Why would something as innocuous and seemingly innocent as a simple game of pinball be determined illegal? In NYC, pinball was outside the law for 34 years, from 1942 until 1976. Pinball was also illegal in thousands of other cities in the middle of the 20th century. In LA, the ban lasted from 1939 to 1974. In Oakland, pinball was prohibited in the 30s and didn’t become legal again until 2014. Kokomo Indiana lifted its ban in 2016. It was not as though the drive to illegalize pinball came solely from NYC mayor Fiorella La Guardia. Surely, he was influential to the bans across the country, but my no means was La Guardia alone in determining that the silver ball was a menace.

One place to begin is that at least since the Victorian age, gambling has always been considered a vice. Some of the earliest forms of gambling came to the US from Great Britain in the form lotteries, and by the turn of the twentieth century over half the states had written anti-lottery provisions directly into their constitutions. One early lottery called the National Lottery that was formed to raise revenue for the district of colombia sold tickets across state lines but allegedly never paid out its winnings. Also, the corruption of the Lousiana State Lottery commission, which also sold lottery tickets across state lines and bribed politicians to keep the private company in power for over twenty five years would eventually lead to Congress establishing anti-gambling laws, in particular laws that outlawed the selling of lottery tickets across state lines. Similar grievances arose and during the 1890s related anti-gambling clauses continued to be passed by congress and the states in order to curb gambling rackets of various forms, including games of chance, cards, and bucket shops.

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Concerning the morality crusades against gaming and gambling, certainly there has been a paradigm shift, probably for various reasons, not the least of which is there has been a movement from who controls the gaming rackets, as one commentator has put it, from gangsters to governors. Where at the beginning of the 20th century anti-gambling and anti-lottery laws swept the country, lotteries have now become a primary source of revenue. Today, gambling is not only tolerated in our society; it is actively encouraged, especially in the form of state run lotteries. [**Slide]**

In fact, statistics from 2014 show that state run lotteries take in 70.1 billion a year, that’s more than “Americans in all 50 states spent on sports tickets, books, video games, movie tickets, and recorded music sales.” If you add to the casinos to the lotteries, that’s another whopping 240 billion dollars a year, according to the American Gaming Association.

Still, we get that gambing was outlawed. It still is, at least for the private businessperson or citizen. Even today, you don’t walk into a laundromat and play slot machines, but why was pinball the subject of so much ire? There are various factors why we have such a hard time grasping why pinball was outlawed, but that probably has less to do with the games that were outlawed and more to do with the way that we understand the game that we know today. Typically, we cannot think of pinball without picturing a table with flippers. But the flipper wasn’t invented until 1947. By the time it was invented, pinball was already illegalized throughout the country, and the laws pertaining to pinball’s illegality were originally written concerning flipperless machines, which were designated by the laws as games of chance not games of skill, extensions, really of slot machines.

But if we go back to the 1890s when anti-gambling laws were sweeping the country, we also see that this was the same time that both slot machines and pinball machines were being mass produced and marketed to private business owners. Manufactuers of these machines anticipated from the outset that they were going to have a rough time being able to continuously market their machines, and so as the years went by and the gambling laws got more particular, manufacturers would make adjustments to the machines to try to circumvent the law, again blending the relationship between slots and pins even more.

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In 1891 by a Brooklyn outfit named Sitman and Pitt developed a sort of draw poker machine. Drums spun cards and after you inserted your nickel, you got your hand. You then traded your hand for a beer or a cigar from the establishment that you were in. There was no payout mechanism, but it can’t be denied it was form of gambling. Later, towards the end of the decade two different producers Charles Fey and Herbert Stephen Mills developed slots that did payout. By 1950, there were 10 major manufacturers of slots and they were all located in Chicago, many with purported underworld dealings, making that city the slot-machine capital of the world. Most of the pinball machines were also coming from these same manufacturers. By the 1920s and 30s, the Chicago mob, known as “The Outfit” was deep into the manufacturing of slots and pins.

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One innovation that came with these early years were developing both slots and pins that could also be called vending machines, in order to circumvent gambling statutes. The Herbert Stephen Mills company, for instance, developed a machine, where you inserted a token and pulled the lever. If you didn’t get a payout, all you had to do was turn a nob at the bottom, and a mint or a pack of gum would be dispensed. The fruits that show up on today’s slot machines in the casinos echo back--they are skeuomorphs if you will, of these early attempts to circumvent the law. As one commentator, writing in 1950 put it, “the slot machine people argue that the mint vending machine is not a gambling device, since the player always receives value for each coin deposited. A large number of courts have given credence to this sophistry and have enjoined the police to keep their paws off these machines.” As we will see there’s more to it than this. Unspoken connections going on here.

Just as there were slots that were outfitted with vending machine characteristics, there were pinball machines that had payout mechanisms. Typically, an amusement pinball machine would give free plays, but there were also gambling style pinball machines that would payout considerably more than a freeplay. Many times, depending on the design, the machine would keep track of your score, dispense a ticket, or be wired to a counter behind the bar. You could then redeem these scores with the proprietor and get your freeplays in cold hard cash.

Of course, there were manufacturers who weren’t manufacturing gambling pinball machines and who weren’t connected to the mob. Nonetheless, pinball manufacturers, like slot machine manufacturers, were primarily based in mob-tainted Chicago. Gambling machines, whether they had active payouts or not, allowed a large number of freeplays. According to one critic from 1965, calling the situation the “pinball problem” explained that on a gambling style pinball machine, the maximum number of free games went up to 999, the most the counters could count. The significance is that on a dime play, a player had the potential—and knew that she had the potential to will 99.90, an amount, explains the writer, that “exceeds the payoff amount of any comparable slot machine.” The distinction between an amusement pin and a gambling pin were not typically discernable. A machine that could only give you a couple freeplays and one that could give you 50 free plays that you could then trade in for cash, could only be discerned by opening the machine and analyzing its guts—that is, if you even knew what you were looking at.

To add insult to injury, in some cases, pin machines had payouts, so when we see this fun comic documenting the years pinball was outlawed, it’s not, in fact, accurate. The rundown is that pinball machines could not be clearly extricated from gambling. The mob-controlled manufacturers build both slots and pins, both types of machines being shipped from the same distributors, pins borrowed from slots, and overty carried themes of card playing, horse racing, betting on sports, and the like; they were designed to payout money, just like slots. In addition, they were also designed to payout, but to hide their payouts. As in this case of this machine, where no officer passing by would be able to see that this was actually designed to be a gambling machine.

video

To this, we add that early pinball machines didn’t have flippers. The only way you could manipulate the play was by the finesse with which you shot the ball and by attempting to steer the balls by pushing the machine back and forth, a factor that would lead to the invention of the tilt mechanism. We should also add that children were targeted for both slot and pin machines, so that penny slots would show up in candy stores, offering stools in front of them so kiddies could climb up and play.

This was the environment that Fiorella La Guardia (1934-1945) walked into when he was elected in 1934. An Italian American, La Guardia was frustrated beyond end that organized crime had tainted his heritage and that the mob was running rampant throughout NYC. The previous mayor of NY was Mayor Jimmy Walker, who served from 1926 to 1932.

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 From the perspective of slots, pins, and organized crime in Chicago and NY, these were good times.

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 It was during these years that Frank, the prime minister, Costello was moving through the ranks of the Luciano family, what would later become the Genovese family, one of the strongest of the five. The end of prohibition happened to coincide with the increased popularity of both slots and pins. The investment to play was small enough that almost anyone could find a bit or a couple of bits to play, and the ingenious games with their clicks, bells, and eletromagnetic ingenuity not only offered a chance to win some money, but especially in the case of pinball machines, they introduced the addictive quality of wanting to win--just for the pleasure of winning. To boot, all of this could be done with a coin. You didn’t even need a another person. Magazines were loaded with ads, promising to make a proprietor a steady stream of income for anyone who would shell out the initial investment, sometimes as low as 30 dollars for a basic machine and increasing in price into the hundreds.

As early as 1928 Costello realized that prohibition had been a failed experiment and would eventually be repealed. In anticipation of this he began a search for a new source of income. He decided on the “one-armed bandits” - slot machines.

To this end, explains May, Costello set up a four part plan:

1. obtain New York City as his exclusive territory from the Mills Novelty Company, but keeping their manufacturing operations.
2. Promising the right politicians a piece of the action;
3. Setting up a system to payoff the police
4. Recruiting and establishing an army of collectors, salesmen, servicemen, and even his own police force to track down any machines that were stolen.

Of course, it was Costello’s who came up with the plan to dispense mints. To service the mints, Costello started the Triangle Mint Company. He covered all his bases.

Even better, Costello had his crew place so called authenticity stickers on his machines throughout the city so that police investigating a machine would be able to recognize that a machine was “legit,” In other words, that it was owned by the mob. Slots without these stickers were ordered by the police commissioner to be destroyed. But by the time Walker infamously resigned amidst corruption charges in 32 and Fiorello LaGuardia won the mayoral election in 34, Costello and other outfits saturated the city with at least 25 thousand slots and pins around town in bars, barbershops, laundry mats, speakasies, cafeterias and candy stores.

Among the first things La Guardia did after being elected was hold a radio address to the city where he said, “Let’s drive these bums out of town.” The next thing he did was install good cops and looked to clean out corrupt ones. Next, as a way of hitting the mob, he set to clear out the slots throughout the city. He did so, and there are few things more famous in Laguardia’s tenure than his pitching slots into the hudson river.

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With the new administration and all of these new honest cops, Costello grew frustrated with the city, and the “little flower,” as La Guardia was called, did in fact drive out Costello and his crew. Invited by Huey Long to come down to friendly Lousiana, Costello and slot operation relocated.

Once the slots were eliminated from the city, many people still had the itch to play games that would give you some kind of payout. You guessed it, pinball.

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In 1941, La Guardia and the NYPD set up a pinball task force to eliminate the so called pinball racket. By 1942, La Guardia was able to convice Judge Ambrose Haddock that all pinball machines were gambling decives, and with that ruling, pinball officially became outlawed. Much of the country followed suit. An article from January 22, 1942 from the New York Sun read: “2196 Pinball Devices Seized.” It went on, read from article. Half a dozen storekeepers plead guilty and threw themselves on the mercy of the court for owning the “nickel-snatching devices.”

On the heels of the bombing at Pearl Harbor, La Guardia’s war on pinball escalated and won over popular support. A 1942 headline from New York Times read “Pinball Machines to Help Win War.” The article went on to report that the military had received 10,000 pounds of scrap metal from the pinball seizures and that the NYPD were able to acquire thousands of billy clubs made from the legs of the machines.

As I stated earlier, the invention of flippers wouldn’t happen until 1947, and although Gottlieb manufacturing was around during Walker’s and LaGuardia’s day, Gottlieb himself knew that the only hope for pinball was to show that pinball was in fact, no longer a game of chance but one of skill. It was Gottlieb's own game, Humpty Dumpty, released in October 1947 that included an innnovation by engineer Hans Mabs that included the first flippers.

After the invention of the flippers, enthusiasts and manufacturers tried to get the rules reversed, arguing that pinball was in fact a game of skill. Years after years went by and piball remained illegal. In New York City, it woudn’t be until

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May of 1976 that Roger Sharpe, a young magazine writer for GQ and the New York Times, stood at a pinball machine in a Manhattan courtroom with the intention to change the world’s opinion about pinball. The room was filled with reporters and cameras. If he called his shot, would they be able to deny that the game was one of skill? Like Babe Ruth, he promised to figuratively send it over the center field wall. At that meeeting, at that moment, the council immediately overturned the ban in a unanimous 6-0 vote, and on “August 1, 1976, Sharpe’s birthday, Mayor Abraham Beame signed the new law making pinball legal once again.”

That’s my story. And I’m sticking to it.