

# HOME AND STATE

Volume 26, No. 9

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\$1.00 Per Year

## "CONSTITUTION WEEK"

The American Bar Association has requested the people of America to observe one week in September each year as "CONSTITUTION WEEK." They are asking that during this week all churches, clubs, schools and other organizations give attention toward building sentiment for proper respect for the Constitution by addresses and otherwise. The Anti-Saloon League of Texas is organizing for a great intensive campaign for Respect for Law among churches, clubs, and every other organization in sympathy with this purpose. One subject each month is planned. During August the general subject was "Restoring Criminals to Citizenship," and pardons was the special phase of that subject discussed. Literature was sent to more than 4,000 persons on that subject.

We are asking all pastors, schools, speakers, newspapers, and other agencies to respond to the American Bar Association's program in September and discuss the question of preserving our Constitution. There are many subtle attacks being made on our fundamental law today that do not portend good to our country. This is a question that intensely concerns writer. He believes that our old federal Constitution is the wisest document ever written for a self-governing, liberty-loving people. He believes that this document is being gradually torn to shreds by sinister interests and that unless our people, the common patriots of our country, are aroused, the breakers are ahead of us. If a better document can be produced, then let us have it. We are not fetish worshippers. But we want to be shown, before we abandon the old.

To our candid opinion the question of State's Rights is of supreme importance. Unfortunately the liquor traffic, trying to shield its hellish business under cover of this doctrine for so long, has greatly discredited the doctrine. By a false interpretation of the doctrine the attorneys for the liquor interests and their friends in and out of the legal fraternity have had so much to say that was untrue, that the minds of the common people have been satiated with their false appeals, until they do not respond to the appeals of sound reason and patriotism in behalf of this cornerstone of American Government.

Again, criminal lawyers, defending their clients outside the court house, are making claims for them that certain rights and immunities are guaranteed the criminals under our Constitution as effectually defeats the government's efforts to suppress crime. If they are right, our Constitution needs amending so as to put honest patriots in control of our government rather than these criminals. We believe these criminal lawyers are in error in their claims as to what the Constitution means. We are re-enforced in our belief by the fact that all the higher courts and practically all great lawyers who are not engaged in protecting criminals, take the same view of the Constitution that we do.

But gradually criminal lawyers, protecting their criminal clients, in the Legislature are getting such laws passed as tear to sheds the Constitution, and are doing so under the plea that these very laws are demanded by the Constitution. The Constitution ALLOWS many laws that it does not REQUIRE. Many laws thus allowed by the Constitution are vicious, but the higher courts must respect them unless they are clearly forbidden by the Constitution.

Space prevents us giving a detailed discussion here, but bulletins will be sent out to all pastors whose names we have, and to other leaders giving fuller information on this subject, and all are requested to pass on this information in sermons, editorials, addresses and otherwise. The bulletin will, within its limited space, give some startling facts throwing light on why we have such a disgraceful crime record. Look out for it. If you fail to receive it, write for it.

## WHO WROTE THE NEW SEARCH AND SEIZURE LAW?

The public, aroused over the outrage perpetrated by this administration in the passage of the Search and Seizure Act, are insistently demanding to know who wrote the bill. The form in which it finally became a law, and incorporating the most objectionable features of the act was "Free

Conference" Committee's report rushed through the last day of the session. The "Free Conference" Committee was composed of the following:

### IN THE SENATE:

A. J. Wirtz, Seguin, Lawyer.  
Eugene Miller, Weatherford, Lawyer.  
J. H. Strong, Carthage, Lawyer.  
I. D. Fairchild, Lufkin, Lawyer.  
A. E. Wood, Granger, Lawyer.

### IN THE HOUSE:

H. H. Moore, Cooper.  
Bowd Farrar, Waxahachie, Lawyer.  
W. A. Williamson, San Antonio, Lawyer.  
A. P. C. Petsch, Fredericksburg, Lawyer.  
J. V. Frnka, Columbus, Lawyer.

Home and State does not charge corrupt motives to any one who wrote, or to any one who voted for, this bill. Nearly, or quite every one, of them tell their home folks they are good pros, and in some cases their claim is allowed by their constituents. We do not even question their claim to being prohibitionists. We have many kinds of prohibitionists these days. We have the old classification: Wet and dry pros. Then we have the new classification: Honest-to-goodness pros, and political pros. The latter are pros because no one can today afford to announce for office as a wet. We must also insistently claim that he stands for the enforcement of the prohibition laws, or, in most sections of Texas, his candidacy will become a joke. Hence a candidate must be either an honest-to-goodness pro, or a political pro. About the only way to determine to which class a public man belongs is to watch his record.

Then there is another classification of pros that falls into the honest-to-goodness pros, and pros who are theoretical antis. In this latter class are those who are sincerely opposed to liquor, and who sincerely want to see it abolished, but whose views of government are such that, if carried out, cannot offer hope for the honest enforcement of the dry law.

This does not mean that it is necessary to enforce the dry laws in any way different from the way all laws are enforced. The fact is that the dry laws are today being about as well enforced as are any other laws. The enforcement of all laws are a disgrace to our state, when there are today ten times more murders in America in proportion to our population than in any other civilized nation on earth, and though Texas has less than one twentieth of our population, yet she has one tenth of all the murders in the United States. This means that on an average Texas has double the number of murders that belong to her among the states of the most murderous nation on earth.

### WHY SUCH A RECORD?

Why such a record? Look again above and note the fact that this Search and Seizure Act was written and put through by ten men, nine of whom are lawyers. We do not know, but probably most, or all, are criminal lawyers. Their whole life study is the defense of the criminal. Will such a study warp their thinking and produce in them a bias in favor of the criminal? Such a life study and work is enough to bias an angel's mind. Do not insult our intelligence by trying to convince us that criminal lawyers are not biased in favor of the criminal.

Is it good public policy to have criminal lawyers making the laws whereby we are to convict these criminals? Practically every law upon the statutes giving directions how the state must proceed in catching, trying and convicting criminals were written and put through by criminal lawyers in our Legislature. Need we be surprised at the results? Could we expect anything else but that crime would be in the saddle?

Our readers will be prepared to understand how one may be a sincere pro, and a theoretical anti. No criminal lawyer can be depended on to make laws fair to the people. They may think they can, but they are utterly unable to fathom the depths of their own bias against the people and for the criminal. This statement has abundant proof in the fact that almost to a man district judges and prosecuting attorneys who are making records for enforcing laws are sharply at variance with these criminal lawyers in their views on these very points of law. District judges and prosecuting attor-

(Continued on Page 8)

ADDITIONAL STATE NEWS ON PAGES 2-5-8

## BRITISH LIQUOR MAKERS FACE WHISKY SURPLUS

Drouth in America Cuts Down Market for Booze Made Over There

### PITYING "POOR FARMERS"

Booze Men Want Reduction in Whisky "To Help Growers of Barley"

American prohibition and the growth of temperance sentiment abroad together are bringing about a surplus of whisky in Great Britain, according to news received from correspondents of the World League Against Alcoholism.

The World League statement contains a telegraph news story which was sent out from London as follows:

**The effect of prohibition in America on the business of Messrs. E. & J. Burke, Ltd., whisky exporters, was referred to at the annual meeting of the company in Dublin today. Captain Nutting, M. C., the chairman, said direct shipments from Dublin to America having ceased other interests had to be developed. Dividends of 6 per cent on preferred shares and 10 per cent on ordinary shares were declared. Captain Daly said, unless saved by legislation the whisky trade would cease in a few years.**

Recently in London, the World League statement points out, there was a fusion of the Distillers Company, Ltd., with the Scottish Malt Distillers, Ltd. This combination, it was given out by the distillers, was made for the double purpose of controlling the trade in whisky and of taking care of over-production.

William H. Ross, chairman of the company, gave out a statement which declared that it is obvious that there is a very considerable overproduction of whisky and if this overproduction is not checked it would mean debacle in the trade. In the combination, among other companies, are the John Walker & Sons Co. and the Buchanan-Dewar Company. Whisky up to date, according to the British market, has been produced at a much more rapid rate than the consumption. Mr. Ross said that it was not now a question of making huge profits but of self-preservation. Nevertheless the company declared a dividend of 20 per cent.

In his address as chairman of the meeting Mr. Ross said that there had been a decrease in the consumption of whisky from 32,050,000 gallons in 1908-09 to 13,039,000 gallons for the year ending March 31. The distillers ask the farmers to bring pressure to bear on the government to reduce the duty on whisky and so recover part of the market which the farmers are said to have lost for their barley through the greatly diminished consumption of liquor.

It is the same old story that American farmers heard before prohibition came.

### MEDICAL TESTIMONY

An English paper recently commenting on the visit of American medical men, said, according to the Christian Science Monitor: "The army of American doctors who have just arrived for a medical tour of the country are most entertaining people. One said with a most dolorous smile, 'I have not seen a decent cirrhosis of the liver for three years. That's what prohibition can do to a country.'"

## SUGAR-COATING WET BILLS

Even though the wets had the criminal lawyers and the administration with them when they sought to cut the heart out of our dry law enforcement in passing the Search and Seizure Act, still they had to sugar-coat the bill a lot to get it down the throats of the honest representatives of the people hailing from the rural sections of the state.

Read the first section of the bill as passed:

"The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath, or affirmation."

Now there is not one earthly reason for that section being in the bill. It is a verbatim quotation from the State Constitution. It did not need to be enacted. The only reason it was put here was to sugar-coat what was to follow. The authors of the bill knew that the bare statement of what they wanted to enact would gag the honest prohibitionists. So they sugar-coated it by quoting high-sounding words from the Constitution about the "liberties" of the "dear people." Reading the article in the August issue of Home and State replying to Senator Moore of Gainesville, the reader will see that according to the interpretation put upon this language by our highest courts in tens of thousands of decisions through 150 years, the Constitution quoted has no such meaning as is here intended to convey.

When the dry bill to restrict doctors from writing liquor prescriptions for beverage purpose was being prepared the editor suggested a similar process of sugar-coating in order to make the bill more palatable to senators who talk dry at home and vote wet at Austin, but was told that such language in a bill was unconstitutional.

But a second coat of sugar had to be laid on thick that the bitter pill might stay down. The section reads:

"It shall be unlawful for any person or peace officer, or State Ranger, to search the private residence, actual place of habitation, place of business . . . without having first obtained a search warrant as required by law."

This language was already the law. Why re-enact it? Just for the purpose of sugar-coating what was too bitter a pill for good prohibitionists to swallow. We take our hats off to the wet senators who wrote this bill. They are past masters at sugar-coating bitter pills, and it worked.

Then they slipped in the words "persons or personal possessions of any person." Excepting the penalty attached, these seven are the only new words added to our laws by this bill, and yet the bill contained 221 words. All the rest of it is sugar-coating.

But read what this new law is when placed in its setting: "It shall be unlawful for any person or peace officer, or State Ranger, to search . . . any person or the personal possessions of any person without having first obtained a warrant." Written primarily to defeat the enforcement of our dry laws, it is aimed especially to protect those transporting liquor. These are the big bootleggers, with money enough to deal in large lots.

## AMERICANS NOT BUYING BERLIN'S BEER

**German Hotel Managers are Disappointed Because United States Tourists Prefer Lemonade, Ice Water and Other Harmless Drinks**

Berlin's hotel managers are complaining that the 1925 influx of American tourists compose the driest lot since prohibition began in America. Proprietors and head-waiters of restaurants and hotels agree that although the tourist trade in Berlin is especially heavy and restaurants are full of American guests, this year they chiefly consume ice water, lemonade and other soft drinks, and are keeping away from wine, champagne, beer and other intoxicants.

"We hope it is only the heat," said one head-waiter, "but we fear prohibition is really taking hold in America. The other day twenty tables were occupied in the dining-room by Americans and not one

had wine. We can't even persuade them to take beer. Several years ago Americans were our best bar customers."

Some of the Germans figure that Americans have in the course of time been so weaned away from liquor that they do not desire it. Others suggest that there may be some Americans who would not hesitate to order liquor but who shrink from doing so in the presence of their fellow travelers and fellow countrymen.

At a recent reception given by the League of German Industrialists to an American seminary party headed by Sherwood Eddy of the Y. M. C. A., Germans who attended noted with surprise that for the first time the League gave a social function at which no liquor was dispensed.

## OHIO BANKS BREAK RECORDS UNDER PROHIBITION

Ohio state banks again show record gains under prohibition.

For the fiscal year ending June 30, these 743 banks had the largest totals of resources and deposits in their history, according to H. E. Scott, Superintendent of Ohio Banks. His report, of course, does not cover national banks.

Resources reached the stupendous sum of \$1,999,574,191, an increase of \$160,429,193 over the amount reported June 30, 1924.

Deposits of all classes on June 30 this year totaled \$1,718,714,566, an increase of \$134,774,261 over the amount reported for June 30, 1924.

On June 30 this year individual deposits were \$509,722,135, an increase of \$56,680,346 since June 30 last year. Savings deposits were \$809,415,118, an increase of \$52,076,004 over June 30 report of 1924. Time certificates were \$113,872,859, an increase of more than \$10,000,000 over June 30, 1924.

And yet wets continue their foolish claims that prohibition is a ruinous policy and advocate the return of beer and the saloon.

## SUPPORTS ADMINISTRATION

**Anti-Saloon League Voices Its Approval of Plan of Unit Re-organization**

"The Anti-Saloon League has aided and will aid the administration in its efforts to improve law enforcement," said Bishop Thomas Nicholson, president of the Anti-Saloon League of America, F. Scott McBride, general superintendent, Howard Hyde Russell, founder, A. J. Barton, chairman of the Executive Committee, Ernest H. Cherrington, editor of the American Issue, and Wayne B. Wheeler, general counsel, who were in Washington, as the delegation from the Anti-Saloon League at the funeral of William Jennings Bryan. "A recent statement by certain officers of the Anti-Saloon League in denial of wet propaganda that if the proposed plan of enforcement does not work nothing will, has been misconstrued by certain papers as opposition to the new reorganization plan.

The Anti-Saloon League has long advocated the reorganization of the Prohibition Unit so as to place responsibility definitely; to exclude political influence; and to secure cooperation from the various government departments. Accepted as a step in this direction, the new reorganization merits support. The measure of its success will depend upon its personnel and the freedom with which it is permitted to operate.

"Seven advanced law enforcement measures backed by the League were adopted by the Sixty-eighth Congress. The Cramton bill to reorganize the Prohibition Unit passed the House by a vote of 275 to 86 and would have passed the Senate except for a filibuster conducted by four irreconcileable wet Senators. The bill was endorsed by the Secretary of the Treasury, speaking for the administration. The passage of appropriation bills might have been jeopardized if a cloture rule had been invoked to end the filibuster. The Anti-Saloon League, instead, urged the Treasury Department to accomplish by new regulations of industrial alcohol much that was proposed in the Cramton bill. This has been done. The regulations go into effect August 1. If they work satisfactorily those provisions of the bill will probably not be urged for passage; otherwise they will be.

"The civil service provisions in the Cramton bill, endorsed by the Anti-Saloon League, both political parties, and the President, will be urged for passage to make the policy permanent in law. The Anti-Saloon League is not seeking to dictate appointments but is fighting against their attempted domination by the enemies of the law and its enforcement.

"The Anti-Saloon League will continue to support every officer, who honestly endeavors to enforce the law. It has supported the enforcement department during three administrations. It has supported and will support General Andrews in every effort he makes to better law enforcement. It will continue to point out the weak points in the administration of the law, and the leaks in the law, and help to eliminate derelict officials in state and nation who will not enforce the law.

"Whatever this or any enforcement organization plan may achieve, the Anti-Saloon League, backed by the sentiment of the people as repeatedly expressed, will continue its fight until the prohibition law has been effectively enforced.

"The people of the United States elected President Coolidge believing that he would fearlessly enforce the law. They have confidence that he will make good."

## NOTABLE PROGRESS IN WORLD DRY MOVEMENT

Local Option Is Being Boosted in Germany; Hungary, Also, Seeks Home Protection; Situation in Other Countries Is Held Encouraging by Foes of Liquor Traffic

By J. H. Larimore

Notable progress in the temperance movement has been made in the old world countries, according to information which comes to the office of the World League Against Alcoholism.

A petition containing votes for prohibition to the number of 466,000, was presented July 15 to the German Reichstag by promoters of local option. Enactment of a law which it is hoped eventually will bring Germany in the dry column is asked for. President Von Loeb of the Reichstag permitted it and other prohibition propaganda to be exhibited on the floor of the House. German prohibitionists are receiving aid in parliamentary circles from leaders in all political parties.

Substantial support of the cause of prohibition in Chile is reported by Mrs. Ida A. T. Arms, president of the Chilean Woman's Christian Temperance Union. Her report was sent to the world headquarters in Evanston, Ill.

Mrs. Arms writes that there are forty societies in the Methodist Episcopal Church and that the Presbyterian women have done similar work. She has high praise for President Alessandri, who is a champion of prohibition. There is co-operation between the National League Against Alcoholism, the National Educational Association and the Chilean League of Social Hygiene.

### For Local Option

The Anti-Alcohol League of Hungary is behind a bill in the National Assembly known as the "Home Protection Bill," which is actually a local option measure.

England will have local option within five years and prohibition inside of fifteen years, predicts the Temperance Committee of the Primitive Methodist Church Conference. While many other organizations do not share the same hope, all are agreed that there will be some form of local option in the British Isles.

Speaking in the House of Commons from the Conservative benches where sit some of the warmest supporters of the liquor trade, Commander Charles D. Burney of the Royal Navy, an airship expert, asked bluntly whether, with 1,250,000 workers unemployed, Britain can afford to continue to spend 400,000,000 pounds annually on drink. Captain Garro Jones, a Liberal, declared that until some action was taken to curb the liquor traffic Great Britain could not hope to compete with countries like the United States.

Mrs. Lloyd George, wife of the former Prime Minister of Great Britain, addressing a large gathering of women workers at Southsea, England, made a spirited defense of American prohibition. She denied emphatically that there is more drinking in America than before prohibition.

During their American tour, she said, both she and Mr. Lloyd George made an elaborate inquiry into the matter and found that the American people were the victims of unfounded statements on the drink question. She said that British people should refuse to believe that prohibition was anything but highly successful. Mrs. Lloyd George declared that the next generation in America is going to be a sober generation, and if Britishers do not look to it they will be left behind in the world.

### Cite United States

At the Presbyterian Alliance Council at Cardiff, Wales, in June, American dele-

gates presented a paper signed by all of them as follows:

"The prohibition law has passed the experimental stage in the United States. General approbation of its purposes and results has come from economic, social, moral and religious quarters. The economic phase of the question has not received its just emphasis. The heads of great railroads, manufacturing interests, banks, and of business generally have testified to the benevolent results of the prohibition law. It has come to stay in the United States. This is the deliberate opinion of thoughtful and informed men of all creeds and of every class."

The Americans urged a powerful and concentrated attack against liquor in Great Britain.

At the annual meeting of the Anglo-Indian Temperance Association held recently in London, a resolution was passed welcoming the declaration of the Bombay Government that the extinction of the drink and liquor traffic was the goal of its excise policy. The resolution also noted with satisfaction many public manifestations in India during the past year in favor of temperance reform. Attention also was called to the importance of the steps now being taken to reorganize the temperance movement there upon a representative basis.

### Ceylon Going Dry

As regards Ceylon, the report states that the island is undoubtedly in advance of India as regards temperance reform and that there is good prospect of the country becoming entirely dry at a comparatively early date.

In Amsterdam it is interesting to note that in 1900 the temperance societies totaled only 12,000 members, while in 1925 they have 147,000 members. Even more convincing is that the consumption of liquor has steadily decreased since 1878 when the top figures of ten liters were consumed. In 1923, the last year available for figures, the consumption was two and one-half liters. Although Amsterdam is not dry the government is having a great deal of trouble with smugglers because of the high duty on liquor imports.

## LABOR EDITOR ON PROHIBITION

The Southern Labor Review is published at Birmingham, Alabama. As the name indicates the Review is a publication devoted to the interest of workers. In a recent number the editor makes this statement in regard to the welfare of workers under prohibition:

"If one should ask what advantage prohibition has been to the laboring class of people, we should not hesitate to say that the standard of living of those who toil has been raised 100 per cent during the past five years.

"Since the abolition of the liquor traffic, the workmen are buying and building better homes. They are taking an interest in home life more than ever. They are saving their money and educating their children. A southern college professor told the writer that in 1915-16 the average number of students from the working class in his school was only 500 and today he has enrolled from the same class of people two thousand, who, in his

### MANY FRENCH BOOZE SHOPS

Store for Every Ninety of Population; Drinking Does Not Help Pay Debt of the Country

A writer tells us there are 8,000 more establishments in France selling liquor this year than last and that booze establishments in that country number 460,274—one for every 90 men, women and children in the country.

Yes, you are right. France is a big borrower of money from dry America and sees no possibility of early payment. That number of liquor establishments explains in part why France is hard up and why her poverty will increase. No country can stand such a drain on her pocketbook, her efficiency and her manhood.

That number of liquor establishments also goes to prove that easy accessibility of wine and beer does not promote temperance but rather encourages drinking.

### PADLOCKS FOR PITTSBURGH

The Pittsburgh Gazette-Times of July 21 says that what is believed to be the state's most determined effort to halt wholesale dry violations in Pittsburgh since the advent of prohibition, is now under way in that city. Twenty-five state troopers in plain clothes under the direction of Deputy Attorney General Graham have been buying beer, ale and whisky, evidence of liquor law violations in saloons, hotels and stores preparatory to starting proceedings to padlock these illicit liquor-selling establishments.

### GOES INTO SEWERS

Carrying out the orders of Federal Judge Robert Baltzell of Indianapolis, \$350,000 worth of bonded whisky seized at the warehouse of W. B. Squibb at Lawrenceburg, Ind., has been dumped into the sewers, with a very small part given to government agencies for distribution to hospitals.

H. E. Mau, United States district attorney, has asked Federal Judge Benson W. Hough, at Columbus, Ohio, to close by padlocks 13 places in Columbus in which the sale of liquor is suspected, and six places in Steubenville and Bellaire. Among the places for which padlocks are asked is that of the Schlitz Brewing Company in Columbus.

### RECOUNTS "EVILS"

### OF PROHIBITION

Dr. Eugene Lyman Fisk, medical director of the Life Extension Institute, sent the following message to the Citizenship and Enlightenment Conference at Round Lake which was conducted under the auspices of the Anti-Saloon League last week:

Among the evils which have afflicted the country since prohibition has been enacted I might mention:

An extraordinarily low death rate; this is bad for the undertakers and cemeteries.

Lowered sickness rate; this is bad for the hospitals and those who are more interested in sick people than in keeping people well.

Increase in savings accounts; this reflects injury to the gambler, the gambling hells and the dives.

After thirty years trial alcohol was an obvious failure as an agency for stabilizing the human race in a state of happiness and health. It may take a hundred years to adjust any country to a state of health and happiness, but any country or any individual that can not exist in a state of health and happiness is a sick country or a sick individual, and a cure of this sickness by further doping is not to be expected.

### WOULD HOLD UP HAYNES' PAY

Wet Organization Accuses Commissioner of Misapplying Funds in Paying Miss Hopley

The Association Against the Prohibition Amendment, one of the thirty organizations now in the field attempting to overthrow the prohibition policy, has addressed a letter to Comptroller General McCarl, requesting him to withhold the salary of Prohibition Commissioner Haynes until the Treasury has recovered about \$11,250 paid to Miss Georgie Hopley. The association charged that Miss Hopley who recently resigned, had been employed as a prohibition officer but had been assigned to touring the country lecturing on prohibition. The Association Against the Prohibition Amendment maintains that the transaction constitutes a case of "gross misappropriation of the government's money" and that Commissioner Haynes is directly responsible.

But then the Association Against the Prohibition Amendment probably thinks all money paid for the enforcement of the prohibition law is misappropriation of funds.

### SEIZURES ON GULF COAST

New Orleans Declared by Yellowley to be Worst Wet Spot; Two Hundred Raiders at Work

A million dollars worth of liquor was seized in a series of surprise raids along the Gulf coast from New Orleans to Biloxi August 11 by federal prohibition enforcement men. New Orleans is the sore spot on the department's list of cities where bootlegging and other traffic in contraband liquors form a problem, according to E. C. Yellowley, national chief of prohibition agents.

A force of 200 federal raiders is at work in the Gulf territory. Mr. Yellowley declares that New Orleans is the worst wet spot in the United States, and that Detroit comes next. He believes that the Mardi Gras city will be corked up within thirty days.

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SEPTEMBER, 1925



## A Good Man Gone

In the death of Milo Griffith Kelser, field superintendent of the Anti-Saloon League of America and the World League Against Alcoholism, the temperance movement of the United States and of the world has lost a very valuable man. Of him it can be said truthfully that he was earnest in season and out of season, that he was aggressive to the point which most men do not attain, that he believed thoroughly in what he was trying to do, in the righteousness of the cause and in its final triumphant outcome.

But what is true of him as a worker in the temperance reform movement is equally true of his work in the active ministry. He was always busy and, what is more valuable, had the characteristics of a natural leader and was able to keep the membership of his congregation actively at work. His was a successful pastoral career and had been elected to remain in the active ministerial work his name would have been written high on the rolls of the Methodist itinerancy. Dr. Russell pressed him into service in the temperance movement. Dr. Russell has seldom been wrong in his choice of men.

Mr. Kelser had the vision of a dry world and a righteous world as well as the vision of local sobriety and local righteousness. Truly may one say of him: "He was a man that, take him all in all, I ne'er shall look upon his like again."

## Milk Bottle Versus Stein

Is the saving of the life of one baby, which except for your efforts would have died, worth the while? The answer of course must be in the affirmative, and if it be true with respect to one baby, what shall be said about the saving of five thousand babies annually?

According to Dr. Isaac D. Rawlings, State Director of Public Health of Illinois, prohibition has brought about that actual result of saving five thousand babies a year.

Parents who formerly spent their money for beer are now buying milk for the children. This prolongs the life of the child, cuts down infant mortality, and makes the parents themselves infinitely happier than the guzzling of beer would have made them. Besides this, the fathers who drank beer and who are now buying milk for their children, are conferring a benefit upon themselves because without beer their own physical well-being is improved. As Dr. Rawlings points out, this increased use of milk makes for a greatly increased number of cows, which increases farm revenue and gives additional employment.

As a by-product, and an important one too, he points out that the increased use of milk has brought about increased public concern as to the purity and sanitary wholesomeness of the milk. In the old days men guzzled down beer without much regard as to where, how and under what conditions it was made or sold. They will not, however, permit filthy, germ-laden milk to be sold to their children. So all around, from every point of view, prohibition has justified itself in this one instance if nothing else could be said in its favor.

## Panning Roy Haynes

Liquor interests of the United States and their proponents have never liked Roy Haynes. There is good reason why they have not. For a long time they have been putting out the report that Roy Haynes was going to resign as prohibition commissioner, or that he would be forced out of office, trying to make the public believe that Mr. Haynes' administration was a failure and that

he was persona non grata with the administration. The present reorganization plan apparently gives these foes of Roy Haynes another opportunity to pan him. It has been repeatedly published in many of the newspapers that Major Haynes is simply hanging on with nothing to do and that his job of advisor to General Andrews is a job with a name but without any duties or responsibilities.

The real truth is that Major Haynes is to stay and will have plenty to do, that the administration believes in him and that he is not being made the subject of ridicule by the department as some of these wets would make out to be the case.

Major Haynes has been a valuable man in enforcement work. His job is not yet completed.

## Crime in Paris

What's this that we hear from Paris?

The Paris Municipal Council has been discussing ways and means to deal with the increase in assaults and burglaries by day and by night.

And then the Paris police statistics show that there are twice as many arrests for drunkenness than exist in our own wicked and much abused New York.

Now along comes the Prefect of the Paris police who declares that he must have 2,500 more policemen to cope with the situation.

All this Paris explosion of burglaries, assaults and drunkenness call for some remarks from gullible American tourists who tell about there being no drink problem in France because the people over there wallow in "light wine and beer."

Mr. Arthur Brisbane has the floor.

## Fear Whisky Surplus

Distillers of Great Britain are reported to be engaged in projects for merging companies and making their business more efficient and less expensive.

According to news cables they report that the American market is definitely closed and that a surplus of whisky is threatened. Furthermore, it is a fact that there is less drinking of whisky in England than ever before. While it is recognized by those acquainted with the effects of the use of liquors that beer is not in any sense a temperance drink, yet one of the first indications of a movement toward temperance and prohibition is an inclination to quit the so-called hard drinks for beer and other liquors of low alcoholic content. This tendency has been very marked in Great Britain.

Leaders of the British people like Lloyd-George have told their constituency that dry America is a formidable industrial and commercial rival of wet Britain. The example of America too is having its effect over there. The people of Great Britain are among the most intelligent, thoughtful and far-sighted people on the footstool. They are beginning to steer themselves along temperance lines and the distillers are fully justified in entertaining fears for the continuance of their business.

## Berlin is Disappointed

News stories from Germany, especially from Berlin, disclose the fact that American tourists in the land of the stein are not buying as much beer and other liquors as the proprietors of inns and cafes had expected. Instead of spending their money for intoxicating liquors the Americans are buying iced tea and lemonade and other harmless beverages.

The dispensers of alcoholic liquors in Berlin declare that many Americans seem to feel that they should not buy liquor abroad when the sale of liquor is forbidden in America, and that others who might be tempted to feed their thirst while abroad are deterred from doing that by the presence of other Americans.

There is another reason for this which probably the Berliners do not know, and that is that for more than a generation Americans have been taught scientific truths about alcohol and that not only has America been growing dry gradually for twenty-five years by legislative action and vote of the people, but the drinking habits themselves have been tapered down.

This report from Germany contrasts with the reports from the wets that Americans as soon as they get beyond the territorial limits of the United States begin to swill themselves with every sort of liquor obtainable.

The wet claim that prohibition increases crime no longer causes discussion because every intelligent person knows it is not true.

## Blind Pigs in Canada

The wets blame prohibition for blind pigs and loudly assert that beer and wine would drive illegal liquor joints out of business. They are, however, unable to point to any examples of the success of their plan. Wherever a government caters to a demand for intoxicants and permits the manufacture and sale of intoxicating beverages, blind pigs may be found. Recent and striking proof of this comes from Montreal whose system of government control is highly praised by wets in the United States:

"Under the title, 'KILL THE BLIND PIGS,' in large type, on the front page, the Labour World of Montreal describes the proceedings of the regular meeting of the Montreal Trades and Labour Council, held Thursday night, February 5th. It gives an illuminating resolution adopted by the Labour Council, and the following accounts of the speeches of the mover, Delegate Martel, and President Foster, who supported the resolution:

"Whereas, the too severe limitations of the hours of sale, for licensed establishments, invites illicit trade, and encourages the opening of 'Blind Pigs,' where adulterated stuff is sold under the guise of liquor, at all hours of the night to the detriment of our youth and robbing the city of Montreal of its reputation, as was illustrated by the recent police investigation.

"Whereas, a certain number of heads of families, reputable citizens, law abiding in every way, are deprived of employment owing to the early closing of the taverns, restaurants, and hotels, giving thus to law-breakers who are a menace to society an undeserved advantage:

"For all reasons: Be it resolved, That the Montreal Trades and Labour Council pronounce itself in favour of the extension of the hours of sale in licensed taverns, restaurants and hotels, from nine o'clock in the morning till midnight every legal sale day.

"President Foster supported the resolution, pointing out that there were over 1,000 'blind pigs' and so-called clubs in Montreal."

## Interesting and Illuminating

It is not idle talk that some of the newspapers of the United States permit the use of their columns by liquor propagandists, even of foreign countries. A French commercial publication contains this interesting bit of news from the French Wines Exportation Commission:

The French Wines Exportation Commission was able to note last year already that its publicity campaign in the great newspapers edited in the English language in the United States (New York Herald, Chicago Tribune) had given rise in the American press to numerous comments highly favorable to its cause, and had given a greater impulse to the anti-prohibitionist literature of both continents.

This same liquor organization in the same trade paper tells how it aided Canada in throwing prohibition overboard and bringing back liquor. Speaking of its work in the Canada campaigns, this wine society says:

Our action assumes the most diverse forms, drawing up of tracts and pamphlets, editing of the literature and their distribution throughout Canada, press publications and controversies, and furnishing of funds at the right moment.

This is interesting and illuminating.

Not only have the wet interests of Europe secured entrance into the columns of American newspapers, but in respect to Canada, they admit using money to gain their ends.

What about American newspapers urging the nullification of American law through the acceptance and use of propaganda furnished by wet foreign interests?

## "Smuggling Sussex"

Under the above caption, the London Graphic of June 6 contains a two-page illustrated article telling about smuggling in England—not America. It tells of the systematic smuggling of wool, silks, liquors, tobacco that has been going on in the south of England for more than a hundred years. In that time, a whole literature has grown up on the subject of smuggling—in England.

A careful reading of this article and some of the voluminous literature on smuggling in England is recommended to those reckless scribblers who write as though the art of smuggling was originated and generated in the American Volstead act and the Eighteenth Amendment.

Britain has her share of smugglers, crooks and criminals as well as America.

## CYCLONE DAVIS IN OPEN LETTER TO HOME AND STATE

Sulphur Springs, Texas, August 15, 1925.

Dear Brother Webb:

Here are two dollars. Set up my time to the Home and State. Having about 30 years of my best life invested in the prohibition movement, it grieves me beyond expression to see the league of venal wealth, sordid brains and their craven imbeciles that have conspired to make prohibition laws abortive. Truly "passion and greed are the bane of civilization." They demonize the human mind; under their influence virtues fade to vice and their victims run riot through all the code of ethics, despising the laws of God and defying the laws of man. Texas went into a frenzied drunken carouse last campaign. Hence law and order languishes and booze, political floppers and sandbaggers hold high carnival with bootleggers, bootleg drug stores and hell holes of vice everywhere. Though caught in the very act of villainy, outrage and murder, they can defy the sheriff until he gets a search warrant. More scoundrels turned out of prison in six months than all the judges and juries of the state have been able to convict in two years at a cost of about a million dollars a year. The search and seizure law of Texas reverses a law and custom of the land that has stood for a hundred years and makes the honest, efficient sheriff a criminal in order to shield the thief, bootlegger and hijacker. If a sheriff sees a man leave a moonshine still with a carload of liquor he is made a criminal if he stops the car and opens its doors without a legal search warrant. If he sees a man with a car full of stolen money taken from a bank across the street in a murderous robbery he is a criminal if he goes into his car without a search warrant.

I am not vengeful nor given to gloating, but I cannot resist this opportunity to say, "I told you so." I said in almost every speech that "to enthroned the crowd then in charge of the opposition would soon make Texas a rendezvous for rogues, rascals and hijackers, while the bootleggers and rumshop drug stores will have a paradise in the sin-soaked profits of an un-Godly business. Prison doors will be knocked off their hinges and criminals on the inside will see the day of their deliverance and as they march out they will sing, 'This is the way I long have sought and mourned because I found it not.'"

I know that in the massive crowds I had at Tyler, Terrell and Longview there are scores who remember this saying, for it received a vigorous shout and handclap. Of course, I was stretching my imagination, but I felt that the motley horde that was then and had been for years cursing preachers, prayer meetings and prohibitionists, and wantonly traducing the good women were calculated to do such things. According to the innocent, thoughtless senator from Cooke county, they had a "wool-pulling time at Austin" and the "bell wethers in the booze herd" pulled the wool over the eyes of the innocent lambs who had no thought of bootleggers when they hamstrung and hogtied the sheriffs, gagged the judges and covered the bootlegger with a bill of rights. Hoping that there will be a day of restitution, and with the best wishes for the Home and State and the cause we have fought for all these long years, I am your friend,

J. H. (Cyclone) DAVIS.

## CITY POLICE CHIEFS OPPOSE SEARCH AND SEIZURE ACT

Chiefs of police and town marshals of Texas are unalterably opposed to the new state search and seizure warrant law and will take immediate steps to have a test case of violation passed on by the higher courts. Decision to fight the statute was reached by members of the state organization of officers in session recently in Dallas.

Numerous officers told of disadvantages of the law. Finally a resolution was passed unanimously placing the association on record as opposing the law and calling on the membership to use its influence with the legislature to either modify or repeal the statute.

Secretary Smith declared he was at Austin when the law was passed and asserted that 90 per cent of the legislators who voted for the measure had never read it.

The general attitude of the officers attending the convention indicated that they cannot adhere strictly to the provisions of the law and do not intend to.

Rising from the presiding officer's chair, President W. H. Lee, Fort Worth police chief, declared he will go to jail before he will take the chance of not disarming a criminal on capturing him.

"I will not obey the law in this respect," he said. "Very often my men catch desperadoes unexpectedly, at a time they do not have a search warrant. I shall not instruct them to refrain from searching such characters for weapons, law or no law. I'll go to jail before I will jeopardize their lives in such a manner."

Ranger Captain Tom Hickman spoke, declaring that the peace officers themselves are responsible for the passage of the law.

"This law would never have been put into effect," he said, "if the peace officers hadn't gone too strong. And I mean Texas Rangers as well as other officers. I've known of rangers breaking into houses and ruining the furnishing by dumping mash on the floor."

"If the peace officers will deliberately violate the law, it will only result in more stringent laws by the Legislature. We are pretty nearly handcuffed, but it is the law and we can't dodge it. And we can't carry around blank search warrants and fill them out as we need them, as has been suggested."

Captain Hickman has recently been appointed by Governor Ferguson to the place formerly held by Captain Frank Hamor, one of the best rangers in the service, and, during Governor Neff's administration, a terror to bootleggers.

## CLARIFYING THE SEARCH AND SEIZURE ACT

Most of those who have attempted to defend the new Search and Seizure Act, have confined themselves to a defense of those parts of it to which no criticism has been aimed. This gets nowhere in understanding the act.

Upon the floor of both houses of the Legislature, and frequently in the discussions of the bill since its enactment, the statement has been made that it simply enacts section 9 of Article 1 of our State Constitution, and then a great harangue is delivered on the sacredness of the Constitution, and we are lectured on our failure to support the Constitution and the "Bill of Rights." Now the fact is, sec. 9, Art. 1, of the Con-

stitution was enacted in 1876 by vote of the people, and has been enforced ever since. At any time that any search or seizure has been conducted by any officer or other person contrary to that section of the Constitution, the victim had ample relief by law from the injustice perpetrated, and the offending officer could be sued for damages.

This act now makes it possible to bring suit for damages in the civil courts, and also to bring criminal action against the officer. The law as it stands today will allow an officer to completely neglect to enforce any law and no action to compel him to do so can be brought. But let him get just a little too eager in his duty, or let some technical error occur, and you can sue him for civil damages, and also prosecute him in the criminal courts, fine him \$500 and send him to prison for six months. This seems, to the writer, is going too strong in an effort to keep the officers from doing their duty. Under the law as now written we cannot see how any one can complain at the officers when the law is not enforced; our Legislature has successfully blocked the way. The sum total of the effect is to destroy law enforcement and promote lawlessness. We do not believe that the penalty clause in this act is justified. It is true that the wets pushed through Congress a similar provision to our national law, but until the coming of national prohibition and the nation-wide drive to protect the bootleggers, such legislation was never heard of. We do not believe that bootleggers and rum-runners are rendering their country such splendid service as to justify this great departure in legislation in their behalf at such great danger to law enforcement.

So, instead of enacting the Constitution, which needed no such enactment, this bill simply puts upon the faithful officers undue handicaps to prevent its enforcement.

Another claim is made to the effect that the bill is to correct abuses of officers in kicking down doors, pouring out mash upon the floor of our "decent, law-abiding citizens," and destroying their property (stills). This act does no such things. The law as it was before required a search warrant before any officer could go into any private residence or place of business for a search for anything. When our state dry law was to be written, the writer made a special request that, not only a search warrant should be required, but that no such warrant should be issued for a private residence without at least two affidavits that the law was being violated. With such a warrant the officer can still kick down the door, (where admittance is denied) pour out mash on the floor, and destroy the property (stills) of "decent," (?) law-abiding (?) citizens."

During the Legislature many harrowing reports were circulated concerning how the rangers had abused the "good, decent, (?) law-abiding (?) citizens" (mostly bootleggers) in the matter of search and seizure. We took the trouble to ask those captains in charge of the said rangers, and these two ranger captains are of as high standing in their moral character and in their veracity as any men in Texas. They gave us to understand that there was no truth whatever in the charges. The bootleggers have been petted and coddled so much that they have entirely too exalted an opinion of their rights and immunities. So they howl "abuse" no matter what the officers do. Then the Texas Association to Prevent the Enforcement of Prohibition Laws takes up their cry and it rings through the corridors of our Senate and House of Representatives as if something terrible has happened. We do not believe there has been 1 per cent of the abuse that they claim there has. Where one officer has overstepped his authority, fifty have failed to discharge their duties. Yet we hear no cry from our legislature for a law to compel them to do their duty.

The provision that has drawn the fire of critics, is that which provides that no officer shall search "any person or personal possessions of any person without having first obtained a search warrant." This is an unheard of thing in legislation till national prohibition came, and since then the wets have conducted a nation-wide drive to get such legislation passed. It was necessary to include all crimes in the bill, or else it would be recognized easily as a wet measure, and dry members of the legislature would be under fire for voting for it.

Let it be remembered that the bootlegger transporting liquor can still be arrested, but this act refuses to allow him to be searched. Now read what the U. S. Supreme Court says of the interpretation of this provision of the Constitution, in its recent opinion: "When a man is legally arrested for an offense, whatever is found upon his person or in his control which is unlawful for him to have and which may be used to prove the offense may be seized and held as evidence in the prosecution." This can no longer be done in Texas.

So the reader will see that instead of enacting section 9, Article 1 of the Constitution, what they really did was to enact the wet interpretation of his article, and that interpretation is at variance with court decisions on this section through 150 years of our nation's history.

## HOW THE PARDON BOARD WORKS

Governor Neff discontinued the Board of Pardons when he became governor. Some criticized him. There may have been good reasons for his action. We do not mean to criticize the former Board of Pardons, nor the present, nor insinuate that anyone has or may do anything crooked in that capacity. Personally we do not put much weight to their recommendations. That's all.

When the prison investigation was on, Feb. 6, 1925, Hon. T. K. Irwin asked Judge Fritz R. Smith, who was chairman of that board when Neff took office:

"I will ask you to tell this committee whether or not, just before the Pardon Board went out of existence, if you were not offered a black-land farm to grant a certain pardon?"

To this question strenuous objections were made, and so the question was not answered till the next day, and he said:

"Well, I would prefer, Mr. Irwin to state the conversation, that you gentlemen might be judges of the offer yourselves, and of the nature of the conversation, because the question can't be answered either yes or no."

"Some few days before the old Board of Pardons, which was composed of Judge McKnight and myself, retired, . . . a party came to the office representing that he was the parent of a boy who was in the penitentiary; begging, pleading, crying, praying for a pardon for this particular boy or man. . . . The Board advised this individual that it was a matter of impossibility to recommend any form of executive clemency for this boy. . . . The party made the remark that a great deal of money had been spent . . . trying to keep this boy out of the penitentiary, and that he, or she, had one of the best black-land farms . . . to spend or give for this boy's release or pardon."

Judge Smith further testified that other such hints that money was ready, if a pardon would be recommended, and that the pardon in the above case was refused.

## WHAT THE CURRENT MAGAZINES ARE SAYING ABOUT PROHIBITION AND LAW ENFORCEMENT

(Reviewed by Emma L. Transeau)

(The Literary Digest, July 11, 1925)

**NOW FOR "REAL ENFORCEMENT"**

The cartoonist and the columnist of newspaperdom, according to the selections made by the Digest, are apparently expecting much from the new "decentralization" plan which will make 22 divisional heads responsible for the enforcement of prohibition in the corresponding federal judicial districts to which they are assigned. Much confidence is expressed in the ability of Col. Andrews to handle the difficult job. The cartoonist pictures the bootleg business unexpectedly in the funnel path of a tornado labeled "Prohibition Enforcement"; the bootlegger in the inquisitorial glare of 14 pairs of official eyes, protesting that he no longer has any privacy; the "alleged good citizen," who thinks it "smart" to break the prohibition law finds himself confronted by his Uncle Samuel wearing the mien which says, "They shall not pass."

The Cleveland Plain Dealer reminds its readers that,

With the federal government thus preparing to do its duty more fully in the matter of seeing this law vindicated, a new obligation rests on the states and on local communities to carry their share of the burden of enforcement.

Mark Sullivan, the keen-visioned Washington correspondent, writes to his papers:

As soon as prohibition is enforced with the effectiveness and impressiveness of a military force working scientifically towards its objective, it will follow that the bootlegger and the rum-runner will take on the color of a public enemy. From that it will follow that persons who patronize bootleggers will presently take on the color that usually attaches to those who, from behind the lines, aid and abet the enemy. A good many people are going to observe shortly that prohibition enforcement is marching to a new and extremely different tune.

The Washington Star believes enforcement possible, that "hypocrisy and infidelity are not prominent characteristics of the American people," and points to where it sees the chief difficulty:

The chief trouble about enforcement lies in the slowness and leniency of the courts in the prosecution and punishment of liquor cases. . . . The cooperation of the Department of Justice in this new plan is calculated to increase the effectiveness of the judicial process.

(The Congregationalist, July 9, 1925)

**POLITICAL AND SOCIAL FUNDAMENTALS****Editorial**

Writing of two recent books by college presidents, "The Conflict Between Liberty and Equality," by President Hadley, and "The Faith of a Liberal," by President Nicholas Murray Butler, the Congregationalist presents the following viewpoint for the discussion of prohibition:

The problems involved in the indulgence and traffic in intoxicating liquor manifestly go beyond the mere question of personal liberty or personal delinquency. They are inherently social aspects, and the question whether or not we shall permit locomotive drivers to drink intoxicants — and many non-prohibitionists would be prohibitionists at that point — is not inherently or ultimately removed from the question whether we shall permit anybody to drink such intoxicants.

President Butler for the most part discusses prohibition without adequate ref-

erence to its backgrounds in social facts and its relationships to other laws, and to the end and purpose of law. He writes about the whole question as if intoxicating liquor were as harmless as pure drinking water and a mass of fanatics in America had passed a prohibitory law regarding something about which there had never been any question of social evil and abuse. Men of open minds and conscientious convictions are disagreed as to the validity and effectiveness of prohibition as a method, but there can never be any gain in ignoring the serious nature of the evils it was intended to remedy, and it must be remembered that many people supported prohibition only because they believed a drastic measure necessary where all other measures had failed. Prohibition also, it must be remembered, is not more drastic than many laws, applied to lesser evils, against which President Butler does not apparently find it necessary to protest.

Again, in an editorial on "William H. Anderson's New Role," the Congregationalist (July 16) emphasizes the social aspect of prohibition:

Prohibition is primarily a social issue. Its purpose is not to prevent people drinking liquor, but to remove a social curse. The prevention of moderate drinking is incidental. If the social curse could have been removed without interference with the "moderate drinker," few prohibitionists would have wished to make such interference. Prohibition is a matter of law and it will stand ultimately vindicated or condemned as a legal means of dealing with a social menace. To regard prohibition in any other light is to weaken its foundation.

(The Literary Digest, August 1, 1925)  
**FIRING ALL THE VOLSTEAD AGENTS**

The newspaper comment quoted by the Digest deals with the corruption among prohibition agents as reported by the federal district attorneys to General Andrews, and elsewhere. The Raleigh News and Observer thinks it "not remarkable that some of the army of federal prohibition officers should be corrupted. The remarkable thing is that more of them are not."

The Kansas City Journal-Post believes "there are enough honest men in the country to enforce the law honestly and fearlessly."

A few paragraphs on the attempts made to corrupt the agents are quoted from Major Haynes' book, "Prohibition Inside Out." He says:

"Few men in any line or calling are subjected to the temptations which beset the prohibition enforcement agent at almost every turn. . . . The powers of evil arrayed against him exhaust human ingenuity in building traps and pitfalls to check his progress, corrupt him, and discredit him in the eyes of the courts and the public. . . . The largest bribe of which there is a record in the enforcement unit was a retainer aggregating in the maximum \$300,000 offered a prohibition agent by a group of brewers who had conspired to resume the manufacture of pre-war beer on a mammoth scale, and flood the states of Pennsylvania, Ohio, West Virginia, New York and New Jersey with their product. These brewers sought to buy not the active approval of the prohibition agent, but merely his promise to 'look the other way' while they proceeded with their illegal schemes."

(The Independent, August 1, 1925)

**MORE TEETH FOR THE VOLSTEAD ACT**

By Robert B. Smith

Starting with the estimated cost of enforcing prohibition, in dollars, by the round millions, and of lives lost by bullets and poison, the author proceeds to question whether the outcome will be real enforcement or a "lapse into obsolescence along with the Fourteenth and Fifteenth Amendments." The new outlook, with men of military training largely represented on the staff of prohibition agents, and the administration's determination to see enforcement through, are fairly sketched. The closing paragraph reads:

New angles of the prohibition question will be squarely before Congress when it reconvenes. Then, as Senator Watson remarked, the country can decide what the policy shall be. Shall we attempt a new force bill, patented after the late Henry Cabot Lodge's effort to enforce the Fourteenth and Fifteenth Amendments, and jam prohibition down the throats of the large sections of the country which do not want it? Or shall we let those dissenting areas go their incorrigible ways and confine federal enforcement activities to such primarily federal functions as halting foreign and interstate commerce in rum?

The question, of course, must be answered eventually. The Administration is determined to have the answer soon.

**A New Offensive in the Dry War**

Preceding the foregoing article are two pages of illustrations, showing the prominent personalities in prohibition enforcement, a "rum-runner" near the Statue of Liberty, a Coast Guard vessel, the Modoc, which has had a part in breaking up rum-row, and a captured cargo of liquors.

### WOOSTER PRESIDENT COMMENDS DRY LAW TO LONDON AUDIENCE

In an address on "The Latest About Prohibition," Dr. Charles F. Wishart, president of the college at Wooster, Ohio, told a London audience that instead of decreasing business as the wets predicted, commerce was unaffected and there had been an enormous increase in the demand for candy and ice cream since prohibition went into effect. He said that the negro problem was one of the things taken into consideration when prohibition was adopted, for the negro population had increased from four to twelve million since the Civil War. Dr. Wishart said:

We are frankly disappointed, however, in the effect prohibition has had on crime, but better conditions are expected soon due to President Coolidge's firm action. Although the idle rich still drink and New York is a really wet spot, the consumption of whisky has been reduced 80 per cent, wine 75 per cent and beer practically 100 per cent. The working man is much better off. He can now take care of his wife and family. Thousands of boys are growing up without knowing the taste or smell of liquor. There is not a chance for the repeal of prohibition.

Dr. Wishart made his address before the Council of Interchange of Preachers in London, July 17.

Michigan state police on the night of June 9 made their largest raid in the vicinity of Detroit when they seized a stock of liquors of more than 10,000 quarts and 1,000 cases of beer in Ecorse. They arrested one man in connection with this seizure.

**TIMES SAYS MORE FUNDS WANTED**

Believes Substantial Increase In Appropriation for Enforcing Dry Law Will be Sought

According to a Washington dispatch of July 20 in the New York Times, a substantial increase in the current appropriation of approximately \$30,000,000 for the enforcement of dry laws is expected to be in the budget to be submitted to Congress at the December session. Beginning August 1 under orders issued by President Coolidge, the Treasury and Justice Departments will wage an intensive campaign to enforce respect for the Volstead statute. How much of an increase in prohibition appropriation will be asked is not definitely known, but officials of the coast guard and the prohibition unit and the department of justice dealing with Volstead law administration have not been asked to make cuts in estimates imposed on other bureaus, according to the Times story.

It is estimated that a sum closely approaching \$40,000,000 is available for enforcement in the fiscal year that began July 1 this year. Of this amount \$11,340,000 was appropriated for the prohibition unit and it is believed that of the allotment of \$20,000,000 for the coast guard about \$9,000,000 will be used for enforcement of the dry laws. It is understood that more than \$8,000,000 is to be expended in the Department of Justice in prosecuting prohibition suits. What amounts are expended by the customs service to prevent liquor smuggling are not known but it will use up more in the future as its border patrols both north and south are to be expanded.

General Andrews, whose plan of prohibition will become effective September 1, does not expect the new organization to make a substantial reduction in costs. While the 48 state directors will be succeeded by 22 administrators, the saving thus made in salaries will not be much. It was reported that General Andrews desires to make the field units mobile, transferring agents from one area to another as emergency situations arise. He believes that in this manner eventually the number of field agents will be reduced, thus effecting some saving in administration costs.

**MRS. LLOYD GEORGE WARNS**

Wife of Former Premier Commends Dry Law in U. S. and Warns Britain of Consequences of Drink

The wife of Lloyd-George, addressing a gathering of women workers in England, made a spirited defense of prohibition in America and denied emphatically that there is more drinking in America since prohibition has been instituted.

Mrs. Lloyd-George was with her distinguished husband when he made a tour of this country more than a year ago and she told her hearers that both she and her husband made elaborate inquiries into the matter and found the British public were the victims of unfounded statements on the drink question.

She declared that the British people should refuse to believe that prohibition was anything but highly successful. Mrs. Lloyd-George further said that the next generation in America is going to be a sober generation and if the British did not look to it they would be left behind in the world's progress.

Rev. B. E. Ewing, a United Brethren minister formerly serving charges in Ohio, has been appointed acting prohibition director of Illinois.

# WHEELER-BRUCE DEBATE ON PROHIBITION

## Is Prohibition a success after five years?

This question is the subject of a debate in Current History Magazine for August. Wayne B. Wheeler, counsel for the Anti-Saloon League of America, takes the affirmative, and United States Senator Bruce, of Maryland, the negative.

Mr. Wheeler asserts that national constitutional prohibition has proved itself to be a good investment, and during the past five years has paid excellent dividends. No other social policy has ever brought so many positive benefits. The exportation figures of other nations showing reduced potential sources of smuggled liquors and the data on seizures and arrests made by officers, are not the most significant indicators of prohibition's success or failure. There are other facts more conclusive. The general freedom of the streets of our cities and towns from the drunkards who were once common sights can not be ignored.

## Arrests for Drunkenness Decrease

In the six years of war and constitutional prohibition, arrests for drunkenness compared with the average wet year, have been 500,000 fewer in spite of greatly increased severity of the police. The decrease in drunkenness is especially noticeable at conventions, great fairs, and other popular gatherings. Crime traceable to drink has diminished wherever there has been effective enforcement. The total number of arrests made in our cities is increasing, but most of these arrests are attributable to violations of the automobile and traffic laws, health and school regulations, and other local ordinances. Automobile cases have increased nearly 200 per cent.

Whatever lawlessness we have can not be charged against prohibition. The American Bar Association pointed out in its report that crime had been increasing in this country rapidly for more than a decade before the Eighteenth Amendment was adopted. Prohibition has revealed lawlessness related to liquor and the friends of prohibition are fighting it in the open and decreasing its deadly evils.

Juvenile delinquency has fallen to one-third of its former figure. The State Board of Charities in New York in its annual report to the legislature this spring attributed the reduction in the number of dependent and delinquent children to prohibition and the industrial conditions resulting from prohibition.

## Drink Habit Not Formed

The hundreds of thousands of youth formerly debauched annually by the saloon under license are today filling our colleges, athletic fields and business institutions rather than our courts. The occasional flask, displayed at social gatherings, is often the expression of bravado. Neither the cost, taste, or effect of illicit beverages will promote the formation of a habit.

Widespread obedience to the prohibition law is reflected by our health statistics. The saving of a million lives through the decrease in the death rate in the dry period from the average wet year rate could not have been effected without prohibition introducing the determining factor. Accompanying that decrease was a parallel decrease in the amount of preventable illness. According to widely published statements of health boards and insurance companies, 1924 was the healthiest year on record. A nation steeping itself in liquor could not have established such a record.

## Alcoholic Insanity Decreased

Alcoholic insanity has decreased by two-thirds and today the larger number of new cases are foreign born or their descendants, who have not abandoned the habits formed in beer and wine drinking countries. Delirium tremens is practically unknown outside of a few wet centers and even there, it has fallen far below the ratio of pre-prohibition days. There has been an enormous decrease in drink-caused poverty and the reduction of industrial accidents traceable to drink. Charitable societies expended over \$100,000 yearly in taking care of the victims of the saloon, their wives and families. Under prohibition these cases have decreased 74 per cent for the nation at large, while in many cities they have fallen to five or less for every 100 formerly handled. The federal survey of almshouses and charitable institutions show a lower ratio of paupers than ever before in our history.

Industrial accidents have decreased about 250,000 per year.

These results of prohibition are matched by positive gains. Our expenditures for drink were over \$2,000,000,000 a year in the license period. Had our liquor consumption kept pace with the population increase since 1917, we would this year be expending over \$2,500,000,000 for liquor. The diversion of this enormous sum to constructive business is credited with being largely responsible for our present prosperity, according to foremost economists.

## Savings Accounts Increase

Savings bank accounts have increased over 400 per cent since sober thrift replaced drinking spendthrift. From about 10,000,000 such accounts in 1918 the number has mounted to over 40,000,000 in 1925. The money represented by these accounts has increased from \$11,589,000 to about \$25,000,000,000 in 1925.

Home building has leaped from a monthly average of \$25,381,000 new contracts awarded in 27 states in wet 1918 to \$153,538,000 in 1924. Further evidence of the benefits of prohibition is manifested in the recent increase in the number of building and loan associations. These organizations have multiplied considerably since prohibition, and their assets have increased from \$1,898,344,346 in 1919 to \$3,942,939,880 on January 1 of this year.

If, as Henry Ford insists, we can not have both the automobile and the saloon, the 17,591,981 motor cars registered January 1, 1925, are another proof of the advantages of the Volstead act. Automobiles would be fewer without prohibition. Former saloon patrons today find their stimulation in a car instead of a bottle.

## In Retail Trade

One might cite the increased trade in retail stores as a by-product of prohibition. Especially noteworthy has been the development of this trade in the lower priced stores. The five-and-ten-cent stores, for instance, did \$15,950,000 business per month in 1919 when war-time prohibition began. In 1924 these stores averaged \$30,920,000 per month.

Labor has been one of the principal gainers through the economic revival resulting from prohibition. Labor unions no longer meet in free meeting rooms over saloons, but now gather in their own buildings which in many cities are fine temples of labor. There are 28 labor banks now in operation with combined resources of \$150,000,000. The number of investment holders has doubled since the advent of prohibition.

## Church Membership

The Church, which preached and organized for prohibition, has steadily increased in membership since the saloons closed. During the last statistical year of the churches, 690,000 new members were added. The effect of prohibition on the religious activities of the nation is best expressed by the Salvation Army declaration that now it can pay "more attention to the cradle and less to the grave."

The willing observation of law by most of the American people is largely responsible for the benefits gained thus far. Prohibition was popular when the Eighteenth Amendment was adopted. More people are supporting it today. The results in three national primaries and three national elections since prohibition went into effect support this contention. At each election the dry majority increased.

The weaknesses in the enforcement of prohibition are not inherent. They are results of the last despairing stand of the parasites who fattened on the wealth and health of a generous and long-suffering people. One might as well blame the laws against speeding for auto fatalities, the laws against murder for homicides, the laws against theft for robberies, as to blame the prohibition law for the crime of sellers or users of intoxicants.

## Nullification Will Fail

The effort to defy the Constitution will fail. Demand and supply have decreased, while increased official activity has decimated the ranks of the makers, smugglers and dealers. The efficiency of the coast guard has moored fleets of rum ships and liquor speed boats along our harbor docks under heavy guard.

About 50,000 persons have been sent to jail or prison by federal and state courts. Fines exceeding \$19,500,000 have been imposed in the federal courts alone, besides \$3,500,000 paid by brewers to adjust civil

liability for violation of the law. Prohibition is paying its way.

The majority in the United States has always been law-abiding, considerate of the general welfare, self-sacrificing for the public good, and loyal to the Constitution. This is the spirit of the United States. It must and will prevail.

## SENATOR BRUCE'S ARGUMENT

Senator Bruce starts out on the negative of the question by pointing out that when national prohibition first went into effect, for a time it looked as if it might really prohibit, as in many of the large cities the number of individuals arrested for drunkenness dropped. This was natural enough. The advent of national prohibition had been preceded by a long, popular agitation for it, excited by the crime and misery bred by indulgence in excessive alcoholic beverage. When this agitation ended in the adoption of the Eighteenth Amendment and the enactment of the Volstead law, it is not strange that even thousands of the great mass of human beings who had been hostile to it, should, for a brief season, have been inclined to acquiesce in its consequences.

The decline in drink after the advent of national prohibition is attributable to the fact that illicit facilities to take the place of the old lawful facilities for the purveyance of drink could not be established over night. The art of home brewing had to be generally acquired. Plants for the manufacture of whisky and beer in commercial quantities had to be made and set up. Organizations for smuggling foreign liquors into the United States had to be created.

## Increased Home Brewing

This was done with great rapidity. The effect of prohibition was to increase the extent to which home brewing had been practiced in the United States. The next effect of prohibition was to build up in the United States a vast bootlegging system, with illicit agencies for production.

Beginning with the fiscal year 1921, with an appropriation to the Treasury Department for the use of the prohibition unit of \$6,350,000, Congressional appropriations to the same department for the same use have increased from year to year until for the fiscal year 1924 they amounted to \$8,251,000, and for the fiscal year 1925 to more than \$10,000,000.

The federal judiciary has discharged its duty. It has no choice except to enforce the constitutional and legislative mandates framed with respect to drink. Its political sentiments are limited to the pithy observation of General Grant that the best way to secure the repeal of a bad law is to strictly enforce it.

## The Drink Appetite

Despite all this repressive energy upon the part of the federal government, the advantage so far would seem to rest with the appetite it is seeking to abolish—an appetite that works the moral ruin of many human beings, but is only a source of innocent sensual pleasure.

It may be safely admitted by the opponent of prohibition that the consumption of drink now is not so great as before the adoption of the Eighteenth Amendment. But even if, on account of prohibitory restrictions and the higher price of illicit drink, there has been a marked falling off in the 62,000,000 tax gallons of whisky and in the 27,000,000 barrels of fermented liquor which our people were consuming at the time of the

## DRY AMERICA'S PROSPERITY

Never before has America enjoyed the prosperity it is enjoying at this time, and its well being today is greater than ever boasted by any nation at any time in the history of the world.

So says Herbert Hoover, Secretary of Commerce, and in a better position than any man in the country to speak with authority on the subject.

"Our prosperity today is greater than it was in 1924 which marked our highest previous level," says Mr. Hoover. He adds: "With the exception of the New England textile centers, and a few other shaded areas on the industrial map, there is virtually no unemployment in the United States."

And this is the condition in America after 5½ years of prohibition. What about the prediction of the wets that prohibition would bring about widespread commercial disaster, and millions would be out of work? Compare dry and prosperous America with any wet country in the world, and then apply common sense in reaching a conclusion.

ratification of the Eighteenth Amendment, the change means but little.

Until the recent spurt by the coast guard it is believed that 100,000 cases of liquor a month were being imported into the United States through the city of New York alone, to say nothing of other innumerable currents of contraband fluids which have been flowing to the United States across the 3,000 mile boundary line between it and Canada, and across the long boundary line between it and Mexico. The prohibition unit has reported that it seized 159,176 illicit distilleries and fermenters during the fiscal year ended June 30, 1924, not to speak of the huge amount of associated property that was seized along with them. One still or brewing apparatus is destroyed merely to be replaced by another, like the water drops following each other in a running stream.

#### Much Liquor Consumed

Whatever may be the decrease in the use of intoxicating liquors, or in arrests for drunkenness since the Volstead act went into effect as compared with the pre-prohibition period, the reports and records mentioned show that a prodigious amount of such liquor is being consumed in the United States today, and that the general trend of arrests and convictions for violations of that act is strikingly upward.

As we see it, the practical workings of prohibition have been wholly disastrous except that, when it goes, as it unquestionably will in due time, it will have made it easier because of the destruction of the old licensed saloon, for the state to devise some better system than that maintained in the past. No one wishes the former saloon to come back.

#### Despicable Legislation

The Volstead act belongs to that mischievous and despicable class of artificial statutes which are violated and flouted because, without any real moral claim to popular obedience, they attempt to make criminal things which are not engraved as true crimes upon the table of human conscience, and are at war with the profoundest promptings of universal human nature. The Volstead act took effect some five and a half years ago, but there is not the least sign that the popular resistance to it is diminishing.

The frightful venality and official corruption evidenced by the numerous arrests from time to time of prohibition agents, and even prohibition directors, and of policemen and other officers charged with the duty of enforcing prohibition, shows as nothing else could show how demoralizing and depressing are the effects of any police measure that has no real moral sanction back of it.

#### System of Tyranny

Altogether, national prohibition has established a nation-wide system of tyranny more arbitrary, galling, odious and corrupt than that which George III strove to rivet upon our necks. It is hardly too much to say that the attempt of the government to enforce the Volstead act is bringing it to something like civil war with its own people. Senator Bruce closes with this statement:

"Tragic as the non-enforcement of the Eighteenth Amendment may be pronounced, I do not hesitate to declare that its enforcement, inflicting as it would a wound upon personal liberty and all that personal liberty means to the human spirit, would be a thing more tragic still. In the event of the repeal of the Volstead act or the Eighteenth Amendment, the great host of good men and women who still believe in the efficacy of the amendment and the Volstead law could not be more strenuously opposed than I would be

to any system of license that did not fully guard against the errors of the past and adopt the very best results of human experience in relation to the promotion of human temperance."

#### ALL INDICATIONS ARE COUNTY EXHIBITS TO SHOW BIG INCREASE

Back from a tour of several East Texas counties in the interest of his department, J. A. Moore, superintendent of the agricultural division, State Fair of Texas, says indications are for a big increase in the number of county agricultural exhibits at the 1925 State Fair, Oct. 10-25, as well as for greater diversification, novelty and completeness in the products to be shown.

Mr. Moore visited Hunt, Wood, Smith, Cherokee and Anderson counties, and declared that recent rains had greatly improved conditions and the outlook.

"Present conditions, save in a few spottted localities in Anderson and Cherokee counties, are excellent," he said, "and interest in the forthcoming State Fair is keen, particularly in the agricultural department."

Preparations are being made to take care of at least sixty county exhibits in the agricultural department, with a maximum idea of seventy-five. Forty-eight county premiums are offered this year—the exact number of exhibits that were made last year, when the premiums numbered thirty.

#### FINE PICTURES FOR ANNUAL ART SHOW

An exhibit of the art works of famous American painters will be a big feature of the 1925 State Fair of Texas.

This exhibition has come to be a regular attraction of the State Fair, and the art building, thousands of art lovers feel, would not be complete without it.

Mrs. Sydney Smith, in charge of the art department under Director Alex Sanger, is now in the east, on a vist to various of the celebrated art colonies, where she is collecting an exhibit, which it is declared, will far surpass any that have ever before been given at the State Fair.

#### BUYING GAS NOT BOOZE

##### People of America Are Using More Gasoline Than Rest of the World

Gasoline consumption is far more extensive in the United States than anywhere else in the world. A commerce department survey made public July 19 showed per capita consumption in this country to have reached 69.3 gallons a year, while England was second with an average of only 11.6 gallons. One year's consumption in China would not keep the automobiles of the United States running eight hours.

To supply the demand, American production of gasoline was increased from 1,500,000,000 gallons in 1914 to 9,000,000,000 gallons in 1924. The United States accounted for 79 per cent of the world's total consumption last year while at the same time exporting \$160,000,000 worth of the commodity.

The commerce department also announced then that in June the United States produced 350,557 passenger automobiles and 36,096 automobile trucks, compared with 214,322 and 28,117, respectively, in June last year.

Ohio has been without saloons for six years and the state as a whole is losing her appetite for alcoholic drinks.

#### SEN. JOE MOORE TRIES TO DEFEND SEARCH AND SEIZURE LAW

Senator Joe Moore of Greenville is a good man honestly opposed to the saloon. He will always do right, if he sees clearly his duty. Generally he sees clearly. But the Association to Prevent the Enforcement of the Prohibition Laws in our State Legislature has got in their work well in that body. Senator Joe Moore attempts a defense where none can be made, and his defense raises questions in the minds of some of his constituents. Some time ago in an article in the Dallas News, he wrote: "Concerning the search and seizure law passed by the Legislature, the people should be told in no uncertain terms that the statement recently appearing in the press which said, in effect, that neither the federal nor state Constitution provides for such a law is untrue."

He then goes on to quote the Constitution, both federal and state, language which he has evidently never studied in the light of our court decisions. He evidently refers in the above quotation to an article in the Dallas News by the editor. His language that our statement "is untrue" is not exactly diplomatic, but Senator Moore is too good a man to mean it just as it sounds.

Let's examine the facts. We admit that the Constitution may allow a search warrant, but we deny that either state or federal Constitution requires a search warrant. In the above quotation from the Senator he says that both Constitutions "provide" for a search warrant. If by "provide" he means what we mean by "allow" then we agree. But either Constitution will allow many laws that it would not be wise to enact. The search and seizure act is one that should never have been enacted unless the Constitution required it.

Senator Moore says: "That it (S. B. 174) is faulty is no surprise." He then goes off in the old-time oratory of the wets about the home being the poor man's castle, etc. From this we judge that Senator Moore agrees that the provision of this act forbidding the search of persons and autos without a warrant was at fault.

We will ask the Senator to re-read those portions of the Constitution he quoted and tell us if they make any distinction between the home or the house, and the person or the vehicle. If the Constitution requires a search warrant for the home does it not also require it for the auto or the person? We contend that there is no distinction whatever in the language of the Constitution.

If he thinks, then, that the federal Constitution (Fourth Amendment) requires a search warrant before searching an automobile, will he please tell us why did not Chief Justice Taft and the Supreme Court of the United States know this when they rendered their decision in the Carroll case just 16 days before he voted for this bill? In that decision they said this language of the federal Constitution did not mean any such thing. He may turn down our interpretation of the Constitution. We do not blame him for doing so. But will he turn down the opinion of the Supreme Court of the Nation? If so, the Association to Prevent the Enforcement of the Prohibition Laws have him going their way sure.

Furthermore, if he believes section 9 of the Bill of Rights in the State Constitution which he quotes requires a search warrant before searching a person or vehicle, will he read the decision of our state Court of Criminal Appeals, Welchek vs. State, and tell us why Judge O. S. Lattimore and the Court of Criminal Appeals did not know that the Constitution meant this last November, when Welchek's attorney tried to get them to see it as the Association to Prevent the Enforcement of Our Prohibition Laws got Senator Moore to see it? Our Court of Criminal Appeals have since then been repeatedly urged to change their mind on this issue, but stand pat on that decision.

If Senator Moore, after such study of these two court decisions, the highest in our land, comes to the conclusion that no warrant is required by our Constitution or Bill of Rights for searching an auto, how will he contend that they "require" a search warrant at all when in the Constitution no distinction is made? Evidently our higher courts take the position that we do: namely, that the Constitution allows but nowhere requires a search warrant. When he reaches this conclusion, he will feel like writing to the Dallas News an apology for having used such un-diplomatic language, but he will not need to do so. We thoroughly understand what a hold on the members of each House of the Legislature the Association to Prevent the Enforcement of the Prohibition Law has. Something was needed to wake up such good men as Senator Joe Moore, that they may shake off their influence.

#### PROF. W. W. BENNETT ANNOUNCES FOR STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Prof. W. W. Bennett, who was superintendent of schools at Center last year, but whose home is in Dallas, has announced for state superintendent of public instruction in the campaign next year. Prof. Bennett is a pronounced dry, a splendid school man, and one who has a record of putting things he undertakes over. He has a wide circle of friends and will be a formidable contender for this most important public office. The present incumbent, Prof. Marrs, will have held this place for two terms, and has done the public splendid service. We have not heard whether he intends to offer for another term or not.

#### WHO WROTE THE NEW SEARCH AND SEIZURE LAW?

(Continued from Page 1)

neys are not members of the Legislature, but criminal lawyers are. Hence our legislation favors the criminal.

Now these criminal lawyers, many of them defenders of bootleggers, in our Legislature, who are biased by study and financial interests in favor of the bootlegger and the criminal have been telling the laymen of the Legislature, and their constituents at home, that the Anti-Saloon League is too prejudiced, that they must not follow the counsels of the Anti-Saloon League, that they themselves are "conservative," and should determine what the law should say about catching and convicting bootleggers. They abuse the Anti-Saloon League for advocating legislation to suppress bootlegging. The readers' choice must be between these two agencies. Which will you choose?