkerville Brewery Limited[175]

The combine did not monopolize the region's market, rather the company co-offended by implementing a fixed price system in which "[e]ach brewer paid the company a set figure on each quantity of beer" to circumvent government legislation, end price cutting, and competition to stabilize the Windsor-Detroit market.[176] A product of the Brewers

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[174] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927,* RG 33-88, Volume 16, Niagara Falls Part III, May 18th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 18,144-18,145.; "River Blockade Hits U.S. Parties R.V. Sharp," *The Border Cities Star*.

[175] *Royal Commission of Customs and Excise*, Volume 1, Interim Report No. 10, 68-69.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927,* RG 33-88, Volume 16, Niagara Falls Part III, May 18th, 1927, 18,141.; "$123,000 Owing by Brewery As Tax on Unreported Sales States Commission Auditor," *The Globe*, April 2nd, 1927.; Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003), 250.; May, *Two Men and Their Monster*, 29.

[176] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,261.; "Public Hearing," *Royal Commission of Customs and Excise*, Volume 16, Niagara Falls Part III, 18,140-18,141.; "Will Break Combines In Liquor," *The Border Cities Star*, June 1st, 1928.; "Bermuda Export Firm's Purpose Revealed: Unpaid Sales Taxes Sought From Carling," *The Border Cities Star*, April 16th, 1929.; Craig Heron, *Booze: A Distilled History*, 250.; May, *Two Men and Their Monster*, 29.

Association or Export Brewers Association, the B.E.C., acted as a forwarding agent based on their internal agreements and by-laws produced in Toronto for the breweries. The directors of each brewery acted as representatives on the B.E.C.'s board and in pooling their resources the company's export network reached both regional and transnational markets in Detroit and Cleveland, the American Midwest, and the Atlantic Coast.[177] Within the operation's structure, Harry Low acquired two key positions, therefore, producing a multiplex tie which enforced his control over the enterprise.

Low was named a director and represented the Carling Export Brewing & Malting Company Limited.[178] He also operated Bermuda's docks at LaSalle, Riverside, Kingsville, and Amherstburg.[179] Using these positions, Low controlled and manipulated product prices, banking information, and product movement. Therefore, tying the B.E.C. and the illicit economy to legitimate society through a legal institution. To consolidate B.E.C.'s legitimate and semi-licit interests, Low regularly bribed customs officers like Joseph U. Piche and maintained horizontal relationships with smaller companies and docks.[180] Of which, the strongest multiplex relationships produced were with O. Paquette

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[177] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part V, April 27th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,009-16,010.; "Public Hearings*," Royal Commission of Customs and Excise*, Volume 16, Niagara Falls Part III, 18,140-18,141.; "Egan May Not Be Hear At Royal Probe," *The Border Cities Star*.; Gervais, *The Rumrunners*, 96-97.

[178] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,531-532.

[179] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 16, Niagara Falls Part III, 18,140-18,142. The Bermuda Export Company also operated docks at Port Stanley and Port Lambton.

[180] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part II, April 22nd, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 15,468-15,469.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,335, 19,361.; "Denies Story Liquor Being Shipped Back," *The Border Cities Star*.; "Board to Probe B.C. Liquor Here," *The Border Cities Star*.; "Crown Says Illegal Sale Proven," *The Border Cities Star*.; "Liquor Exporters' Trial Begun: Defence Counsel Threatens to Plea To High Court," *The Border Cities Star*.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.; Other exporters in the Border Cities and other regional centres Low was involved with included the following: The Northern Transit Company, Border Cities Exporters, Al Rumanepp (or

or Dominion Exporters, the Mexico Export Company, and Hoffman & Dunford. Each export company maintained complex alliances with Low and/or his brother Samuel, held contracts with Carling, purchased from at least one of the brewery's export subsidiaries, including Bermuda, and in the case of the Mexico Export Company shared the same consignee – Savard.[181] Through Low's strategic multiplex partnerships he became one of, if not the region's largest liquor and beer exporter.

The peak of Low's operations occurred between 1926-1928 and is traditionally described as "virtually control[ing] the movement of liquor on the waterfront in Detroit and Windsor."[182] While Low held significant sway within the Windsor-Detroit market, the above characterization oversimplifies the relationship between interventionist legislation, overlapping partnerships, the regional and transnational market structure, and illegal flows. Despite record high profits amounting to approximately $470,000 which afforded the Low family with significant financial and social mobility, the companies within his network were wracked with infighting from product undervaluation.[183] However, it was not internal strife but the actions taken by the federal government to seize control of the lucrative liquor and beer export industry by investigating the deviant

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Romanoff), Gordon Reaume's No. 3 dock (or Rheaume), and LaSalle's Romeo dock, the Atlantic Export Company, the Martin's dock, Labadie and Girard. Regional included Odey's dock and La Porte's dock (Port Lambton), Dupuis' dock (Sombra), Thibaudeau's dock (Sarnia), and Eaman's dock (Courtwright).

[181] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 58-60.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 13, Windsor Part II, April 22nd, 1927, 15,498-499.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part III, 15,552-15,568.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part VI, April 28th, 1927, 16,122-16,123, 16,160-16,163.;
"Public Hearings," *Royal Commission of Customs and Excise, Volume* 14, Windsor Part VIII, 16,539.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,755-761.

[182] Gervais, *The Rumrunners*, 97.

[183] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,694-17,698, 17,705.; "Estimate Profits of Liquor Dealers," *The Border Cities Star*, June 8th, 1927.

business practices employed by brewers, distillers, and their subsidiaries under the 1926-1927 Royal Commission of Customs and Excise which dismantled Low's network.

CHAPTER THREE:
THE CURIOUS CASE OF MR. SAVARD

On February 5th, 1926 the House of Commons appointed a nine-member committee to investigate the Department of Customs and Excise and the

> alleged serious losses to the public treasury because of inefficiency or corruption on the part of officers of the Department and others,…and have regard to all matters affecting the prevention of smuggling, the prosecution of offenders, the seizure, storage and disposal of smuggled goods or goods seized for purposes of excise or other taxes, the appraisal of goods for revenue purposes,…and the necessity of safeguarding the public revenue and the public treasury.[184]

Four months later on June 29th, 1926 the House of Commons made an addendum to include the following:

> Since the inquiry indicates that the smuggling evils are so extensive and their ramifications so far reaching that only a portion of the illegal practices have been brought to light, your Committee recommends the appointment of a judicial Commission with full powers to continue and complete investigating the administration of the Department of Customs and Excise and to prosecute all offenders.[185]

[184] *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 1, Final Report, October 11th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 3.
[185] *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 1, Final Report, October 11th, 1927, 3.

Between July 20th, 1926 and January 14th, 1927 a series of justices were appointed to each province for the purpose of completing the investigation.[186] In Ontario, the Honourable William Henry Wright, a Supreme Court Justice, was appointed Commissioner for the province, while Mr. R.L. Calder, K.C., and the Honourable N.W. Rowell, K.C., were appointed by the Council as senior counsel. The law firm Clarkson, Gordon, and Dilworth were appointed to work under Mr. A.E. Nash as auditors to investigate the practices of Canadian distilleries and breweries.[187] The Commission commenced in British Columbia on November 17th, 1926 and moved east across the country, finishing on September 14th, 1927 after investigating 106 distilleries and breweries, 99 export firms, and 207 varying commercial activities. Using multiplexity against brewers, distillers, and their import and export subsidiaries the Commission subpoenaed executives, employees, and associated businesses, and compelled them to testify against each other under oath. From their efforts auditors used testimonials and internal documents to break apart their horizontally structured networks to reveal severe irregularities in their vertical company practices resulting in a great loss of revenue to the Dominion.[188] Of the major ports examined in the province, the Commission determined that Windsor presented complex and varying problems.[189]

Described as "abnormal" the Commission found that Windsor experienced a "rapid growth in the liquor export trade" following the onset of Temperance and Volstead. By

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[186] *Royal Commission of Customs and Excise*, Volume 1, Final Report, 3-4.
[187] *Royal Commission of Customs and Excise*, Volume 1, Final Report, 4-6.
[188] *Royal Commission of Customs and Excise*, Volume 1, Final Report, 6.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part I, 15,234.; Hunt, *Booze, Boats, and Billions*, 173, 176-177.
[189] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 9, 18.

1926 approximately 61% of Canadian liquor exports passed through the port of Windsor and its outports at Belle River, Sandwich, and Walkerville.[190] The Commission's audit of southwestern Ontario brewers, distillers, and their semi-licit enterprises disclosed:

> that at no time since 1923 ha[d] the Customs law and regulations in reference to the export of liquors, at the port of Windsor, or its sub-ports, been carried out and while there have been repeated infraction of the Customs law by the parties concerned, in the export of liquor, prosecutions were not instituted for these infractions.[191]

And Harry Low was at the centre of their investigation.

Low's activities were described by the Commission as "personal and through various organizations," and was noted to be one of "the most active dealers" in the region.[192] For seven years his extensive partnerships effectively concealed his network's most illegal practices. Based on their audit, the Commission found that deviant practices were implemented and institutionalized within Carling and carried over to the company's subsidiaries and affiliated businesses as a means to circumvent legislation. Of their "routine" business practices auditors demonstrated that all of Low's companies and their employees actively bribed customs and railway officers, secured product immunity using customs entries, used unlicensed export houses, utilized fraudulent invoices to short-circuit and transfer liquor and beer, participated in predatory pricing methods like undervaluation, employed banks to conduct unlawful schemes such as money laundering, and profited from sales and tax evasion.[193] However, auditors struggled to find:

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[190] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 9, 18.; "Rowell Hits At Liquor Export," *The Border Cities Star*, June 6th, 1927.
[191] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 17, Montreal Part V, 19,357.
[192] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.
[193] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 9, 18-19.; *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61.; "Public Hearings," *Royal Commission of Inquiry*

> direct evidence that the company had authorized any of its officials or employees to do these illegal acts, yet the whole circumstances lead to the irresistible conclusion that as the company was profiting from these fraudulent devices, some of the officials of the company must have had knowledge of the same and connived therein and the management should be held responsible for such operations.[194]

On one hand, the Commission's summary and recommendations for Carling Brewery were reluctant to identify or charge management. The other, testimonials and physical evidence of the above illegal practices implicated company executives, mid-level employees, and their relationships with other enterprises and American purchasers.[195] Of Low's partnerships, prosecutors sought to gain testimony from C.A. or F. Savard initially for the purpose of making him pay income tax for purchasing Canadian beer and liquor.[196] However, during the hearings it became clear that Low's companies could not be separated from the Detroit purchaser.

Enlisting the help of Harry Low and Charles Burns as intermediaries, the Commission attempted to convince Savard to present himself before the public hearings in Windsor.[197] Initially refusing to show, C.A. Savard appeared before the Commission on May 2nd, 1927 at Windsor Court. Represented by Mr. Furlong, Savard stated that he carried on his business out of LaSalle as a purchaser and bought from Harold Massey, Joseph Kennedy, B.C. Distilleries, Gooderham & Worts, and Dominion Distilleries and denied handling

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into the Customs and Excise Department, 1926-1927, RG 33-88, Volume 16, Montreal Part I, June 1st, 1927, 18,663.; "Rowell Hits At Liquor Export," *The Border Cities Star*.

[194] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 76.

[195] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 76-77.

[196] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 58-59.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part IX, May 3rd, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 16,689.

[197] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 14, Windsor Part IX, May 3rd, 1927, 16,689-16,690.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,251-14,252.

Consolidated Exporters and Atlas Shipping Company.[198] During the hearing, Savard alleged that his name had been used without his authority by regional brewers and distillers to freely export their products. With the accusation it became apparent to auditors that the C.A. Savard who presented themselves at the hearings was not the one used by Harry Low.[199] While auditors continued their search during the hearing process to locate Savard at provided addresses in Detroit, Cleveland, and St. Thomas they struggled to corroborate witness accounts, and to provide written or signed documents by the purchaser. Each attempt made by the Commission to find Savard led to a dead end.[200] Despite their efforts, auditors were unable to locate the elusive purchaser.

Detroit's famous inebriated liquor dealer, C.A. or F. Savard was one of the most prominent figures investigated by both the Canadian and U.S. governments for crimes committed under the Ontario Temperance Act and Volstead. While the Royal Commission of Customs and Excise did not prosecute Savard, he was later indicted in Buffalo, New York on November 2nd, 1928 for his role in the multi-company "conspiracy to pass liquor-laden freight cars from the Dominion into" the United States.[201] Like the 1927 Windsor public hearings, Savard did not show, and he never would, because he was not a participant, partner, or even a real person, Savard was a business practice.[202]

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[198] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,400-16,408.
[199] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,401-16,408.
[200] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 10, Toronto Part III, March 23rd, 1927, 14,307-14,308.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part II, 15,467-15,468.; "Bermuda Export Firm's Purpose Revealed: Unpaid Sales Taxes Sought From Carling," *The Border Cities Star*.
[201] "Dorn Asks Rum Pact With Canada Revised," *The Border Cities Star*, December 5th, 1928.; "Savard Must Face Board," *The Border Cities Star*.; Schneider, *Iced*, 199.
[202] "Dorn Asks Rum Pact With Canada Revised," *The Border Cities Star*.

On December 5th, 1928 *The Border Cities Star* revealed in "Dorn Asks Rum Pact With Canada Revised," that Savard was a fictitious name employed by Carling to legitimize their liquor and beer shipments under Canadian law as a means to circumvent W.E. Gundy's 1921 ruling that U.S. citizens who purchased Canadian alcohol could not be present in Ontario during negotiations, per the Ontario Temperance Act.[203] Initially using the pseudonym "Grandi," "Savard" was later chosen as a common French surname in the region; however, other fictitious names adopted by Low's companies included "C.B. Grandy," "C.D. Grande," "Mr. Shearer," "P. Druxinsky," "F. Druzinski," or "Druzinsky," and "B. Syringe."[204] Based on the conclusions made by the Commission, Carling Brewery and their export subsidiaries used the above fictitious names to illegally conduct transactions on Canadian soil for their real American and Canadian purchasers. If the purchaser was an American, products were paid for in Canada, delivered in country, and then exported. While products bought by Canadians were short-circuited or transferred to another dock where the goods lost their names and became amalgamated with other stock.[205] Therefore, both vertical and horizontal enterprises and their respective employees worked together, conspiring to defraud the Canadian government of revenue.[206]

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[203] "Cannot Buy In Ontario," *Evening Star*.; "Dorn Asks Rum Pact," *The Border Cities Star*.
[204] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,273.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VII, 16,307.; "Drayton Says Liquor Being Shipped Out," *The Border Cities Star*, August 22nd, 1928.; "Charges 'Savard' Is Fictitious," *The Border Cities Star*, April 29th, 1929.; "Bermuda Export Firm's Purpose Revealed," *The Border Cities Star*.; "Board To Probe B.C. Liquor Here," *The Border Cities Star*.; "Dorn Asks Rum Pact," *The Border Cities Star*.; "Crown Says Illegal Sale Proven," *The Border Cities Star*.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.
[205] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 61, 74.; "Charges 'Savard' Is Fictitious," *The Border Cities Star*.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.
[206] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 74-76.

As a business practice, the use of fictitious names was implemented by Carling approximately one month after the brewery's first beer production for export on or about May 12th, 1924 and was actively used until March 26th, 1928. This period corresponds to deposits made by John Allen Kennedy to the Carling Company account at Windsor's Dominion Bank on behalf of any of the two following signatories: Harry Low, Marco Leon, and Charles Burns.[207] Within the company's overlapping structures, it was not "Savard" but his representative John Allen Kennedy who operated at the most dangerous point in Low's network, acting as the intermediary with the real purchasers – Detroit's organized crime networks. Therefore, executives conspired to employ Kennedy within multiple legitimate company roles as representative, warehouse manager, and bookkeeper to conceal his purpose within their network. A liability, Kennedy was murdered in Monroe County, Michigan in 1928.[208] While officials were never able to physically connect Low as orchestrator, they used incidental offences to unravel his network following the conclusion of the Commission in 1927.[209] Because fictitious names grew in tandem with Low's network they were initially used to circumvent interventionist legislation; however, as they became institutionalized within Carling's vertical structure they were carried over to their horizontal enterprises where they cultivated multiplex partnerships via the conspiracy to commit fraud. In turn, these offences intersected with and informed the network's co-offending business practice of price-cutting to conduct

[207] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,534.; "Banker Informs Court Kennedy Worked For Carling's," *The Border Cities Star*.
[208] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XIII, 14,487.; "Banker Informs Court Kennedy Worked For Carling's," *The Border Cities Star*.
[209] George Gordon Battle, "The Effect of Prohibition upon Crime," *The North American Review* 221, no. 827 (Jun.– Aug, 1925): 604.; Gervais, *The Rumrunners*, 99-100.; May, *Two Men and Their Monster*, 59-60, 66.

money laundering and tax evasion for personal and corporate gain as is demonstrated in their banking transactions.

Between Carling's reorganization in October 1923 to September 30th, 1926 the Commission initially found that the brewery owed the government $308,778.50 in sales and gallonage tax, taking into account 15% to 20% wastage; however, these figures excluded gallonage tax for their 2 1/2 % beer and the 75 cents collected by the Bermuda Export Company.[210] Because Charles Burns ran the brewery's main bank accounts, while Harry Low operated the export docks and their respective accounts, auditors determined that the executives used fictitious names to create and maintain an elaborate money laundering and tax evasion scheme.[211]

When shipping products Low's companies employed an informal export insurance which was the difference between the alleged price paid and the actual price paid by the "purchaser," and was carried out using fraudulent invoices and legitimate bank accounts.[212] Based on the forensic audit carried out by the Commission

> the Carling Company carried to the credit of their sales account for the purpose of computing sales tax, only $1.75 per carton, both prior and subsequent to the formation of the Bermuda Export Company Ltd. The purchase price received was substantially in excess of this amount. At the formation of the Bermuda Export Company the difference between $2.50 per carton [or 75 cents] received by the Carling Company

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[210] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 16, Montreal Part I, 18,650-18,651, 18,655.

[211] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 10, Toronto Part III, 14,302-14,304.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,270-14,279.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XIII, 14,478.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,534, 16,536.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Hamilton Part IV, 17,717-17,718, 17,755-17,761.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 16, Montreal Part I, 18,663.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,361.; May, *Two Men and Their Monster*, 29, 31.

[212] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 15, Windsor Part XII, 17,057.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 16, Montreal Part I, 18,663.

> and $3.25 per carton, less expense, collected by the Bermuda Export Company, was received by Burns, Low and Leon, the principal stock-holders of the Carling Company, and this amount did not pass through the books of the Carling Company, the result being to reduce the profits of the Company for the purpose of income tax and to reduce the sales of the company for the purpose of the sales tax.[213]

Withheld money was transferred to one of several bank accounts at the Dominion Bank of Windsor. Implemented in the fiscal year 1924-1925, Carling began crediting excess money from their "purchaser" to their "Insurance of Delivery at Point of Final Destination" account. By charging money to the account as "insurance" Carling paid "Savard's men." [214] Of which, payees included Mr. Kennedy, as well as dock workers and truck drivers. The period in which the account was opened also coincided with the time period in which Carling stopped declaring sales and gallonage tax. By June 30th, 1925 the company had neglected to pay approximately $151,175.26 in taxes.[215] In the same year Carling created a formal account in which money was credited to their "Export Insurance Account" or E.I.A., using "Grandi" and later "Savard" as "purchasers."[216] Based on the Commission's findings, Charles Burns and Harry Low were the statement recipients of the account.[217]

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[213] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,361.
[214] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 10, Toronto Part III, 14,308.; "Public Hearings*," Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,271, 14,276-14,277, 14,279.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 14, Windsor Part VIII, 16,534.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19.362.; "Board To Probe B.C. Liquor Here," *The Border Cities Star*.
[215] *Royal Commission of Customs and Excise*, Volume I, Interim Report No. 10, 75.; "Public Hearings*," Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,271.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 17, Montreal Part V, 19,362.; "Board To Probe B.C. Liquor Here," *The Border Cities Star*.
[216] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 10, Toronto Part III, 14,303-14,304.; "Public Hearings*," Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,273.
[217] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 10, Toronto Part III, 14,308.

Operating the E.I.A. account, Charles Burns dictated how orders were made. A Carling accountant would make an order to the purchaser through Burns who told them the amount, and how to write the order. This included indicating how many B-13's were issued to the purchaser in the care of Mr. Kennedy at the C.P.R. dock.[218] Second, he directed how and when money was to be transferred. For example, when transitioning between purchasers, bad debt incurred under Grandi was put in Savard's name at the behest of Burns.[219] In regard to Low's participation, multiple cheques were found in his name that were crossed out and re-written as "Savard," and were deposited in a secondary account, the "Savard, re expenses Windsor dock."[220] The account itself was allegedly used for drafts, cheques and transfers; however, the Commission discovered other accounts which were used for similar purposes. These included the "F. Savard, advances," and "F. Savard sales," as well as other personal accounts or "C. Burns' Export Fund," and American consignee representative accounts like the "The Windsor Investment Account."[221] Based on how the bank accounts were set up, all participating executives and select high-ranking employees were Savard. For example, if Low was not present his brother Samuel held power of attorney to sign on behalf of his brother.[222]

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[218] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 10, Toronto Part III, 14,308.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XII, April 5th, 1927, Archives/Collections and Fonds, Library and Archives Canada, Ottawa, Ontario, Canada, 14,333.
[219] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 10, Toronto Part III, 14,308.; "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 12, Toronto Part XII, April 5th, 1927, 14,361.
[220] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 12, Toronto Part XII, 14,439-14,440.
[221] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XII, 14428-14,436, 14,439-14,440.
[222] "Public Hearings," *Royal Commission of Customs and Excise*, RG 33-88, Volume 10, Toronto Part III, 14,308.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XI, 14,272.

Individually, Low's bank activity was traced through remittances and money transfers to other Savard accounts.

Money was primarily remitted by transferring it "from the Dominion Bank in Windsor to the Dominion Bank in London."[223] However, finances were also moved to four local and regional Savard accounts which included the Windsor, Detroit, Point Edward, and Port Stanley accounts and were "in care" of Low, Hall, and Segal. These accounts were merged on October 30th, 1926 under "The Savard Commission Account" which was created to funnel the profits from the four individual accounts into one main account.[224] While officially used for "Savard," it was actually employed by Carling to settle their expenses, including bad debts and losses.[225] When employed within their network, fictitious names were used to cultivate multiplexity by intersecting with each of Low's subsidiary companies and their respective partnerships.

Because participants were dependent on each other for success, they had to trust Low to facilitate export and transportation to intended markets using illegal methods.[226] By cooperating and coordinating their activities, those who held multiplex ties co-offended by spreading financial and personal risk among small-scale export ventures. As demonstrated in their reinvested partnerships, these horizontally structured enterprises were not only used to move large volumes of products but money to major ports including Windsor, Ontario, Vancouver and Victoria, British Columbia, and Halifax,

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[223] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 10, Toronto Part III, 14,308.
[224] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XII, 14,325.
[225] "Public Hearings," *Royal Commission of Customs and Excise*, Volume 12, Toronto Part XII, 14,362.
[226] Haller, "Bootleggers as Businessmen," 295.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 663.

Nova Scotia where brewers and distillers laundered money to commit tax evasion.[227] This was made possible because Carling's primary export subsidiaries were shell companies.

Low's Group or the Western Exporters Company, Vancouver Forwarding Company and its affiliated enterprises, the Franco-Canadian Import Company, the Bermuda Export Company, the Erie Transit Company, the Seagram Distilling Agency, and Carling Export or the Carling Agency operated from the same building(s), dock(s), and employed the same people and were "so entirely interlocked that it [was] practically impossible to distinguish one from the other."[228] Officially these companies had bank accounts which featured significant overlapping transactions, however, they existed only on paper and were used to protect Carling's external partnerships, products, and financial assets from government interference. While the Franco-Canadian Import Company and Bermuda Export Company served a legitimate purpose to transport and export liquor and beer respectively, both were shell companies. This is because under the control of Low, Leon, and Burns the F.C.I.C. operated as an inactive enterprise, while the B.E.C. was created in a tax haven to avoid government regulations and taxation.[229] Of the practices instituted within their vertical structure, Carling's shell companies were directed by executives and high-ranking employees who used these "enterprises" at the behest of fictitious purchasers to mimic the legal transportation and export of liquor and beer. Therefore, the

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[227] "Public Hearings," *Royal Commission of Inquiry into the Customs and Excise Department, 1926-1927*, RG 33-88, Volume 3, Victoria Part I, November 26th, 1926, 901-909, 936-937.; "Public Hearings," *Royal Commission of Customs and Excise*, Volume 13, Windsor Part I, 15,263.; "Prosecution Ends Its Case Against Erie Transit Co.," *The Border Cities Star*.; Haller, "Bootleggers as Businessmen," 295-296.; Haller "Illegal Enterprise," 208.

[228] "Judgement in Erie Case Is Reversed," *The Border Cities Star*.

[229] "Public Hearings," *Royal Commission of Customs and Excise,* Volume 14, Windsor Part XI, 16,956-16,958.; "Offshore," *Oxford Handbook of International Financial Terms*, ed. Peter Moles and Nicholas Terry, last modified 2005, accessed November 15th, 2019.; "Shell Company," *Oxford Dictionary of Accounting*, last modified 2010, accessed November 15th, 2019.

Windsor-Detroit border did not function within a static reciprocal relationship, instead the illicit economy was integrated into legitimate society by organizational actors and their respective enterprises which conducted transborder arrangements along a horizontal structure. Within Low's network participants employed local and state legal asymmetries to cultivate and maintain regional and inter-provincial multiplex partnerships for the purpose of co-offending to conceal and secure illegal transactions made at each point in the supply chain to produce a semi-stable market.

Because "law and crime emerge from historical and ongoing struggles over legitimacy, in the course of which powerful groups succeed in delegitimizing and criminalizing certain practices" Low's network provides new insight onto the contestation of power between the emerging Canadian state and non-state actors to define and regulate the movement of goods across a border and broader borderland during the first third of the 20th century.[230] As an operational mechanism multiplexity generated a complex inter-provincial network of brewers, distillers, import and export subsidiaries which relied on overlapping familial and business relationships to facilitate the movement of goods and services to intended markets.[231] Since these partnerships did not exist within a strict hierarchy, allowed individuals like Low to employ co-offending business practices which required the participation of legitimate persons to conspire to commit fraud for corporate and personal gain.[232] While these relationships integrated organized crime into legitimate society by cultivating reciprocity and trust as a means to

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230 Abraham and Schendel, "Introduction," 7-9.; Haller, "Illegal Enterprise," 221.

231 Smith and Papachristos, "Trust Thy Crooked Neighbor," 659, 663.

232 Albanese, *Organized Crime in America*, 4.; Albanese, Ph.D., *Organizational Offenders*, 7.; Haller, "Illegal Enterprise," 218, 221, 225.; Haller, "Organized Crime in Urban Society," 354-357.; Malm, Bichler, and Nash, "Co-offending between criminal enterprise groups," 113.

manipulate and attempt to control product prices, they however, did not create a monopolistic market. Instead multiplex partnerships and co-offending practices not only rendered Low's network and business operations visible but vulnerable to increasing government regulation within the Windsor-Detroit borderland.[233]

CHAPTER FOUR:
IT'S ALE DOWNHILL FROM HERE

Despite the overwhelming physical and circumstantial evidence levelled against Carling Brewery, the Canadian government did not prosecute the company's executives, rather the Commission's recommendations forced the government to implement four pieces of interventionist legislation which re-organized and expanded the role of the customs department. Designed to increase legislative control along the Canada-U.S. border, the minister was granted the right to revoke distillers' and brewers' licenses for participating in unlawful business practices. It is within this context in which the government launched a series of criminal investigations against producers and exporters following the 1927 repeal of the Ontario Temperance Act.[234]

In 1928, the federal government charged Carling Brewery with $121,000 in gallonage and sales tax evasion for the approximate "$1,500,000 worth of Carling beer [which] flowed across the border, through the channel of the Bermuda Export Company between

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[233] Abraham and Schendel, "Introduction," 9.; Haller, "Illegal Enterprise," 221.
[234] Hunt, *Booze, Boats, and Billions*, 195.; Mason, *Rumrunning and The Roaring Twenties*, 146.; Schneider, *Iced*, 199, 219.

July 15 1926 and April 30 1927."[235] Despite the charge, Low, Leon, and Burns reinvested their ties for the last time in an attempt to diversify their business activities. Of their investments, the trio entered the Toronto and Windsor real estate market, opened the LL&B Distilleries, and financed the creation of the Dominion Square building in Montreal. However, a second investigation was opened in 1929, in which the federal government alleged that the brewery owed the national revenue department $421,000 in taxes for short-circuiting their products back into Canada between April 1st, 1924 and May 1st, 1927.[236] The brewery was ultimately convicted and forced to pay reparations to the government. Their decline was coupled with the closure of the Windsor export docks following the implementation of the 1930 Export Act which made "it illegal for Canadians to ship alcoholic beverages to countries that banned their sale."[237] Financially crippled, Carling Brewery was sold at a loss to E.P. Taylor's Canadian Brewers Ltd. in the same year.[238] While the Export Act successfully curtailed the actions of large-scale syndicates, small-scale operations flourished until the U.S. repealed prohibition in 1933 under the Twenty-First Amendment. However, because the American liquor and beer industry was not equipped to supply the country's market, the U.S. government re-opened the border to Canadian beer and liquor imports.[239]

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[235] "Carling Beer Exports Told: Over $1,500,000 Taken By Bermuda Co. In 9 1-2 Months," *The Border Cities Star*.
[236] "Bermuda Export Firm's Purpose Revealed," *The Border Cities Star*.; Hunt, *Booze, Boats, and Billions*, 222.; May, *Two Men and Their Monster*, 69.
[237] Okrent, *Last Call*, 342-343.
[238] "Privy Council Grants Brewery Sales Tax Appeal," *The Border Cities Star*, February 19th, 1931.; "Bermuda Export Firm's Purpose Revealed," *The Border Cities Star*.; May, *Two Men and Their Monster*, 69, 72.
[239] Hunt, *Booze, Boats, and Billions*, 271-272.

While the Canadian government eliminated competitors to take control of the liquor and beer industry, by the mid-century their continued use of interventionist legislation to govern the border solidified the presence and acceptance of the illicit economy by residents as a form of licit income.[240] Of which Harry Low was among the former rum-runners who pursued a career in the illicit economy.

Official charges against Low did not materialize until 1931 when he was arraigned for bribing an R.C.M.P. officer.[241] While the charge was dropped in 1932, Low faced U.S. extradition for bribery. Avoiding deportation, in 1934 Low moved to Detroit, where he acted as president of the Trenton Valley Distillers. Later he returned to Canada where he started the Tecumseh-based, Old Comrades Brewery. However, he continued to partake in poor investments, and illegal business and personal financial practices including tax evasion. In 1939, he was "faced with a [U.S.] federal indictment charging him and a vice-president of Trenton Valley with stock swindling."[242] Evading law enforcement, Low returned to Canada, where he was faced with repeated extradition charges by both countries. To avoid deportation, Low lived between the province of Quebec, Windsor and Detroit until his death in August 1955 at Hotel Dieu, Windsor, Ontario.[243]

Prohibition demonstrates how Canada and the U.S. legislatively sought to regulate the social behavior of their respective citizens during the early 20th century. It also illustrates the ways in which increasing state control spawned the creation and integration of large-

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240 Karibo, *Sin City North*, 1.
241 "Death Takes Harry Low, 67," *Windsor Star*.
242 "Death Takes Harry Low, 67," *Windsor Star.*
243 "Will Deport Harry Low: U.S. Set to Oust Ex-City Millionaire," *Windsor Star*, March 2nd, 1954.; "Death Takes Harry Low, 67," *Windsor Star*.

scale organized crime syndicates into legitimate society.[244] With the sustained demand for alcohol, North American syndicates became wealthier, better organized, and more violent than their predecessors. In other words, prohibition modernized organized crime.[245] However, in the Windsor-Detroit borderland, research on this transformative period has relied on the perspective of the border as a binary, as well as the charismatic personalities of individual bootleggers to address their business activities, and by extension their criminal networks.[246] By repositioning research within the chaotic and complex business and social worlds of brewers, distillers, and exporters offers the potential to produce greater information and analysis on other overlooked perspectives. This includes the role of corporate, government, and independent mediators who leveraged their knowledge of transborder flows to facilitate the transportation and export of alcohol.[247] From their participation, mediators are the "missing link" which connects state power, illegal flows, and transborder arrangements to the evolution organized crime.[248]

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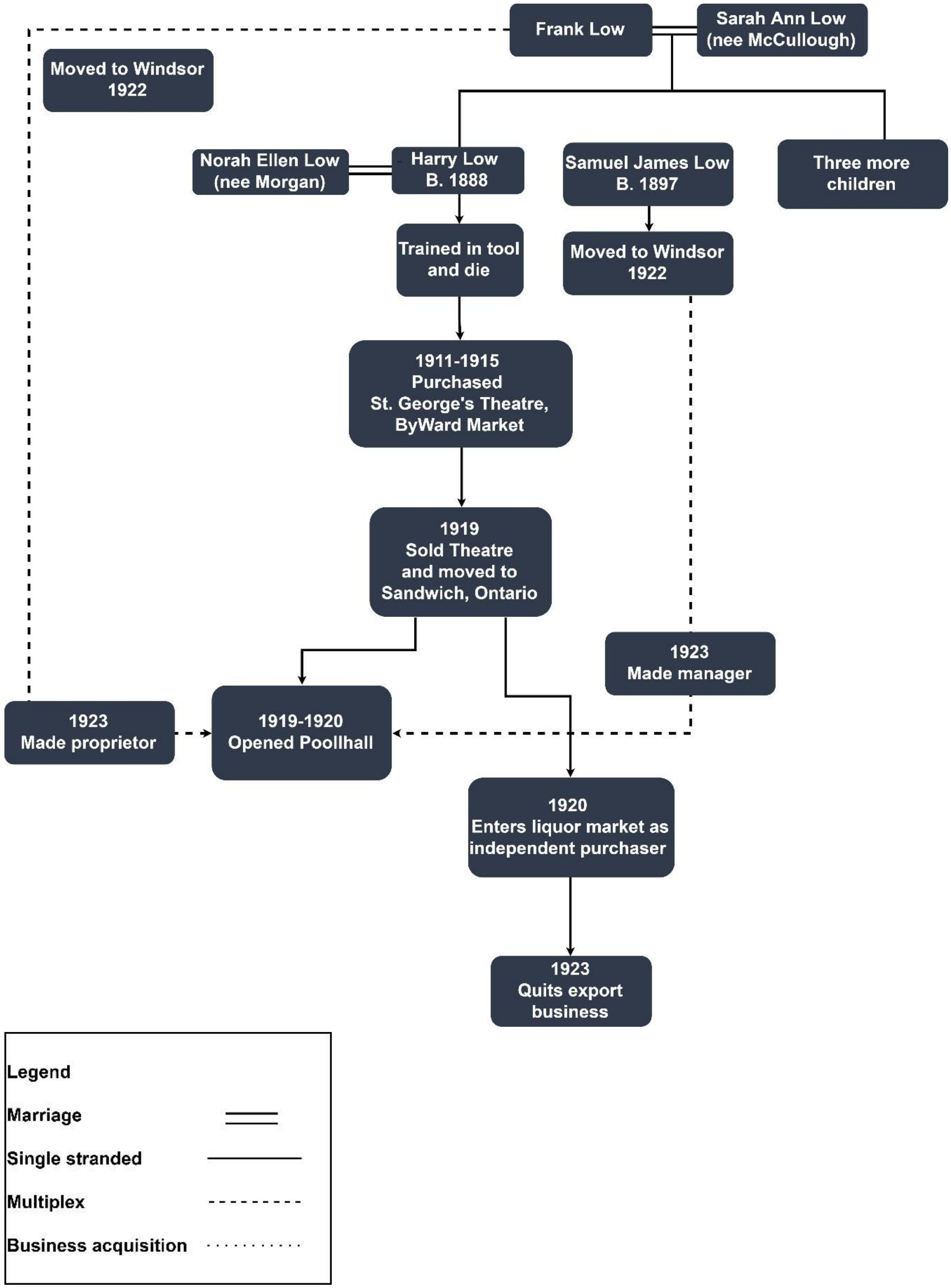
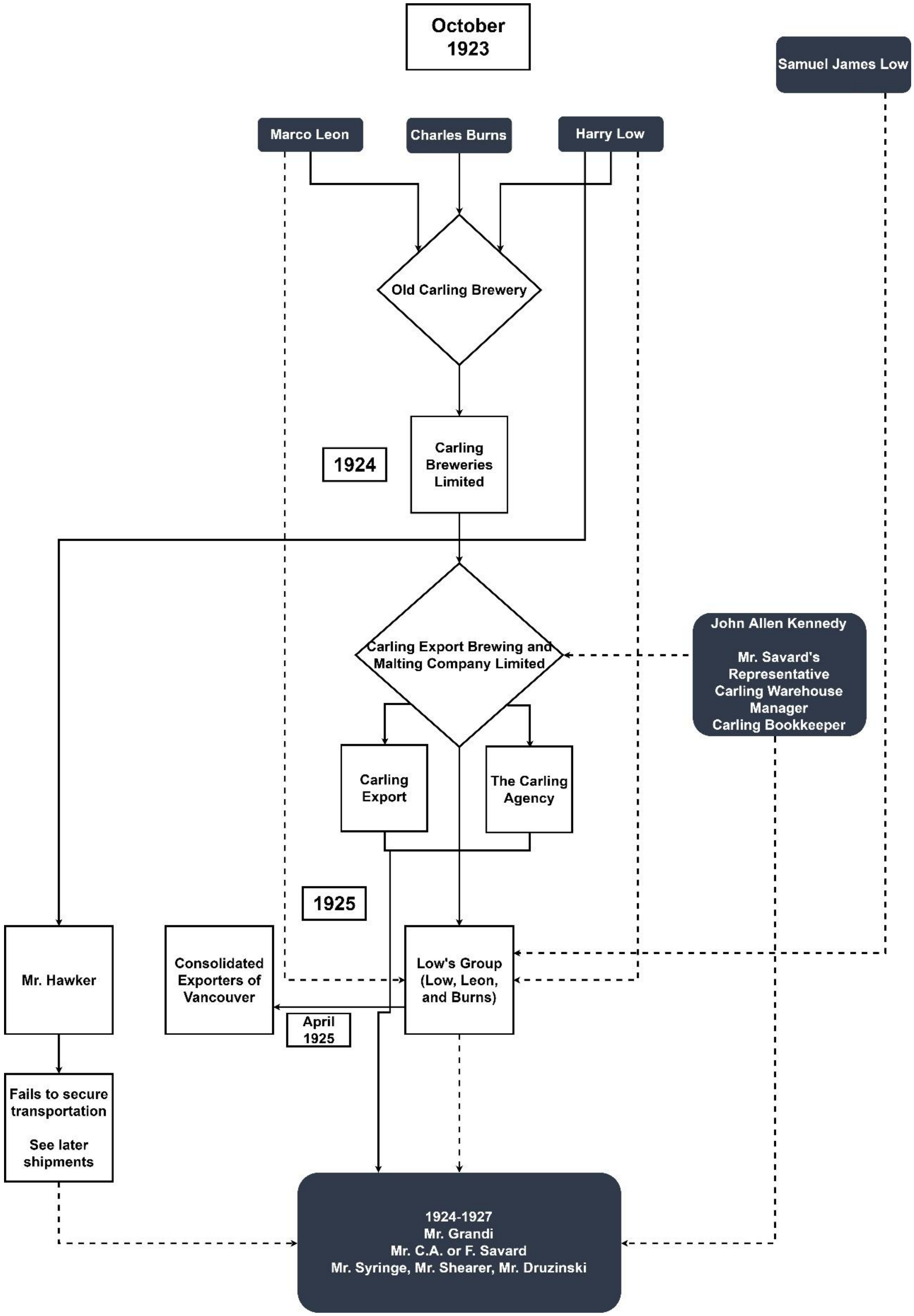
[244] Dan Malleck, "An Innovation from Across the Line: The American Drinker and Liquor Regulation in Two Ontario Border Communities, 1927-1944," 154.; Schneider, *Iced*, 223.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 645.
[245] Schendel, "Spaces of Engagement," 54.; Schneider, *Iced*, 223.
[246] Haller, "Organized Crime in Urban Society," 360.
[247] Schendel, "Spaces of Engagement," 47-48,61.; Smith and Papachristos, "Trust Thy Crooked Neighbor," 663.
[248] Schendel, "Spaces of Engagement," 62.

HARRY LOW'S ORGANIZED CRIME NETWORK, 1920-1923



HARRY LOW'S ORGANIZED CRIME NETWORK, 1923-1925



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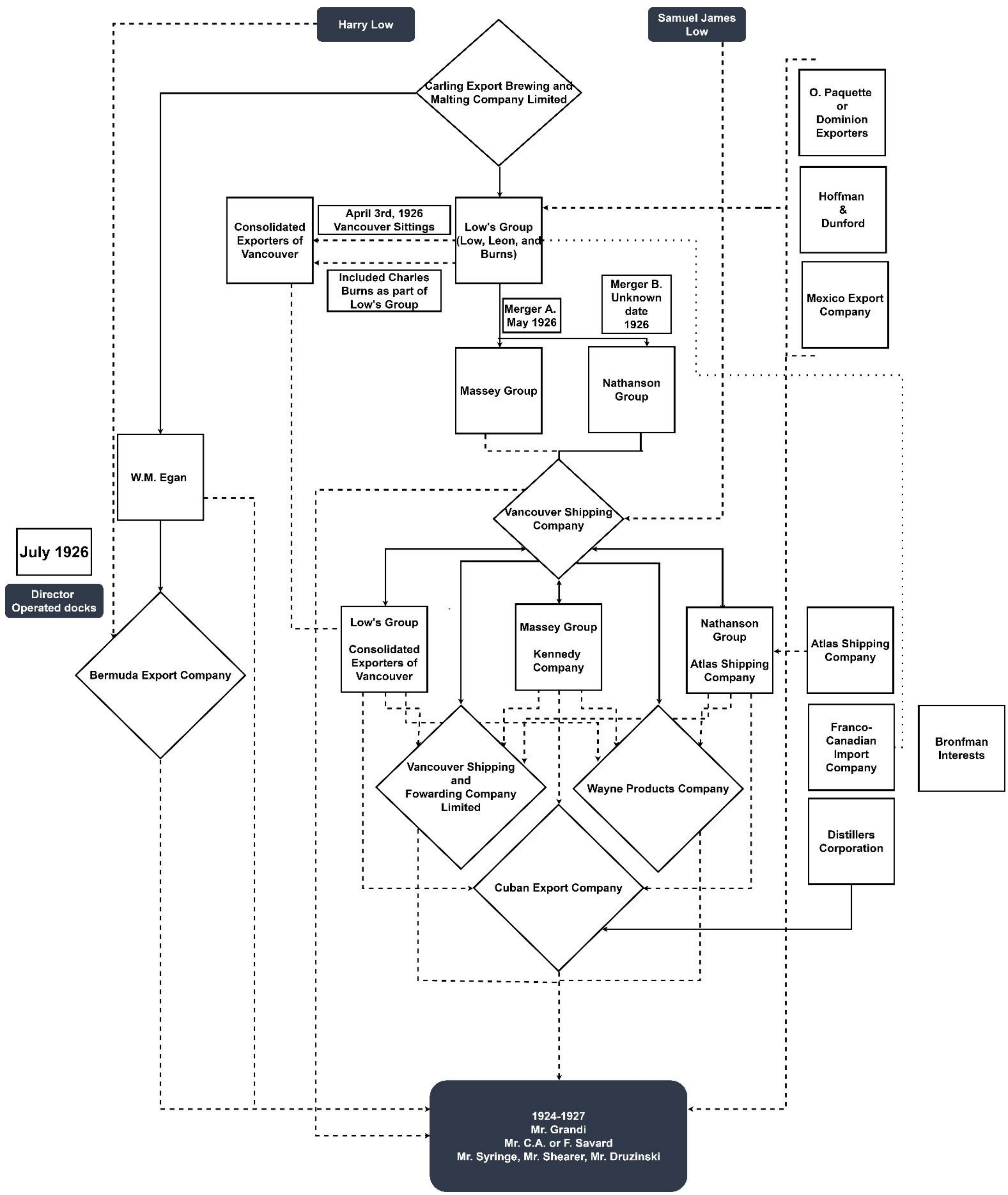
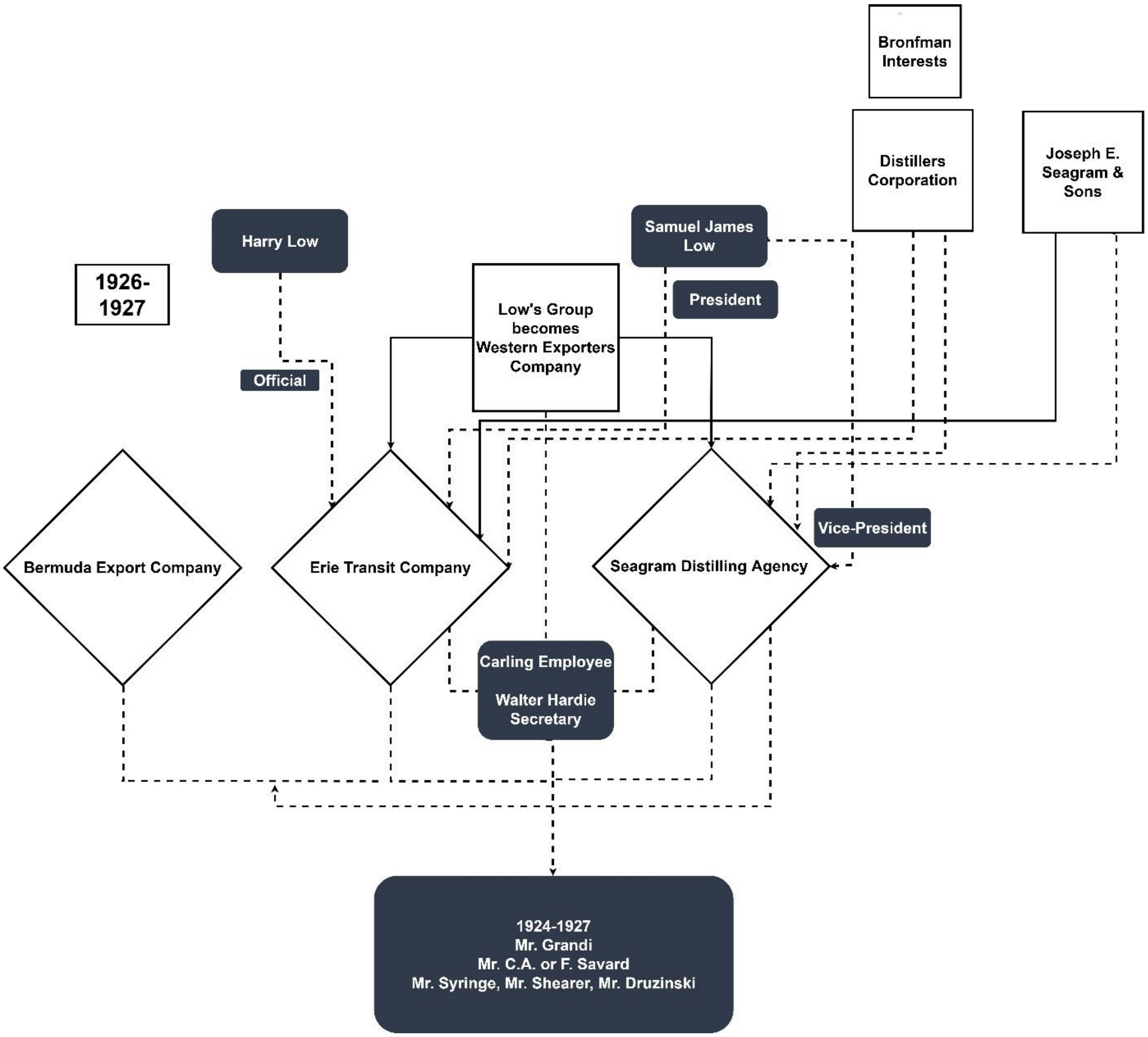


HARRY LOW'S ORGANIZED CRIME NETWORK, 1926-1927



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