



"The expression on the face was one of inconceivable menace—a vast Satanic serenity. It stopped even Bradmoor and Slaggerman."

### *The Story So Far:*

**T**HE old explorer had been found sitting in a chair, in a room locked from the inside, shot through the chest; and there was no firearm in the room. How could the murder have been committed? And why, and by whom?

In a final attempt to solve the mystery of the old Duke's murder, Robert Harmscourt, the American who later so strangely became the Duke of Bradmoor, was invited by Lady Joan to confer with three others at Bradmoor—with Henry Marquis of Scotland Yard, with old Sir Godfrey Simon the alienist, and with Lord Dunn, himself an explorer and a friend of the dead man.

First, Henry Marquis went over what they knew and what had been done—little enough, puzzling enough: The old Duke, his exploring days over, had been living quietly at Bradmoor; he had come to his end in a tower room of the ancient castle overlooking the sea—fifty feet above the sea. He was found seated in a chair near the center of the room. In his hand was gripped a fishing-rod, that he seemed to have been mending or equipping, and a book of flies lay open on his knee.

He seemed to have been killed instantly by a large-caliber bullet through the chest, a bullet which had lodged in the wainscoting behind him. The windows were unbroken and rusted shut; in front of him was a narrow slit made in the old days as an archer's loophole—but outside, the tower wall dropped sheer to the sea below. And there was no firearm in the room.

The Scotland Yard men had scaffolded the tower and inspected its surface and found the lichen growing on the old stone unmarred; no one had climbed that wall. Other fantastic means—a shot from an airplane or from the mast of a passing vessel, had likewise been proved impossible. The fishing-rod had even been taken to pieces on the possibility that some weapon might have been concealed in the handle. No clue!

Questioning of neighbors, acquaintances and friends had brought out only one significant fact: Bradmoor had been in fear for his life, and not infrequently had locked himself in a room as he had on the night of his death.

The two servants had been away at the village the night Bradmoor was killed. Only the butler's mother, a very old woman, was near, in her little cottage in the garden. She had heard the sound of a shot, and afterward a splash in the water. Her theory—and who had a better one?—was that Bradmoor had been killed by a devil's imp, who had afterward jumped into the water.

"There was only one thing to do now," Marquis concluded, "and that was to go back over his life and see if it contained any adventure that might be connected with the tragedy."

"There is where you made a mistake," said old Sir Godfrey, the alienist. "As I've told you, the Bradmoor family has been under a curse; that's what killed him. It was not enough to go back over Bradmoor's life; you had to go farther. Had it not killed his father and his grandfather?"

"But his grandfather was drowned," protested Marquis. "He was shooting brant, and the plug came out of the boat."

"Some one pulled the plug out," replied Sir Godfrey.

"And his father fell from the steeple of the chapel here."

"Did he fall?" queried Sir Godfrey, smiling.

Henry Marquis swore under his breath. "Damn it, man," he said, "you are a companion for the butler's mother, only the old woman is more satisfactory; she gives an explanation with her theory."

"Marquis," replied Sir Godfrey, "you sometimes annoy me. Because one understands one feature of a matter, does it also follow that one must understand equally every other feature of it? I know what killed the Duke; I do not know how it killed him." (*The story continues in detail:*)

**L**ORD DUNN now took up the narrative. He had been silent in his chair, moved back from the table. He had lighted a cigar, and enjoyed it while Henry Marquis had been talking; but he enjoyed it like a bookmaker. It was tilted at a rakish angle in his mouth; and he blew the smoke about him like a stableboy. He now took the cigar out of his mouth, and threw it into the fireplace.

"But there was something in his life," he declared.

"It was the last exploration old Bradmoor undertook, the one that used up the remnant of his fortune. I mean that terrible push into the Lybian Desert. He was too old to undertake it, and he was too poor. It broke him down in every direction. The man came out a wreck—a worse wreck than we realized; one could see the physical evidences on him."

He made a big, awkward gesture with his hands, precisely like a bookmaker rejecting a bet.

"I don't ask anyone to believe it," he said. "I don't know that I believe it. I judge, in fact, that I don't believe it. Of course, it's a crazy notion; but this whole business is full of crazy notions—nothing but damned crazy notions."

He paused to light another big cigar.

"Anyway, I know the facts, and what happened. I know them better than any other living person, because I considered that expedition before Bradmoor did. The German came to me first; then he went to the old Duke. I was not interested in the Lybian Desert just then. Deserts don't amuse me. Women go through them and write books about it. I was going into Yucatan, so I sent the German to Bradmoor.

"I could not determine whether he was a liar, building on some facts, or whether he had been with Rohlf's expedition. You know about that—or has everything that happened before the Great Mad War been forgotten? Rohlf persuaded Kaiser Wilhelm to fit him out with an expedition to explore the plateau of the Lybian Desert. Rohlf had a theory that the country now desert had been once well watered—the theater of an immense civilization, antedating the later civilizations of which we have any knowledge. He got the professors to back him up. They prepared a monograph for him, and it was published everywhere.

"Rohlf persuaded the Kaiser to send him in.

"Of course, we don't know how much bluff the Germans were putting up. It is possible that the Kaiser was merely taking a look at Egypt, and the English possessions beyond it, and that the expedition was a scouting party. That would be an explanation of the wide publicity given to the monograph the professors put out, and the money the German Government spent on the expedition. But I don't believe that was Rohlf's motive. I think Rohlf was really on the trail of a civilization, and that he was sincere about it.

"Anyhow, the expedition went in, and everybody knows what happened to it, and where it broke down. Rohlf went on with

a fragment of what he could get together, and he found some evidences of what he expected to find—not a civilization like that of the Egyptian Nile, but something more like what I found in Yucatan. At least, that's the story the German came to me with. I mean Slaggerman. He turned up here, a sort of roustabout on a North German Lloyd ship; and he hunted me up.

"I suppose he saw the name in the newspapers.

"I SENT him to Bradmoor," pursued Lord Dunn. "He had a drawing—very well done. He said Rohlfs made it. It showed a path along a stone ledge. There was one strange feature about the path that he pointed out. He would hold a glass over it, and then he would get excited, and fall into the German language. The path was sunk in the stone of the ledge, but it had not been cut there; it had been *worn* there. It must have been eight or ten inches deep, and wide enough for a man to pass along it.

"And it was worn into the ledge!

"*Ach*," he would say, 'it was feet, human feet that wore that path down. How long did it take—one thousand, two thousand, five thousand years? And how many feet,—how many generations of feet,—and why did they travel on that path, and where did they go?'

"He said that Rohlfs, after the expedition had gone to pieces, had escaped from the surveillance of the desert sheiks, and had gone on, with only Slaggerman, disguised as an Arab cook. They had pushed on for a fortnight before they were overtaken and brought back. He said they reached the peak of a mountain, ascending out of the sand to the southwest.

"It was not a range that extended like a geological formation across the whole plateau. It stood up abruptly out of it, as though a peak of mountain had thrust up suddenly from below. He said that it was possible to travel around it, that the native tribes did, in fact, travel around it. There was no reason for anyone undertaking to ascend it, in the opinion of the desert tribes.

"It was evidently a peak of barren rocks, without water or vegetation. The stone was hard, and rose-colored. The sharp peaks at a distance, the German said, with the sun on them, looked like a beautiful rose-colored cathedral. There was a certain harmony in the outline at a distance. Rohlfs thought it was a mirage. Neither of the two men had any other idea until they finally arrived at its base. They had time enough to go entirely around it before they were overtaken.

"There was no way to ascend it; in fact, they did not think of the possibility of anyone going up until by chance Rohlfs discovered this path. They were amazed, but they had no opportunity to follow the thing up. They were overtaken by the desert tribes and hurried out of the region. Rohlfs made a drawing of the path that night, while the memory of it was fresh in his mind. It was correct, Slaggerman said. He helped him with the details."

Lord Dunn put his cigar on the fruit-plate before him. It was half burned out; the long ash crumbled, and a thin line of smoke ascended, rippling at the top like a fantastic flower. He seemed to reflect on the story he was telling. His voice was firmer, less harsh.

"When you come to think about it," he said, "there could have been nothing that would so pique the curiosity as that bit of drawing. There was just enough of it. One's imagination winged off at once with every sort of extravaganza. In the waste places of the earth two things have an unfailing fascination for the lone explorer—a human footprint, and a path. If one finds a human footprint, or a path, one can never turn aside from it; one must find out whither it leads.

"I remember the effect on me when the German got out his drawing.

"I was not much interested before that. I was considering a method to dismiss him. But that fragment of drawing attached my interest. The whole picture at once came up in vivid detail, with its absorbing enigma!

"Well, as I have said, I sent him on to old Bradmoor. We know what happened. The old Duke went bankrupt on an expedition to go in; and he did go in. He took a lot of time, and endless negotiations. He had to get the permits from the English Government, and from the Egyptian authorities, and the rights to pass, from the sheiks of the desert tribes. The English Government was willing to help him. They wished to verify Rohlfs' narrative. The report had not been translated into English; but it was in the German language, in the bulletins issued by the learned societies at Berlin.

"It took a lot money.

"In fact, as we know, it cleaned old Bradmoor out, and encumbered his estate as it now stands—on the verge of the bankrupt court. But the old Duke had the patience of every great explorer; once on the way, once taken with the big idea, he stopped at nothing.

"Of course, everybody knows what he found. It's in the monograph he furnished the Royal Society; but everybody does not know *all* that he found. Bradmoor talked it over with me when he returned. He came to see me. He was very much perplexed. He asked me what he ought to do. I told him to make a conventional report to the Royal Society, covering what the exploration discovered, and omit the remainder of it—keep it to himself.

"My reason for urging Bradmoor to this decision was not only in the interest, as I pointed out, of his own reputation, but it was in the interest of the reputation of all persons engaged in exploration. It was necessary to retain the public confidence in the accuracy of our explorers. Anything taken to be incredible, or improbable, or fantastic, would not only injure Bradmoor before the great English reading public, but it would injure every other man who undertook a like exploration.

"We talked it over.

"The result was that the old Duke's monograph contained only the journal of the expedition, and the general verification of what Rohlfs had reported—that is to say, no evidence of any ancient civilization on the plateau.

"He found precisely what one would have expected him to find in the desert.

"The only unusual thing which his monograph indicated was the peak of rose-colored stone which stood up out of the plateau; and this, under my suggestion, he described from the unimaginative view of the geologist.

"He tells us that he found this stone formation precisely where Rohlfs said it was, and with the physical characteristics set out in the German report. He had the same difficulty that confronted Rohlfs; the desert tribes would not permit him to make any very careful examination of it. It was only with extreme difficulty that he was permitted to approach it. He was not able to learn why they objected to this inspection. He was impressed that it was merely the accumulated suspicion which would attach to any expedition going into that region—only one or two white men had ever entered it.

"He reported also the death of Slaggerman on the way out. He had strayed from the expedition, and been killed. And that was all!"

LORD DUNN leaned over in his chair, got the half-burned cigar out of the plate, and relighted it.

"But that was not all: Rohlfs' drawing was genuine, and Slaggerman had told the truth. Bradmoor said that when the peak of stone began first to form itself before him, he was amazed beyond any words to express it. The thing *did* look like a cathedral, like an airy rose-colored Gothic thing in the sky. In spite of Slaggerman at his elbow, he was quite sure, as Rohlfs had been, that the thing was a mirage. It could not be anything else.

"It was too delicate, too artistically perfect to be anything real.

"It was a fairy mosque, raised by some enchantment—like a Bagdad story; and as they traveled toward it, it grew more clearly outlined. It was only at the very base of the thing that one lost the illusion; then it became the peak of a mountain thrusting up through the desert sand, composed of some hard, reddish stone.

"Bradmoor said they had only a day; the sheik of the desert tribes treated him precisely as he had treated Rohlfs—he gave him a day. But he was luckier than Rohlfs. He did not put in the time traveling around this stone formation. He set out with Slaggerman alone, leaving a guard in his camp.

"Bradmoor said that the German went at once to the path he and Rohlfs had discovered. It was there precisely as the drawing showed it.

"They at once set out on this path.

"It was narrow, worn into the stone, as Rohlfs' drawing showed. The wearing was uneven, as though the rock had been softer in places; but the path was at no point worn in the stone to a less depth than eight or ten inches. Bradmoor was able to go along it, but the big German traveled with extreme difficulty.

"Bradmoor thought the path had been made by persons of a smaller stature than the modern European.

"The path wound about among the (Continued on page 119)

# NAPOLEON BONAPARTE AND THE FRENCH CRIMINAL CODE

Personality of the Little Corporal Who Made Himself Emperor Is Imprinted on the Criminal Code Whose Compilation He Directed—Records of Proceedings Show Napoleon Himself Presided Over Discussions Much of the Time and Was Responsible for Adoption of Many of the Code Principles

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THE world knows, in a general way, of the great part which Napoleon Bonaparte played in codifying the Civil Law of France. It was, in his opinion, his outstanding accomplishment. "My greatest title to glory," he said, "is not the forty battles which I have won. Waterloo alone will wipe out the memory of so many victories. I have, however, one achievement to my credit which nothing can efface and which will live until time will be no more. It is my Civil Code."

Until quite recently I did not know what share the Corsican had really taken in the confection of this digest. I assumed that he prided himself upon the fact that the work had been carried through when his star was in the ascendancy and largely as a result of his driving powers. It was not until I had examined source material covering the preparation of the Code Napoleon that the truth dawned upon me. It was then that indisputable evidence convinced me that the words which I have just quoted contain no exaggeration. That incomparable piece of legislation bears the imprint of the personality of the man whose name it carries.

But my present theme does not touch upon that memorable achievement. I am now considering the active rôle played by Napoleon in the labors which produced the present penal legislation of France. I do not think that that phase of his many sided genius has ever been made the subject of serious inquiry. I may be mistaken, but my investigation is, to the best of my knowledge, largely along untrodden paths.

In surveying this field I have had recourse to the same original data to which I had access when the French Civil Code riveted my attention. I refer to that voluminous work known as *la Législation de France*. Its author is Baron Locré. He published it in 1827. It is a collection of the various *procès verbaux* or minutes of the several Commissions which compiled the different French codes.

These *procès verbaux* are admirable pieces of draftsmanship. A Frenchman is a born *chef*. He can make a culinary poem out of any old thing. But a French scribe or secretary is an even more proficient artist. He can draw up the minutes of an assembly with a grace, a conciseness and an accuracy which permit future generations to feel the pulse of the speakers and to know what they said and how they said it.

These *procès verbaux* show, to say a passing word about the Civil Code, that the *Conseil d'Etat* or Privy Council which whipped that compilation into shape, held 160 sessions. They began on July 17, 1801. They

ended on March 17, 1804. I do not know how long each of these foregatherings lasted. All that I may say is that Baron Locré states in his *Prolegomenon* that they started at noon and that, when the First Consul presided over them, they often continued, without interruption, until 7, 8 or 9 o'clock in the evening. My examination shows that he attended 74 of these meetings and that he entered heart and soul into the discussions over which he presided.

The Civil Code Commission, whose preliminary report was examined by the *Conseil d'Etat*, began its labors on August 12, 1800. The Criminal Code Committee was appointed on March 28, 1801. It was not, however, until after the former compilation had been promulgated that Bonaparte convened the Privy Council to pass upon the work of the latter Board of Experts. The circumstance that the preliminary spade work on both branches of the law went on practically simultaneously shows that he was keenly alive to the necessity of carrying through both measures. The fact that he did not allow both sessions of the *Conseil d'Etat* to go on contemporaneously merely implied that he preferred to concentrate his mind on one job until he had finished it.

The Privy Council began its Criminal Code hearings on May 22, 1803. They form three distinct segments. The first series dealt with both adjective and substantive law. Its labors covered 25 sittings; 13 of these were presided over by the Man of Destiny. It was then found necessary to divide the work into two parts, one known as the *Code d'Instruction Criminelle* and the other as the *Code Pénal*. Twenty-five meetings were devoted to the former compilation. The Emperor occupied the chair on 11 occasions. Forty-one hearings were reserved for the latter digest. Napoleon took part in but three of these deliberations. The last reunion of these various foregatherings took place on January 18, 1810.

The minutes of the first Criminal Code session give one an insight into the military directness with which the Master Tactician wielded his gavel. That initial sitting was very short. As soon as the Chairman had rapped it to order he said: "I direct that the legislative section of the *Conseil d'Etat* prepare within 15 days a syllabus embodying the fundamental principles underlying the Criminal Code." He then arose and added: "*La séance est levée*—the meeting stands adjourned."

It was not until June 5, 1803, that this judicial Committee accomplished its mission. Bonaparte again presided when the Privy Council examined the report

thus submitted to it. He opened the sitting by turning to Bigot-Prémeneu and saying to him: "*La parole est à Monsieur le Rapporteur*"—the Chairman of the Legislative Committee has the floor.

The gentleman thus addressed read his report which put the required syllabus into the form of a *questionnaire*. I shall translate it in full.

"Question one.—Shall there be a jury?

"Question two.—Shall there be a 'jury of accusation' and a 'trial jury'?

"Question three.—How shall juries be chosen? From what classes of society shall they be selected and who shall name them?

"Question four.—How and for what causes may one challenge a juror?

"Question five.—Shall the facts be submitted to the court in the shape of transcribed evidence or shall the evidence be partly oral and partly transcribed?

"Question six.—Shall several questions be submitted to the jury or shall it merely be asked to say 'Guilty' or 'Not guilty'?

"Question seven.—Shall it be necessary that the jury be unanimous in order to bring in a verdict? If a majority verdict be permitted what majority shall be necessary?

"Question eight.—Shall there be Criminal Assizes?

"Question nine.—Shall the death penalty be maintained?

"Question ten.—Shall there be 'perpetual' penalties?

"Question eleven.—Shall the State, in certain cases, be empowered to confiscate the property of a condemned man?

"Question twelve.—Shall the law provide a fixed penalty or shall there be a maximum and a minimum penalty?

"Question thirteen.—May a person, who has been convicted of crime and who has served his term, still be kept under observation by the police and may he be compelled to give bond to ensure his future good behavior?

"Question fourteen.—Shall a system be devised for the rehabilitation of convicted persons whose conduct indicates that they are deserving of such consideration?"

It is clear that I cannot attempt to set forth everything that the Son of Laetizia Buonaparte had to say on all of these various topics. I shall, however, choose two or three headings which give one an insight into his reaction to these inquiries. I shall do as he did on that summer day in 1803 and commence with the first question: "Shall the jury in criminal cases be abolished or maintained?"

The first speaker was *Monsieur Siméon*. His address was intended to be, what XX Century American journalists would call, a "keynote speech." It took Locré nine pages to give one the meat of it. *Monsieur Boulay* replied. So did *Monsieur Regnaud*. The latter probably thought himself the very paragon of deliberation and of parliamentary prudence. He suggested that, in order better to elucidate the subject, there should be two committees appointed by the Chair, one made up of "pro-jury" men and the other of "anti-jury" advocates. "They will marshal the respective arguments" said he "and thus give us some concrete basis upon which to act."

The Presiding Office, who had kept quiet while *Siméon* had held the floor so tenaciously and while

*Boulay* had replied, felt that he should here interpose. He did so in these terms: "The proposal which has just been made would carry us far afield. It is useless. The arguments in favor of the jury system are set forth in one of the reports filed by the Commission. Those who are of a contrary opinion have had ample opportunity to formulate their objections."

Thus apprised that there would be no delay both sides jumped into the fray. The discussion was conducted upon a high plane. Finally, after five different orators had been heard, the Chair said: "No one has answered what I take to be one of the salient points made by *Monsieur Siméon*. He laid stress upon the circumstance that, as in Criminal matters judges and jurors both have the same evidence before them, judges, in such trials, play practically the same part as jurors. They have, however, one marked advantage over jurors. I refer to the fact that judges are better trained and are more carefully chosen than are jurors. Judges are just the type of men who should, to my mind, be selected for jurors if they were not judges." Of course, such a standard for a talesman would strike a criminal lawyer of today as being something almost sacrilegious. But, it is the point of view of a stout defender of law and order and not of a specialist in acquittals that I am endeavoring to define.

Later on, while this same number of the agenda was still before the House the Hero of Rivoli took occasion to make the following statement: "Powerful arguments have just been advanced both for and against the jury system. Let me emphasize a point that has not as yet been stressed. It is this. A tyrannical government would much rather have criminal justice administered by jurors than by judges. The latter are not under his thumb. They have invariably vigorously opposed an encroaching executive. History shows that the most relentless and terrible of tribunals have almost invariably been made up of juries. If these courts, which have left a trail of blood in their wake, had been composed of judges, judicial customs and rules of procedure would have been a rampart against unjust and arbitrary condemnations. The severity, born of the judge's daily contact with crime, is not an element which should be feared as long as trials are held in public sittings and the accused are guaranteed freedom of defense."

And he had another theory about juries which strikes me as being somewhat unusual. This is what he said. "It is a great inconvenience to the average man to put him on a jury. He is thrust into an environment to which he is a total stranger. He knows nothing of the technique of the drama in which he is called upon to play an important part. Before him appear a public prosecutor and counsel for the defense. They are both trained jurists. Those who defend clients before Criminal Courts should be men unbroken to the ropes of that branch of the law. If they get into the habit of arguing before such Tribunals they will soon find out what form of speech will best pull the wool over the eyes of jurors."

And again, along a somewhat analogous line, he said: "Special Courts—*Tribunaux d'Exception*—should be organized to try offenders who have no known domicile or who go around in bands. Jurors are prone to be afraid of such malefactors. Their fear will tend to make them ready to ease their conscience by lending a willing ear to any defense that may be concocted by such men."

But, notwithstanding all of this, the clear think-

ing Statesman finished by throwing his influence in favor of maintaining the jury system. Throughout the discussion he was heard to ask: "*Comment le jury marche-t-il actuellement?*"—How does the jury carry on these days? Or, again, he would observe: "Above all things we must find out whether the present-day jury is taking a wrong tack." Towards the end he was heard to say: "The jury system is *hors de cause*"—it is no longer a debatable question. And to this he added: "What remains for us to do is to ascertain how we may make of our Courts a truly protecting authority, for to establish security there is nothing comparable to *la Robe et l'Epée*"—the Bench and the Army.

When Question VII was under examination the Man who thus gave precedence to the gown over the sword said: "We must be careful to do nothing that may tend to facilitate undeserved acquittals. If crime go unpunished the consequence will not only be disastrous but may bring about grave political results. The miscarriage of justice will beget tyranny. The primary duty of the executive is to assure the maintenance of law and order. If the Courts fail in their allotted field it will become necessary for the government to take such extraordinary measures as may be called for to keep criminals under control." And then, somewhat further on, he added: "the scale should be evenly balanced as between the accused and society. Indulgence shown by the Courts to criminals is tantamount to cruelty towards society. Weak Criminal Courts will carry tyranny in their wake, for such conditions would call for the intervention of arbitrary power. Today, any man who has money enough to pay a brilliant lawyer and whose fate rests in the hands of a jury is sure of acquittal."

When the *Conseil* met on October 23, 1804, it was called upon to decide whether Criminal Justice should be segregated from Civil Justice or whether Courts should have general jurisdiction. The opinions were fairly equally divided. Scholarly arguments were advanced by both schools of thought. After the discussion had gone on for some time Napoleon said: "Let us look at the question from another angle. I am thinking of the prestige that should surround our Bench. Some say that the dignity of the Court is assured by the number of judges who compose it. Others argue that the consideration enjoyed by our Tribunals is due to the very nature of the judicial office. But one should envisage the problem from still another point of view."

After having laid down his predicate, the Speaker went on to point out that judges who preside over Criminal Courts do not have the same high repute as do their brothers of the Civil Sections. Nor, he urged, have the former the same moral ascendancy over the Bar as the latter enjoy. In elaborating this proposition he used this language: "It is but natural that Criminal judges should not be thought as much of as are Civil judges. Civil Law is a science. Those who master it are men of wide learning. In criminal matters the facts of the case predominate over the purely legal aspects of the cause. In the first instance the judge is called upon to solve knotty problems with which only the most efficient men can grapple. In the second, it is largely a matter of weighing evidence. In addition, it is at the Civil Bar that barristers acquire wealth. Advocates are, therefore, far more prone to show deference to a judiciary whose decisions react upon

their earning power than to one which is not such a munificent source of revenue to them."

But while he thus held tenaciously to this theory he did not arbitrarily seek to impose it upon the Privy Council. On the contrary, before that hearing adjourned he ordered the legislative section to submit a concrete draft of his proposal "in order to facilitate discussion." It was this circumstance that largely contributed to the delay in adopting this code.

One of the sittings of the *Conseil* had before it an article setting forth that if, during the course of a trial, a spectator should talk in a loud tone of voice, give signs of approval or disapproval or otherwise interfere with the orderly administration of justice the Court should warn the offender before punishing him. When this section was read, the Author of the Concordat remarked: "That text is fundamentally wrong. It is but proper that anyone who disturbs the trial of a case should be summarily ejected. Such trouble makers may easily become a menace to the public weal. Severity shown to them does not trespass upon the liberty of a citizen. No one has a right to disturb a Court."

*Monsieur Berlier* replied that the article had provided for a warning so that, if it was not respected, the law maker would be justified in permitting more severe penalties than might otherwise be deemed proper. This brought forth the retort: "No one need fear that any penalty that may be fixed could be too severe when meted out to those who violate the sanctuary of justice. It is necessary to ingrain in the minds of everyone a profound respect for judges. People must be taught that if trials are open to the public a Court room is not a resort maintained for amusement purposes."

I could go on almost indefinitely multiplying instances of the type already outlined. I shall not do so. My purpose is not to paint a miniature but rather to draw a general sketch. I desire, however, to emphasize the fact that even after Austerlitz had brought the youth of Ajaccio to the summit of earthly grandeur his interest in his legislative work did not lessen. I shall cite the *procès verbal* of a hearing which took place after that memorable event.

The *Conseil d'Etat* then had before it a series of articles which were up for final adoption. His Majesty ordered that they be read. He allowed the first two to pass without comment. When they were about to take up the fourth he said: "Wait a minute. Why have you not extended to attempted *délits* (misdemeanors) the same provisions which Article II applies to attempted crimes?" *Monsieur Merlin* and Count Berlier replied to this question. Their answer satisfied Napoleon. The meeting thereupon ratified the text before it.

When Article VI was read the Chairman asked no questions. He at once formulated his objections. He was on familiar ground. The draft before him declared, roughly speaking, that the sole military *contraventions* (petty infractions), crimes and *délits* known to this code are: (1) spying, (2) desertion, (3) inciting others to desert and (4) crimes and *délits* committed by the military when in service. It went on to add that these crimes and *délits*—nothing being said as to *contraventions*—shall be determined and their penalties fixed by the Military Code.

The Soldier of Soldiers was quick to observe: "At the present moment all misdeeds committed by soldiers, when in garrison or on duty, are dealt with by Courts



Martial. Public order does not suffer from this. Military Tribunals are certainly not more indulgent than ordinary Courts. They are, probably, even more severe. You are proposing an innovation. The suggestion requires careful consideration." Instead of following up his argument he stopped and let others speak.

*Monsieur le Comte Regnaud de Saint-Jean-d'Angely* replied that, while he did not question the severity of Courts Martial, he thought that, at some future date, there might be an objection to having Military judges try a soldier accused of killing a civilian. To this *Monsieur de Comte Defermon* added that civilians would feel that their independence was menaced if officers, who had maltreated them, were judged in barracks by fellow officers. He, therefore, favored having the jurisdiction of Courts Martial restricted to offenses committed in camp.

The Military genius who had given Earldoms to the two preceding jurists spoke at some length. His presentation of his point of view may be thus summarized: "The text which we are considering is, to begin with, lacking in clearness. It says that Military Courts shall try soldiers for crimes and misdemeanors 'committed à l'occasion ou dans le cours du service.' Such language savors of metaphysics. An enactment, so vaguely expressed, is bound to create confusion. The old law, now no longer applied, was clear cut. The present rule is equally unmistakable. The proposed innovation scraps both of these precedents in favor of a text which judges will have difficulty in understanding."

He then went on to tell his hearers about what was done in the old days and about the existing practice. "In former times," he explained, "the various Parliaments extended their judicial authority to all offenses, such as murder, theft or what not by whomsoever committed. It made no difference to them whether the accused was or was not in the army. His uniform meant nothing to them. They left to the military only such wrongdoing as desertion and violations of garrison orders, in a word such infractions of the law as only a soldier could commit. The present practice goes to the opposite extreme. It considers that the livery of the man removes him from the arm of the civil authorities and that, whatever may be his offense, a Court Martial alone is competent to deal with the offender."

Continuing in this strain, the little Corporal exclaimed: "Choose one or the other of these two systems. If neither suits you, work out a new plan. But let it be clear. It must not be obscure. It would, perhaps, be wise to say that the Imperial Tribunals shall take primary cognizance of all offenses and shall refer to the army authorities those which are of a military nature. What I dread, above all, is an arbitrary text. We can trust our judiciary to do the right thing."

To this *Monsieur le Comte Treilhars* replied: "But this cannot dispense us from the necessity of formulating a definition setting forth what offenses are military and what are not." The answer was promptly given. It was thus expressed: The rule is quite simple. It is covered by the Military Code. All the Penal Code would have to do would be to insert a clause something like this: "all misdeeds which the Military Code declares to be of a Military nature are deemed to be military offenses, within the meaning of this Article."

And then, he who imprisoned the Pope gave an-

other turn to the discussion. "Our priests," he pointed out, "form a body of men, segregated like soldiers from the mass of their fellow citizens. They can, as a result of their ministry, commit a special category of offenses. They can, from the pulpit, incite one man against another. They can jeopardize the liberties of the Gallican Church. They can tyrannize the conscience of the Faithful." In a word, the sum and substance of his study of this Article VI was that it should be rewritten and expanded into a series of texts forming a subtitle of the Code.

I do not wish to be understood as implying that the Privy Council always agreed with its redoubtable leader. It did not. It was not a rubber stamp body. And he was too intelligent not to yield, on purely technical matters, to the specialists who surrounded him. All that I have sought to do is to show that Napoleon Bonaparte, both as First Consul and as Emperor, threw himself without reserve into the elaboration of those Penal Codes which are still applied in France. His work has stood the test of time. This means that it crystallizes the genius of the French people.

### The Bar and Civic Leadership

The annual meeting of the St. Louis Bar Association Monday, at which officers were elected, serves as a reminder of the high part this organization is beginning to perform in public affairs, how the members as individuals and the organization as a whole are not only upholding the wholesome ethics of the legal profession but accepting the responsibilities of citizenship. The Bar Association has become a constructive force in the affairs of the community in the last few years, and a potent and continuing influence in establishing and maintaining a high level of professional conduct in St. Louis, a conduct as important to the public as to itself. The Association has gained public respect because it has honestly won public respect. So its high purpose has become a stewardship.

Nor is it a stewardship of slight import or to be taken lightly. We look to our legal minds for leadership aside from the questions of law they solve for us. We look to them for sound and constructive service in civic and social affairs, for leadership in conduct and the graces, for a directing hand as we seek to live peacefully and purposefully with our neighbors.

So it is gratifying to the lay public to learn from a speech made at the annual meeting of the Bar Association that there are evidences of a "growing spirit of cohesion upon the part of the Bar of St. Louis," and that members recognize an "increasing power of impression upon the community as a closely knitted professional unit." Wide recognition of this relationship and the responsibility it implies, full realization by members of the Bar of how much dependence the public imposes upon lawyers as men and not as lawyers, how much we need and value their influence in civic and human affairs, will raise this admirable profession to greater heights than ever in the public mind.—From *St. Louis Globe Democrat* of May 8.

### WHERE THE JOURNAL IS ON SALE

The American Bar Association Journal is on sale at the following places:

New York—Brentano's, 1 W. Forty-seventh St., Times Building News Stand, Subway Entrance Basement, Times Building.

Chicago—Brentano's, 63 E. Washington St.; Post Office News Co., 31 W. Monroe St.

Denver, Colo.—Herrick Book & Stationery Co., 934 Fifteenth St.

Detroit, Mich.—John V. Sheehan & Co., 1550 Woodward Ave.

Baltimore, Md.—The Norman, Remington Co., Charles St., at Mulberry.

shipper we had a little confidential talk. All right now, Albert?"

F. E. D. was rising, moving to the door. Albert got up like a man in a dream. Albert stammered out, "Yes—but—"

"Better go to bed, Albert, and clean yourself up. You look like hell. And, you know, Al, this is just a friendly visit. In fact, if anybody ever asks, you didn't even know I was in town. Ballard'd feel better about everything if we leave it go that way. So long, Al."

Albert shook hands vaguely. He was like a fighter hanging to the ropes. F. E. D. was gone and the door closed. He staggered back to the center of the

room. He scratched his graying hair.

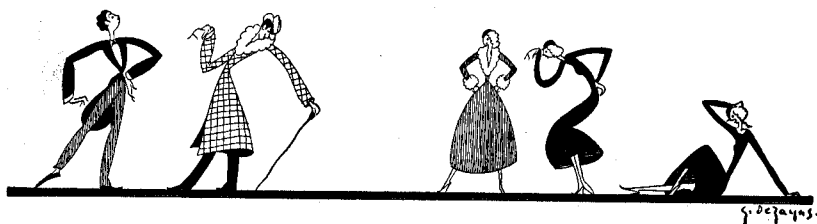
Mike Maloney came in from the kitchen. Albert looked at him twice to make sure he wasn't plumb nuts.

"I told you, Mr. Pope," Mike said, "that everything'd work out."

Albert grabbed Mike's arm. He gasped: "Sa-a-a-y." Light was beginning to break in his brain. "I didn't write any letter to F. E. D., Mike. Dammit, I wrote to Fred Turner."

"I guess I made a mistake," Mike said. "I guess maybe I got the envelopes mixed. Anyhow—"

But Mike was very Irish and very wise. He grinned. Albert grinned. Albert shook his hand.



## Keep Up with the World By Freling Foster

The most successful teachers of womanly charm in European mannequin schools are men.

One of the strangest matings in the animal world takes place among a species of angler fish recently discovered near Iceland. The male is carried about by the female and soon becomes permanently grafted to her, both then sharing a common blood stream.

Natural gas, which is used today in nearly half of the gas-consuming homes of this country, is so odorless when it comes from the well that its distributors add an odor to make it detectable when escaping.—By Richard Norton, Glen Olden, Pa.

There are today nomadic people who never build a roof over their heads but use only a windbreak for protection, albino tribes that sleep during the day and live their active life at night, and countries in which at least 85 per cent of the population cannot speak the national language.

France now has a machine for the blind that actually reads aloud any printed matter which is placed in it. The words are not reproduced in an established language but in a code of musical notes.

A Copenhagen restaurant lists on its menu 157 different kinds of sandwiches, ranging from birds' nests to cactus-flower honey, and a Rhode Island company makes ice cream in 145 different flavors, among which are pond lily, quince and sweet potato.—By Aimee Morrison, Chicago, Ill.

Up to a few years ago, the principal railroad stations in the hottest sections of India had to maintain a supply of coffins to receive the bodies of travelers who had succumbed to the intense heat.—By Mrs. B. J. Rogers, Oconomowoc, Wisconsin.

When the Bacchanalian festivals were introduced into Rome about 200 B. C., they were attended only by the ladies. Many years passed before the gentlemen were admitted to these wild and mystic celebrations.

During the World War, the Allies intercepted and deciphered as many as 2,000 German secret messages a day—one every 43 seconds—despite the fact that German codes were changed every 24 hours.

No less than 10 different sets of Ten Commandments are found in the Holy Bible.—By W. K. Warner, Iola, Kansas.

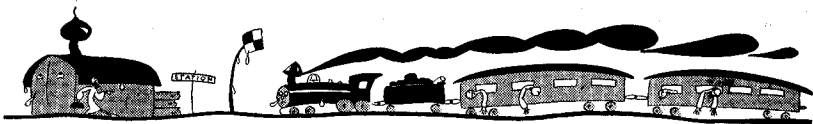
The one creature in the world that moves about more exclusively by flying than any other living thing is not a bird but a mammal—the bat.

Excessive drunkenness incapacitates so many workers in Russia today that unique methods have been adopted to combat it. For example, cities are ridiculing sots by erecting grotesque effigies of them in public places, and factories are humiliating their heavy drinkers by making them sit for hours on a "drunkards' bench."

The New York Police Department has a card record of every speakeasy operating in the city.

A romantic disappearance of an illustrious man occurred about 850 A. D. when Wu Tao-tzu, greatest of all Chinese painters, finished his famous landscape on the wall of the imperial palace. At the unveiling before the royal court, he opened a "door" in the painting, stepped through it and was never seen again.

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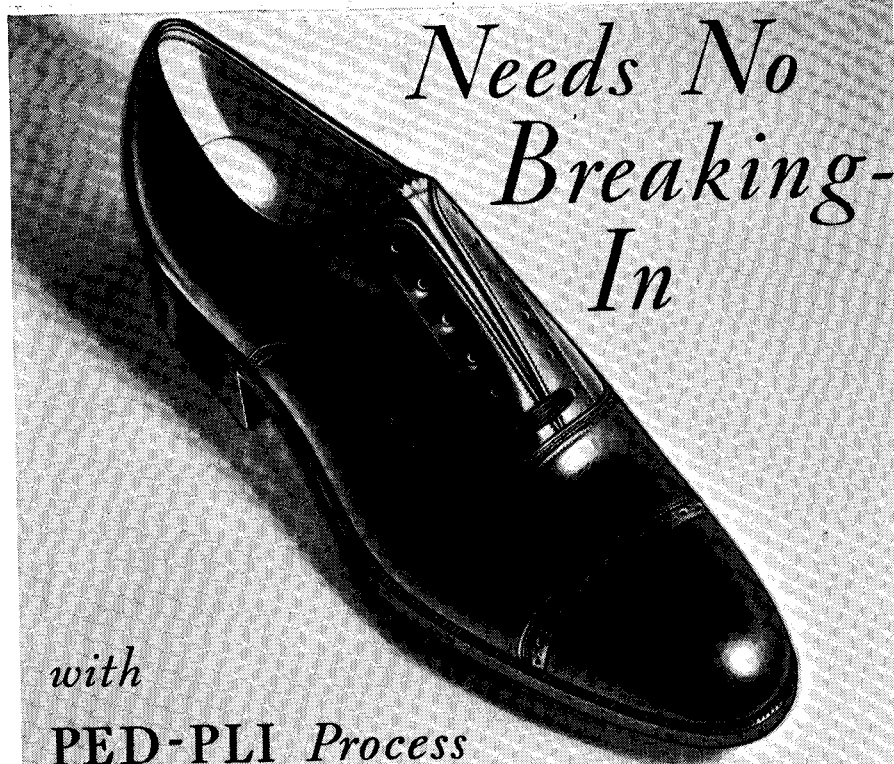
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(Continued from page 47)

"If you say another word, Dick," this girl says, "I will stop the car and ask Mr. O'Donnell to throw you out."

"Dearest," he says, "this is not the time for persiflage."

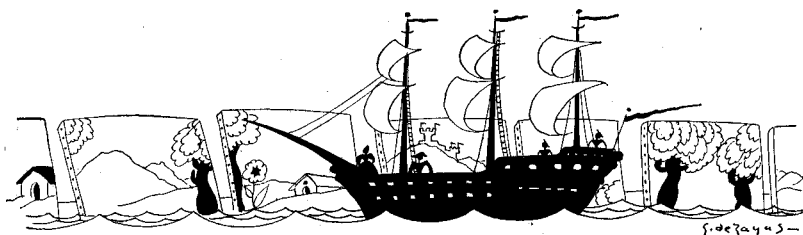
"Please do not speak to me," she says.

So this guy turns to me. "O'Donnell," he says, "you are a man of the world. You have seen much of the follies of men. You understand that marriage should be based on love. But, in addition, there should be something else. There should be a certain compatibility of temperament—a capacity for enjoying the same diversions, laugh-

ing at the same people, and living the same kind of life—in order that love may last.

"Now," he says, "it so happens that I fell in love with Mary and she fell in love with me and we discovered we were the same sort of people. I am careless, easy-going, and unworried. So is Mary. She is like her father, who long ago figured out that there was no use answering letters, because if it was important people would write again. I am like that, too. In short, Mary and I were made for each other.

"But," he says, "I thought that Mary slighted me and in a stupid fit of jeal-



## Keep Up with the World By Freling Foster

The most stupendous deception in history was played on Catherine II of Russia about 1780 when she sailed down the Dnieper River to see her new territory. To preclude her disappointment in the barren country, her ministers lined the banks with thriving towns and farms—all painted on wood and canvas.—By David Patton, Athens, Alabama.

Not so many years ago English ministers frequently wore black kid gloves during their sermons, ground mummy powder was an important ingredient in many European medicines, and the Japanese recited 108 prayers to purify themselves of their 108 different sins.

In the United States today there are several thousand boys and girls of 13 years and younger working at regular full-time jobs—and some of them are even under eight years of age.

Using water from its thousands of hot springs, Iceland now is able to grow large quantities of vegetables, fruits and flowers throughout its long, cold winters.—By A. S. Brun, Oslo, Norway.

Some scientific practices have not been changed or improved since the day they were formulated many centuries ago. For example, the six degrees of brightness assigned to the stars by the Greek astronomer Hipparchus 2,000 years ago are still in use today.—By Marguerite Cook, New York City.

One of the most astonishing cases of abnormal human growth was that of a girl exhibited at a meeting of the Physical Society of Vienna in 1894. Although only five years of age, she weighed 250 pounds.

A new drug, five times as potent as morphine, has recently been brought to America from Germany. It is particularly useful in the last stages of cancer because it virtually relieves all pain and permits the patient to be up and working.

In one very large industrial plant in this country 65 per cent of the jobs are thoroughly learned in one day's training while 94 per cent of them are fully mastered in one week.

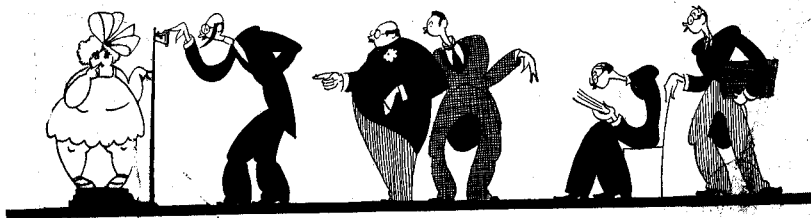
A newly discovered species of cynipid or gall-wasp uses the world's strangest method of race propagation. It crawls into other insects and lays its eggs within their eggs.

A shoe company in Czechoslovakia still employs 35,000 traveling salesmen, the furs of the world come from 174 kinds of animals, and fine blends of English whisky sometimes contain the products of 20 different distilleries.

Approximately 10,000,000 optimists put \$4,000,000 worth of coins into the gambling slot machines of the United States every week. Of this amount, \$3,000,000 goes to the owners while the remaining \$1,000,000 is generously paid back to encourage a new crop of losers.

Old superstitions based on childish credulity still greatly influence our behavior. A recent survey made among 488 adults of superior intelligence revealed that altogether they were familiar with, and knew persons affected by, 1,224 different superstitious beliefs.

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## Defense in the Pacific

Continued from page 13

and impressive figures I have ever heard. They ought to be read over and over again by every young American citizen when making up his mind in what direction to influence the affairs of his country.

Many issues are in doubt today. Never was there a time when the world had less settled convictions upon fundamentals. But here, at any rate, is something solid and sure. If humanity is worth preserving, here *pro tanto* is its preservation. If the Almighty meant life to spread and flourish upon the surface of His wonderful globe, here is life multiplied. If disease is the foe against which all civilization should unite, here is one of its most memorable and glorious suppressions. So far as these tests are valid, and they are both comprehensive and profound, the American occupation of the Philippines has spelled, in double-sized letters—more, healthier, richer Filipinos.

It surprises us in England—with our old-fashioned ideas so different from the chatter of the subversive do-nothings of the age—that there is not much keener and more general appreciation of these triumphs in the country from whose virtue and science they spring. We have a problem of our own, entirely different in scale, but presenting many similar features, in India. For if India is a sub-continent, the Philippines are a sub-India. The population shows the same tremendous variety in race, religion and language. The multitudinous races of India are paralleled by the numerous tribes in the Philippines, where eighty dialects, many of them as different from one another as English is different from Russian, are spoken.

But the analogy exists beyond questions of race, religion and matters of economic and political development. India is a land of 350 million human beings, and every racial and religious difference found in the Philippines is magnified proportionately. In the Philippines the authority and influence of an external scientific civilization brought to bear with far greater concentration upon a much smaller body has naturally produced much more rapid results.

### Service, Not Exploitation

The first precious and material result has been the establishment of internal peace. Head-hunting and slavery have been eradicated from the Philippines in thirty years, just as suttee and thuggee have disappeared from India during the 180 years of British rule. Even-handed justice in the Philippines contrasts as sharply with the dilatory and venal system of the old-time Spanish India as British judicial processes in India contrast with those autocratic caprices which passed for justice before the British came. Roads, railways, bridges, markets; hope for the toiler, and enterprise, the child of hope, have followed the American flag as surely—and much more speedily because of the smaller scale—as they have followed the Union Jack across the vast expanses of the Indian peninsula. If these achievements of the United States give a vested interest in the Philippines, it is a vested interest which, like the quality of mercy, is twice blest.

But all this is mocked at by idle, feeble, flighty-minded folk who on both sides of the Atlantic rail in the freedom of our institutions at all constructive national work. Imperialism! What slanders are uttered against thy name! They say that covetous Cæsars launch brutal soldiers against peaceful and prosperous populations. They say that age-long liberties are erased by the oppressive hand of foreign tyrants; that money-grabbing nabobs cause wretched slaves to sweat and swelter for another's profit.

Such nonsense has been talked about the British for several generations by political sentimentalists who closed their history books one hundred years ago. Such nonsense has been talked for thirty years about the work of the United States in the Philippines.

Vain is it to tell such babblers that in modern times the acquisition and control of territory by English-speak-

ing governments has never meant an assault upon defenseless populations. It has invariably meant the rescue of defenseless populations from tyranny, either foreign or domestic. Administration after acquisition has been service, not exploitation. The rich nabobs and brutal officials of the eighteenth century perorations are now in fact the merchant pursuing his lawful

affairs, the investor hazarding his capital upon the country, and the administrator struggling against every handicap of prejudice and poverty to exterminate loathsome customs or fell disease.

Under Governors Taft, Ide and Cameron Forbes the Filipinos made a tremendous stride forward towards economic well-being and political competence. But Governor Harrison seems to have been in many ways the American prototype of Lord Irwin in India. Both attempted to force the pace of political progress without due regard to reality. Both speedily produced a marked degeneration in the happiness and well-being of the populations entrusted to their care.

Under Governor Harrison American officials who had given their main life effort to the Philippines were recklessly replaced by natives, and the sentimental theories of Nordic democracy were energetically applied. As a result the revenue diminished by half and the expenditure doubled. Pestilence broke loose from the sealed jar in which she had been confined and ravaged the land.

The clique of professional politicians who thrive in so many lands upon the exploitation of an unwarrantable nationalism at once interpreted these generous if impracticable sentiments as proof of weakness or weariness in the governing power. Clamor for independence has grown with every relaxation of control.

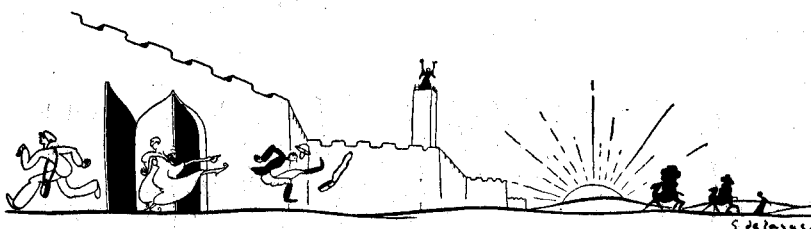
### Our Responsibility

If so-called independence were granted today to the Philippines the result would be even worse than the return to the corruption and incompetence of the old Spanish régime. A rich and important population raised by immense exertions and at great cost in American treasure, intellect and blood, would speedily sink into the primitive welter of Asiatic anarchy or misgovernment. The hungry jungle would soon invade the reclaimed spaces. The inhabitants would be rapidly diminished by warfare and disease. The roads would melt into forest trails. The schools and hospitals would become lovely ruins and after a brief interlude of very eloquent speeches by the Filipino politicians, Chaos and Old Night would resume their sway over this part of Asia.

But that would not be the end. The United States might quit the Philippines, but the Philippines would not quit the United States. It would be impossible for the Federal government after thirty years of responsibility and action incontinently to cast these islanders adrift upon the world. As long as the United States flag protects their coasts they are safe. Once it is hauled down a vacuum will be created and we do not need to search far for the means by which that vacuum would be filled.

I have admiration and long-founded regard for the empire and people of Japan. I recognize the expansion needs of their teeming, vigorous and adventurous population. We have seen their work in Korea. It is stern, but good. We have seen their work in Manchuria. It is also good, but also stern. The repetition of such work in the Philippines would in our lifetime or in that of our children most surely challenge the equilibrium of the Pacific.

The hauling down of the Stars and Stripes at Manila would not be a signal of peace, progress and tranquillity. In its stead there would be hoisted the storm signal, and the instruments of every diplomatic laboratory would register the signs of an approaching seismic disturbance whose destructive violence mortal man could as little measure as he could control.



## Keep Up with the World By Freling Foster

**Hospitality** has no place in the religion of the Holy City of Beni Isguen in the north Sahara Desert. No strangers are allowed to stay within the walls overnight. They have to get out when the gates are locked at sundown and camp on the cold desert until morning.

**Slow** motion pictures show that when a bullet is shot at a pane of glass the compressed air traveling in front of the projectile pierces a hole in the glass before the bullet arrives.—By C. G. Matson, Los Angeles, California.

**The** thermocouple, an electrical thermometer, is one of the most amazing instruments in existence. Placed under an astronomer's focused telescope, it can measure the heat radiated by individual stars, the closest one being 25 million million miles away.—By William Gordon, New York City.

**In** the U. S. Pharmacopœia, the largest official dose of medicine—12 ounces of citrate of magnesia—is 2,304,000 times bigger than the smallest dose— $\frac{1}{400}$  of a grain of aconitine.—By J. Silberman, Chicago, Illinois.

**About** 700 years ago many brides never saw their husbands. The marriages took place by proxy, the groom being represented by a friend. When the groom lived in a distant country, he sometimes was killed in a duel or war before he could come for his bride.—By Robert Jaeger, Fulton, Missouri.

**In** Carthage 2,500 years ago, traders displayed their goods on the beaches and withdrew to their ships. Natives appeared and left beside each article the sum they were willing to pay for it; then they retired while the traders returned. If the sum was insufficient, the sellers again withdrew to give the bidders another chance. Neither goods nor money was ever stolen.

**Some** living things are not dependent upon oxygen. For example, anaerobic bacteria cannot grow or even live in a medium that contains any appreciable amount of it.—By Martha Joiner, Thetford, Vermont.

**During** the past 50 years the amount of money spent on international travel has increased more than 50 times, a factor of inestimable value in universal understanding and world progress.

**One** of the most intensive man hunts on record took place in Düsseldorf, Germany, three years ago when an elusive madman threw that city of 465,000 population into a state of hysteria by a number of maniacal murders. More than 9,000 persons were questioned before he was caught.

**When** a wealthy Chinese gentleman is laid in his casket, an extra traveling suit is enclosed for his use on the 49 days' journey to the next world. The object is to save wear and tear on his brand-new burial dress, which he will need clean and fresh when he is presented to the gods.

**Some** orthodox Brahmans of India are so fearful of pollution from animal flesh that they not only abstain from the use of meat and leather but also feel obliged to take a purifying bath after shaking the hand or even receiving a letter from a meat-eating person.

**Many** present-day impressions of Soviet Russia were formed in 1917-1918 from shocking news stories that supposedly originated in Moscow. Later a secret investigation made by an American press association showed that 95 per cent of these reports came from anti-Soviet centers in Poland, Latvia, Rumania and Finland.

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Well, Russ thought, parting from the bitter Mr. Worthington, anyway he knew why Judy hated him! The Days' exchequer, Russ was sure from things that Mrs. Day had said, did not quite run to buying forty-five-thousand-dollar houses that, the next week, you couldn't live in and you couldn't give away. Yes, Judy hated him, her mother hated him, they hated him unanimously and with fervor and they always would. The fact that Russ had no idea that anything like this could happen made no difference. Mrs. Day herself had brought up the subject of the undeveloped tract of land and Russ had laughed her off.

In the circumstances there was just one thing that Russ could do. A hopeless gesture, sure, as far as Judy Day went. Anyway, he had to do it.

"Listen, Mr. Summers," Russ said when they were seated in the Summers' library, "I just got back today and heard what Tim McCarthy's doing. And you know last week I sold a house on Belden Boulevard to Mrs. Day."

"Yes," Mr. Summers said.

"Well, look here, Mr. Summers," Russ said, "what I want you to do is transfer that forty-five hundred of mine to Mrs. Day's account. I can't keep that commission money."

"You sold the house in good faith," Mr. Summers said.

"I know," Russ said, "but I can't keep that money. And I want the bank to handle this for me. You see the Days don't feel much like seeing me."

"WELL," Mr. Summers said, "I suppose this is very commendable of you, Russell. Yes, we'll notify Mrs. Day of your intention."

"Thanks," Russ said. "Mr. Summers, isn't there anything that can be done about this situation?"

"If there were," the banker answered, "we'd be doing it. We figure that this means a property depreciation, in that section of Grenham, of more than a million dollars. Our bank alone is involved, I might say, to the extent of more than three hundred thousand. On mortgages alone."

"Can't Tim McCarthy be approached?"

"Not Tim," said Mr. Summers, "I know that fighting Irishman of old. The membership committee of the Country Club tried to talk to him later and he threw them out."

"Well," Russ asked, "couldn't he be, well, persuaded?"

"Bribed, you mean? Oh, yes, they thought of that. The people who didn't realize that Tim McCarthy is immensely wealthy. Sure, someone went among the property owners involved and got up a subscription of over two hundred thousand dollars and then came to me about it, wanting the bank to contribute and underwrite a slush fund. Nothing doing—I knew that. No, Russell, we are stuck. Tim McCarthy was informed he wasn't good enough to play the Grenham golf links. They made a laughingstock of him and now he's got revenge and nothing else will satisfy him. Yes, revenge. You see—"

"Wait a minute!" Russ said. "Wait a minute!"

Was that a real idea that suddenly flashed in his mind or was it just a nutty notion? Was there something to it? Wait a minute! Get it straight. Think it out from the beginning. Start with Tim McCarthy. Tim was rich—you couldn't bribe him. Tim was hard—you couldn't plead. And Tim was tough—you surely couldn't threaten him. Tim's pride was hurt; his friends in Stanford probably were snickering. The word had no doubt got around that Tim had tried to go high-hat and join the Grenham Country Club and got turned down. The story probably would do him harm politically. No, there was nothing that would satisfy a man like

Tim McCarthy now except revenge. Well, then!

"Listen, Mr. Summers," Russ said suddenly. "I think I've got a thought. It may be nutty but—look here! If I could fix this thing for, say, two hundred thousand dollars—"

"No," said Mr. Summers. "No, you can't bribe Tim McCarthy."

"You don't care how I do it, do you?" Russ said. "Say I fixed it. Permanently. Fixed it so that piece of land could never be used for anything that would hurt property values."

"Can't be done," said Mr. Summers. "But if it could?"

"We'd put your statue in the public square."

"And something in the nature of a sordid little honorarium?" suggested Russ. "Say—twenty thousand dollars?"

"Twenty-five," said Mr. Summers firmly. "Thirty! I would guarantee it personally. Now let's hear your scheme—if you have really got one."

"Later," Russ said, "if it works."

An hour later Russ was sitting in the office of the mayor of Stanford. There had been, he'd fortunately found, a council meeting and, waylaying Tim McCarthy in the city hall when it was over, Russ had, through sheer urgency, gained his ear.

"WELL, young man," said Tim McCarthy, "you seem to be a bit steamed up. Just what did you want to talk to me about?"

"If you'll let me," Russ said. "It's about that garbage-plant affair."

"So you're from Grenham?" Tim McCarthy asked. "Well, you're due back there now. Right now."

"No—wait a minute," Russ said. "You don't get me. Listen. What you want to do is rub it in on Grenham, isn't it? The snooty gang who run the Country Club and live on Belden Boulevard? Well, then, I've come to show you how to do it—right."

Tim McCarthy had a poker face. It

now became expressionless, but he resumed his seat.

"Yes," Russ said, "if you are really looking for revenge I've got a swell idea for you. A hot one. Look here, Mr. McCarthy, what happens, after all, when you've put up your garbage plant on that land?"

"It smells," said Tim McCarthy briefly.

"Sure," said Russ, "but who'll be there to smell it? See what I mean? The people on Belden Boulevard will simply move away. Oh, they'll lose a lot of money, all right. But most of them have got a lot to lose. Yes, they'll simply move away, and then where will you be?"

"Sitting right here," Tim McCarthy said, "and laughing."

"Yes," Russ said, "and getting laughed at, too. I mean in Stanford here. Everybody knows why you donated that land to the town. In Stanford you'll be just the mayor who gave the town a garbage plant. For spite."

"Look here, young fellow!"

"Let me finish," Russ said. "Listen. Giving garbage plants is not such a swell civic gesture, and who'll remember it except to laugh? But listen! Say you made a present to the city of The Tim McCarthy Stanford Country Club!"

"The what?"

"The Tim McCarthy Stanford Golf and Country Club," Russ said. "And made those guys in Grenham pay for it!"

"Well!" Tim McCarthy said.

"Listen," Russ said. "That land of yours is just right for a sporty nine-hole course. You could have it for two hundred thousand dollars, including a clubhouse and a swimming-pool and tennis courts. And all donated by the snooty citizens of Grenham. That's the point! Why, say, the whole darn' state would laugh at them. The papers would be full of it—how Tim McCarthy put it over! Why, all their lives the residents of Belden Boulevard would look across and grit their teeth and watch the citizens of Stanford have a lot of fun at their expense. How's that for real revenge?"

ON TUESDAY evening, with the papers signed and sealed and Belden Boulevard delivered and the whole town pulsing with the news, Russ made his way to Judy Day's. He rang the bell and noted that, almost at once, the door was opened wide enough to let him in.

"It's Russell Barr, the service man," he said.

"Why, Mr. Barr!" said Judy. "Come right in."

Russ noted with approval, as they went into the living-room, that right before the fireplace, as he had hoped, there was a large conducive davenport.

"You see," Russ said, "I've been a little busy these last few days."

"So I've heard," said Judy.

"And the way I figure it," Russ said, "I owe you four days' service. So I've kind of come around to try to make it up."

"I see," said Judy. "Just what kind of service did you have in mind?"

Swell, evidently. No complaints about the service.

For a minute later—or quite possibly it was half an hour—Mrs. Day called, "Judy, dear! Can you come up a minute?"

"Well, I'll try," said Judy. "No, I guess I can't."

"Why not?" her mother asked.

"Well, Mother," Judy said, "I just can't seem to get away."

"Can't get away! From what?"

"From Russell Barr, the service man," called Judy frankly. "Sorry, Mother, but he seems to feel I can't be spared."



## Keep Up with the World By Freling Foster

**Gypsies**, who are scattered throughout the civilized world, have a most romantic marriage custom. The ceremony is not completed until the bride and groom take a bite of the wedding cake, the flour of which is mixed with blood taken from their wrists.

**Tropical** Africa has a vine that, when growing beside a window, will cling to the glass and eat away the surface.—By H. E. Uhrig, Marion, Indiana.

**Some** persons have an abnormal dread of closed places such as elevators, some are terror-stricken in open spaces such as public squares, and others are frequently seized by a morbid fear that causes a complete inability to walk or even stand.

**Using** photomicrographs of charred wood and other burned material from suspicious fires, police and insurance detectives now are able to determine which combustible liquid, if any, was used and whether or not the goods destroyed were of the quality claimed for them.—By J. F. Galbraith, Dolton, Illinois.

**Fish** have been taught to respond intelligently to sounds and colors. A Munich professor has trained them to come up and expect good food when he rings a certain bell or places red paper in the aquarium, and swim to the far corners when he uses another bell or blue paper that means bitter food.

**During** the 14 centuries in which the Bible was copied by hand, so many "improvements" were made by the copyists that at least 150,000 variations can be found today in the existing manuscripts of the New Testament alone.

**The** best customers of the back-number newspaper companies in New York City today are bootleggers who use these old papers for wrappers to make their purchasers believe that their newly made liquor is several years of age.

**The** smallest share of stock in history was issued in Nebraska in 1913. A block of fractional shares, upon being turned into full shares, had a part left over for which a certificate had to be issued. It amounted to  $\frac{1}{883,383}$  of one share and had a par value of  $\frac{1}{33}$  of one cent.—By H. L. Alleman, Dubuque, Iowa.

**Of** the 5,000,000 slaves throughout the world today, about 2,000,000 are Chinese girls, between four and eighteen years of age, whose impoverished parents have sold them outright for a few dollars into the bondage of large households and farms.

**Presidential** campaigns are expensive. Not only did the recent one cost about \$18,000,000 for party propaganda and the operation of the election machinery but it caused financial losses in various industries. For one example, the broadcast speeches deprived the movie theaters of more than \$50,000,000 worth of business.

**The** Philippines have pythons, not more than twenty feet long and eight inches thick, that are able to kill and swallow a good-sized deer whole, without breaking or mutilating the body in any way.—By Ed Gallagher, Olongapo, Philippine Islands.

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ward. The young woman touched her arm. Her face was plain with warning. "You're a stranger here, Miss Donnelly," she said. "I must advise you that all our guests must be in by thirty on week days. That's a strict rule."

Vera smiled noncommittally and went out. Hopkins greeted her with a discreet doff from the driving seat of a roadster. He apologized for being late. She sat beside him and the car went spinning through traffic with hardly a word between them. Vera felt subtly transported, refreshed in soul and body, stimulated by a young man at her side who seemed coolly, almost coldly, indifferent to what she thought was a romantic situation.

"We're going to have a bite of dinner first," said young Hopkins; and presently, the town left behind, they came to a house set back in a maple grove.

In a corner of a dimly lighted dining-room young Hopkins ordered dinner and cautiously poured drinks from a flask.

"We have to be careful about this in Kansas," he said.

Two or three couples at other tables seemed no more daring. Vera declined a drink. Young Hopkins downed both.

"Now," he said, with a note of cross-examination. "Where did you meet my father? In what particular night haunt?"

Vera's gaze was calm, her lips compressed. Her silence made him militant.

"Listen," he said accusingly. "You're the second girl to come to Concordia after my father. The first was about old enough to be my mother. But you're young—and very attractive. Tell me, what's your game—what are you trying to get out of my dad?"

VERA wondered how his face would turn if she struck him. She was in a tight spot. She must wait.

"Your father invited me to come to Concordia," she said.

"That's what this other woman claimed," he retorted. "My father's a bit soft when he drinks. What I want to know is what's your claim on him?"

"Claim?" echoed Vera.

"That's what I said. If you're here just on a friendly visit you'll have to explain that to my aunt—Dad's sister. I don't think she'd quite approve. She's tall and gaunt and a Kansan."

"I came here to try to get a job," said Vera.

He tilted back in his chair—and laughed. Vera gazed at him darkly.

"You want a job!" he echoed; then, lowering his voice: "You want to blackmail my father."

Vera's eyes blazed. She had hit a man before. She hit one again. The blow was so quick that other diners heard it without seeing it.

Minutes later a waiter came to where Vera sat alone.

"Anything else, ma'am?" he asked.

She bit her lips until tears came.

"Did Mr. Hopkins pay the check?"

"Yes, ma'am."

"All right, get me a cab to Concordia."

The cool, long ride back to town restored composure to a point where she could plan. The driver told her about trains back to Chicago. It was too late, then, to get one. On impulse she ordered the driver to the Hopkins home, where a colored maid opened the door and admitted her to a large, overly ornate parlor. Voices rang upstairs. She heard the maid say: "She wants to see Mr. Hopkins."

Slipped footsteps descended, and Wilbur Hopkins the elder entered.

"I'm the girl you met in Chicago at that night club," Vera said. "You told me to come to Concordia if I was in trouble. I am."

"Why, yes," said Mr. Hopkins, holding

up a hand to caution quiet. He pulled up a chair beside where she sat.

"You've picked an awkward time," he said. "Couldn't you come to my office tomorrow?"

Vera explained, slowly, acidly, in a low, accusing voice. Mr. Hopkins' face furrowed. "I didn't think young Wilbur could be so rough," he said. "I must see what I can do about this in the morning. Come to my office."

"I'm not going to your office," said Vera coldly. "I was there once. I'm going back to Chicago. I don't want any help. I've said all I have to say."

Her tone had heightened. Mr. Hop-

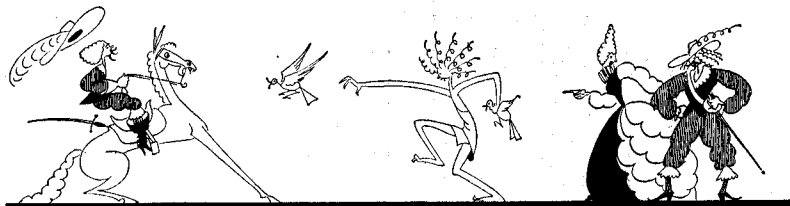
kins stood up, alarmed. Quick steps behind him and a tall, prim woman, whose features were miniatures of Mr. Hopkins', appeared in the doorway. She regarded Vera with sharp curiosity.

"I'll explain, Martha," said Mr. Hopkins.

"Let me do that," said Vera. She didn't rise. Miss Hopkins seated herself beside her. Mr. Hopkins remained uneasily standing.

"I lost my job," Vera concluded, "because I did Mr. Hopkins a favor. He was kind to me."

"I see," said Martha Hopkins. "What favor did you do Mr. Hopkins?"



## Keep Up with the World By Freling Foster

**Wild** human beings have been discovered in various parts of the world up to a short time ago. One amazing case was that of a girl found near Châlons, France, in 1731. She had ape-like mannerisms, caught and devoured birds and rabbits and had no speech except hideous screams and howls.

**The** nudist idea is not new. More than 2,000 years ago whole armies of Celts used to march into battle without clothing.

**At** least 1,000,000,000 persons or 50 per cent of the world's population still wear or carry an amulet or some other charm to protect them from evil spirits, sickness or bad luck.

**Many** centuries ago funerals were crowded with scandal-seekers because, after a friend had extolled the virtues of the deceased, an enemy was permitted to ridicule his outstanding faults and disclose his secret follies.

**Some** drugs cause strange reactions. For instance, tincture of opium is far more harmful taken in a small dose than in a large one, and wood alcohol destroys the retina of the eye but does not injure any of the other delicate tissues of the human body.

**The** three major broadcasting networks of the United States spend an average of \$100,000 a week for the long-distance telephone lines that carry their programs from station to station.—By John Karol, New York City.

**New** museums, the establishing of which parallels the growth of culture, have been built in the United States at the rate of one every 15 days for the past ten years.

**Before** the revolution in 1917, Russia tried in every way to prevent the spreading of socialist propaganda. It even repainted prison cells after every occupancy to make sure that any hidden messages would be obliterated.—By P. T. Johnson, Connellsville, Pennsylvania.

**At** night dimly lighted objects such as stars and lights at sea appear much brighter and more distinct when one looks *not* directly at them but slightly to one side.

**The** average life of a red blood corpuscle is from 30 to 70 days.

**Less** than 20 per cent of the bankruptcies in the United States today have any money left for the creditors after the receivers, trustees, referees, appraisers and others have received their administrative expenses.

**The** restaurant business of the United States has doubled since 1918. In that year we had 150,000 public dining-rooms. Today we have 320,000, or 40 per cent of all the food-serving establishments in the world.

**Very** rigid laws to regulate personal liberty were enacted in Rome about 200 B. C. They even prescribed the number of guests at parties, the cost of funerals and the color of women's dresses.—By Edward Biele, Cleveland, Ohio.

**Among** the strange maladies that afflict mankind are arithmomania—the uncontrollable desire to count things; batophobia—the constant dread that something will fall on you, and ergophobia—the morbid fear or hatred of work.

**Even** after a law had been enacted by the public assemblies in ancient Greece and Egypt, its proposer could be brought to trial and punished if the law proved to be harmful to the people.

**One** of the most remarkable prodigies of all time was the English boy actor William Betty. In 1802, at the age of 11 years, he had become so famous for his mastery of the heaviest Shakespearean parts that one day the House of Commons actually adjourned to see him in Hamlet.

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"One he probably forgets," said Vera. "But it was a clip-joint, a nasty night club, and I'm glad I'm out of it. I came to Concordia to get away from that kind of thing. I thought that town was bad; but Mr. Hopkins' son proved this one's worse. He took me to a roadhouse, insulted me and left me there."

Martha Hopkins studied Vera for a full minute. A hall clock chimed eleven. Vera counted each stroke.

"Where are you staying in town?" asked Miss Hopkins.

"At the Y. W.," said Vera. "I took a room there; but it's too late to go back tonight. I'll find a hotel. It was stupid to come out here at all." She stood up.

"May I call a cab?" she said.

"Why—er, yes," said Mr. Hopkins. He left the room to telephone. His sister's voice followed him as she, too, arose.

"Never mind, Wilbur," she said. "It's pretty late. We'll put the young lady up for the night—if she'll stay."

Vera suddenly kissed Miss Hopkins' cold cheek.

It was late morning when Miss Hopkins aroused her for breakfast.

She wondered why she was left alone in the dining-room after the maid poured coffee and placed food before her.

**S**UDDENLY young Hopkins appeared.

He stood at the end of the table before her. His eyes had something of penitence in them; his voice was friendly.

"I'm sorry about last night—leaving you like that," he said. "You're the first girl who ever hit me and I got mad."

"Am I the first girl you ever called a blackmailer?" challenged Vera.

He made no reply. Vera opened her purse and slipped out a small piece of paper.

"I want you to give this to your father," she said—pushing it over the table towards him.

He picked it up and examined it.

"A blank check," he said. "My father's. He gave you that in Chicago?"

"No," said Vera. "I took it from the crooks in that club who wanted to keep it and cash it. That's why I'm looking for a new job."

Young Hopkins slowly tore up the check. When his gaze returned to Vera it held more than admiration. His lips parted as if impelled to utterance. All he said was: "I'll take you to your train."

When Vera had gone upstairs and said good-by to Miss Hopkins, she found young Hopkins in his roadster. No words passed between them while they rode to the Y. W. Vera's bag, she found, was already packed. The pince-nezed young woman grimly watched her depart.

Young Hopkins steered his car through struggling traffic. They passed cross-gates where a locomotive bragged steamingly. They turned down a broad avenue on two wheels and raced away from the noise of the depot.

"I'll miss that train," Vera protested.

Young Hopkins said nothing. "I'll miss that train," Vera said again.

"You have missed it," said young Hopkins. His jaw was set, his eyes brightly merry.

Vera sat back in the roadster, wondering as miles were swallowed by speed. At the roadhouse where they had had dinner the car pulled up.

"We're going to have lunch," said young Hopkins.

"I just finished breakfast," she demurred.

But she went in. He picked out the same table they had occupied the night before. They ordered, and while she sat, mute, still wondering, he said:

"You're going to stay in Concordia. And you're going to like it—almost, I think, as much as I like you."

# Plea for a Fallen Woman

By TEMPLE HOUSTON

## GENTLEMEN OF THE JURY:

You have heard with what cruelty the prosecution referred to the sins of this woman, as if her condition was of her own preference. The evidence has painted you a picture of her life and surroundings. Do you think that she willingly embraced a life so revolting and horrible? Oh no, gentlemen! One of our sex was the author of her ruin, more to blame than she; then let us judge her gently. What could be more pathetic than the spectacle she presents: An immortal soul in ruin, where the star of purity, once glittering on her girlish brow, has set its seal and forever. And only a moment ago they reproached her for the depths to which she had sunk, the company she kept and the life she led. Now what is left to her? Where can she go that her sin does not pursue her? Gentlemen, the very promises of God are denied her. He said, "Come unto me all ye that labor and are heavy laden and I will give you rest."

She has indeed labored and is heavy laden, but if at this instant she were to kneel down before us all and confess her Redeemer and beseech His tender mercies, where is the Church that would receive her? And even if they accepted her when she passed the portals to worship and to claim her rest, scorn and mockery would greet her, and those she met would gather around them their skirts the more closely to avoid the pollution of her touch. Could you tell me a single employment where she could realize, "Give us this day our daily bread"? Our sex wrecked her once pure life. Her own sex shrink from her as they would pestilence. Society has reared its relentless walls against her, and only in the friendly shelter of the grave can her betrayed and broken heart ever find the Redeemer's promised rest. They told you of her assumed names, as fleeting as the shadows on the walls, of her sins, of her habits, but they never told you of her sorrows; and who shall tell what her heart, sinful though it may be, now feels! When she remembered voices of mother and sisters, whom she must see no more on this earth, fall again like music on her erring soul and she prays God that she could only return,—but must not—no, not in this life, for the seducer has destroyed the soul.

You know the story of the prodigal son, but he was a son. He was one of us, like her destroyers; but for the prodigal daughter there is no return. Were she with her wasted form and bleeding feet to drag herself back to home, she, the fallen and the lost, what would be

her welcome? Oh, consider this when you come to decide her guilt for she is before us and we must judge. They sneer and scoff at her. One should respect her grief and I tell you there reigns over her penitent and chastened spirit, a desolation now that none,—no, none but the Searcher of all Hearts,—can ever know.

"None of us are utterly evil, and I remember that when the saffron scourge swept over the City of Memphis in 1878, a Courtesan opened wide the doors of her gilded palace of sin to admit the sufferers; and when the scythe of the Reaper swung fast and pitiless, she was angelic in her ministering. Death called her in the midst of her mercies and she went to join those she had tried to save. She, like those the Lord forgave, was a sinner; and yet I believe in the day of reckoning her judgment will be lighter than those who persecute and seek to drive off the earth such unfortunates as she whom you are to judge.

They wish to fine this woman and make her leave. They wish to wring from the wages of her shame the price of this mediate injustice; to take from her the little money she might have. And God knows, Gentlemen, of the Jury, it came hard enough! The old Jewish law told you that neither the price of a dog nor the hire of such should come within the house of God, and I say to you that our Justice, fitly symbolized by woman's form, does not ask that you add aught to the woes of this unhappy one who only asks at your hands the pitiful privilege of being let alone.

The Master while on earth, while he spoke in wrath and rebuke to kings and rulers, never spoke with reproach to one of these. One he forgave, another he acquitted. You remember both. And how looking on this friendless outcast, if any of us can say to her, "I am holier than thou," in that respect in which she is charged with sinning, who is he? The Jews who brought the woman before the Savior, have been held up to the execration of the world for two thousand years. I always respected them. A man who will yield to the reproaches of his conscience as they did, has an element of good in him, but the modern hypocrite has no such compunctions. If the prosecutors of this woman whom you are trying, had but brought her before the Savior they would have accepted his challenge and each one gathered a rock and stoned her in the twinkling of an eye. No Gentlemen of the Jury, do as your Master did twice, under the very circumstances, that surround you. Tell her to go in peace!



# PLAIN TALK

JULY 1930

## OHIO—LAWLESS and UNASHAMED

• • • • Prohibition in Ohio  
has led to debauchery of a most revolting sort . . . orgies  
are staged by dry politicians in hotels where liquor can  
be got from any bellboy . . . racketeering invades the  
State, and taxpayers pay through the nose to parasites  
bred by disrespect for the law . . . good corn liquor sup-  
ports a town which was once a mining center . . . crime  
increases . . . divorces double . . . corruption spreads.

• • • By Walter W. Liggett

**O**HIO is a great State, rich in resources, with a splendid citizenry, many distinguished native sons, and a record of achievement of which her people may well be proud. But Ohioans would be prouder if by some miracle they could wipe out twelve years of the immediate past and forget the nightmare of Prohibition imposed upon them by a group of rule-or-ruin fanatics who operate under the banner of the Anti-Saloon League and commit their crimes in the name of temperance.

Dry but drinking legislators . . . State officials who back churchly candidates, but themselves preside over private bars at Republican conventions . . . public utility lobbyists wining and dining staunch Anti-Saloon League

followers and throwing mixed parties where "wild women" do their stuff . . . boozy delegates ironically applauding a speaker as he extols the Volstead Act . . . Cleveland's wringing wet boss supporting Herbert Hoover . . . 35,000 blind-pigs in a State where there were less than six thousand licensed saloons before "Prohibition" . . . stills on farms and speakeasies everywhere . . . whole communities of miners making moonshine . . . liquor consumed in the Capitol building itself to celebrate the passage of a measure drafted by Anti-Saloon League leaders . . . drunkenness increasing . . . divorces doubling in a single decade . . . more convicts per population than any other state but Indiana . . . prisons so full that

bootleggers are released on parole and allowed to pay fines by peddling more booze . . . murders, bombings, every sort of racket growing daily . . . a trail of corruption that involves Federal, State, county and local officials . . . cowardly politicians of both parties truckling to reactionary dry dictators who in turn take orders from crooked Big Business . . . a State debauched by so-called reformers . . . a people denied the fundamental right of representative government — this, in short, is the panorama of Ohio after twelve years of so-called Prohibition.

**I**S THE picture overdrawn? Then let's etch in the details:

The Ohio League of Republican Clubs is holding its first annual banquet at the Neil House, in Columbus, on the evening of March 6, 1930. It seems more like a college reunion than a political conclave. Eighteen hundred Republicans are assembled from all parts of Ohio. There is back slapping. Greetings are shouted from table to table. Gaiety is in the air. Many of the men wear crimson flowers in their button-holes. It is noticeable that the noise is greatest wherever the delegates with red *boutonnieres* are grouped together.

United States Senator Guy D. Goff of West Virginia — guest of honor — has launched into a carefully prepared "key-note speech". For ten minutes he has been expatiating in badly mixed metaphors about the glories of the Republican Party. The West Virginian has the reputation of being the dullest speaker in the Senate. He is particularly inane on this occasion. The under-current of chatter swells. Women delegates frown rebukingly.

Senator Goff drones on with dreary platitudes about the moral grandeur of the party of Lincoln, Garfield, Roosevelt and McKinley. (He doesn't mention Denby, Daugherty, Fall and Sinclair.)

The whispering grows in volume. Delegates at distant tables hardly pretend to listen. Those nearest the speaker are hard put to seem polite. Men tiptoe from the room — and some don't bother to depart on tiptoes. Wives of State officials at the speakers' table frown reproval again. Once the chairman seems about to rap for order; hesitates; thinks better of it.

Suddenly the whispering stops. For the first time since he was introduced, delegates are craning forward and really listening to the speaker. What was that he said?

Ssh! Something about Prohibition. The Senator sips a glass of water and resumes:

"My friends, I believe in the Constitution of the United States and I believe in the Eighteenth Amendment and the Volstead Act absolutely."

Once more a sudden silence — a silence you can cut with a knife. Then comes a curious tinkling sound as hundreds of knives and forks rap against glasses. It rises for a moment and fills the room like the faint ringing of bells. Senator Goff, obviously startled, pauses. Reporters grab pencils — alert for a possible sensation. Is there to be a demonstration against the guest of honor when he urges Prohibition? What a story! Good for page one on any man's paper.

**F**OR A few seconds the great banquet hall is tense with suspense. Then courtesy asserts itself. There is a salvo of applause — and it is noticeable that the minority of women make most of the noise. Keen eared observers detect an unmistakable undertone of ironic jeers.

"I am opposed to alcohol as a beverage," Senator Goff goes on. "It poisons the human mind and diseases the human body; robs man of his honor; destroys in women those characteristics that make her sacred; takes from motherhood its

holy purity; robs girlhood of its refreshing sweetness; destroys domestic peace; palsies mankind; fattens on crime; drives God from human life . . ."

Applause again — led by grimly courteous women delegates — and louder this time because it must be louder to drown out gusts of raucous laughter from outlying tables where the red *boutonnieres* are thickest.

**D**OES Senator Goff sense some hostility? Does he begin to suspect that at least 25 percent of his auditors have been drinking? Does he fear that a hearing outwardly respectful may not continue so?

He speaks more rapidly, skipping whole paragraphs of his prepared address. Especially significant, he omits another reference to the Volstead Act.

The whispering swells again as the speaker stumbles on interminably about "sons of Ohio . . . Grant, Hayes, Garfield, Harrison, McKinley, Taft, Harding . . . immortal men who saved the Union . . . who believed in honesty and integrity."

At last the peroration. Great oratory, this. The hill-billies of West Virginia eat it up.

The Republican Party today, as it has always done, dips its finger in the sunlight and writes on the blue arch of Heaven that life, liberty and the right of man to own himself and to be his own proprietor are the forget-me-nots of eternity that hang over the walls of immortality and grow on the gates of everlasting life. [BELIEVE IT OR NOT, BUT THIS IS THE SPEECH AS ACTUALLY DELIVERED.] I, as you, love this land of our birth bounded by lakes and seas, domed by the eternal blue and the twinkling stars, and if our Ship of State is to sail on, it must pursue the same course followed ever by those who seek the heaven of equality, liberty and aspiring happiness, or compassless and pilotless enter an uncharted sea surrounded by the reefs of American principles — a democratic ocean of coalition reaction, where the standards of life have lapsed to worse and the deserving and the ambitiously fit can never approach or grow closer to the realization of those dreams that draw man nearer to his God.

Senator Goff sits down. Genuine applause follows, applause that shakes the chandeliers. The rows of red buttonholed delegates in the rear tables rise and roar their relief. A table is tipped over but the crash of smashed china is hardly heard in the general confusion.

Flasks appear here and there. At one table the diners pooled the contents of hip-pocket containers into a pitcher and poured liquor during the banquet. Now that the guest of honor has finished, more and more men are flocking out for refreshments.

A dozen impromptu speakers are trying to struggle to their feet. Some are pulled down. Others are encouraged by table-pounding friends. One handsome young fellow — patently soused — staggers up to the radio microphone and raps for order with a spoon.

"Speech! Speech!" demand one-third of the delegates. They know he is drunk, but they are half drunk themselves and probably would enjoy a little plain speaking after the Senator's flights of fancy.

"Take him away! Stop it!" others are urging. Mrs. Myers Y. Cooper, wife of Ohio's Governor, is only a few feet from the microphone and visibly embarrassed.

Two men lay hold of the would-be orator and try to pull him away from the mike. Several of his friends resist. The banquet hall is in pandemonium. The souse actually starts a speech but his remarks are inaudible in the uproar. Fully five minutes elapse before he is hauled away. Soon after, the gathering officially ends.

**T**HE BANQUET described above was the culmination of a full — we had better say a crowded — and happy day for wheel-horses of the Republican Party in Ohio. Hamilton County delegates, mostly hailing from Cincinnati, came north on a special train. Cincinnatians

are not known as dries and they never were less so than on this occasion. Many delegates were very "well organized" before the train started and liquor was aboard to while away the trip's tedium.

CUYAHOGA County delegates from Cleveland, three hundred strong, sped south in an eight-coach special train and long before the train reached Columbus fully thirty percent of the Clevelanders obeyed literally the injunction printed on the official program to "Whoop it up for Cuyahoga".

By a curious coincidence the Ohio League of Republican Clubs convention was held on the same date fixed by the Communists for their nationwide mass meetings of protest against unemployment.

The scheduled Communist meeting in Columbus had been well advertised and throngs of curious citizens gathered in Capitol Square during the noon hour. Shortly after twelve o'clock a young woman Communist climbs on a soap-box at Broad and High streets. She hardly finishes saying "Comrades", before she is hauled off the soap-box by a brawny police sergeant and charged with holding a meeting without displaying the American flag.

At that instant the strains of a brass band are heard, accompanied by a chorus of wild shouts. The throng turns as one person. Along High Street can be seen the head of an approaching column.

"Here they come", the crowd shouts. "It's the Communists!"

Police motor cycles roar and the pistol-like backfires add to the excitement. "Head them off!" shouts a police officer, and gripping his baton, he leads his platoon down the street at the double quick. The crowd stampedes in the wake of the policemen expecting a glorious row. Men and women rush from office buildings and line the already jammed curbs.

"The Communists are coming! The Communists are coming!" is the cry all along the line.

But these marchers do not look like starving unemployed. Some seem a bit wild eyed — others are shouting and gesticulating — and there is more than a sprinkling of swarthy faced foreign looking men among them (from the Polish and Bohemian wards of Cleveland) — but the majority are fat, well groomed, anything but discontented. And there is the American flag waving bravely as it is borne before the band.

Male citizens doff their hats. Puzzled police withhold their charge. Then, as the marching column draws nearer, it is seen that the procession is headed by the Honorable Carmi Thompson (whose features so often displayed on campaign lithographs are familiar to every Ohioan) flanked by Gus Hirstius and Jimmy Jappe. These are not Communists. Hurrah! Hurrah! The Republican delegation from Cuyahoga County has arrived!

Delegates who forgot to bring their own — or exhausted the supply en route did not suffer after reaching Columbus.

The Honorable Edward Schorr, Director of the Ohio State Department of Commerce, warm personal friend and campaign backer of Governor Cooper, thoughtfully had caused a portable bar to be set up in a suite of rooms in the Deshler-Wallick Hotel where he acted as host while a corps of capable bartenders dispensed spirituous liquors to all comers from noon until 5:30 p.m. when the bar was hastily shut down so that delegates might attend the reception in honor of Senator Goff and Governor Cooper in the Neil House lounge room.

COLONEL Schorr had instructed an attendant to pin a red flower in the button-hole of every delegate who visited the barroom. As the day wore on, red flowers were so frequently seen on the

streets of Columbus that one visiting delegate from the rural districts is said to have asked why the date of Poppy Day had been advanced. This quaint conceit of Colonel Schorr's explains why the rear tables of the Republican Clubs' banquet looked like geranium beds in bloom.

ONE WONDERS whether the simple Senator and guileless Governor were puzzled by the fumes of alcohol which must have pervaded the lounge room during their reception? Possibly — like Tex Guinan — they did not recognize the aroma, as it is conceded both are dry. Some cynics advance the opinion that Senator Goff, unused to liquor, may have been slightly affected by the alcoholic atmosphere. They argue, plausibly enough, that it is impossible to account for his speech on any other hypothesis.

Extremely wet parties attended by politicians who profess to be dry are no novelty in Columbus. The Ohio Legislature — preponderantly rural — is controlled by a close working alliance between the Anti-Saloon League and the public utilities; the corporation lobbyists are lavish with liquor; and it is notorious that the thirstiest hangers-on in their Columbus headquarters are the same legislators who jump the fastest and farthest when Anti-Saloon Leaguers crack the whip.

Frank C. Schmidt of Toledo, head of the Liberty Highway Company, has been influential in getting laws passed favorable to big bus companies. His visits to Columbus when the Legislature is in session usually are marked by very convivial gatherings and certain prominent dries are habitual partakers of his hospitality. The bus magnate always has "open house" at his hotel rooms and occasionally he spreads himself and puts on a "real party". Invitations to these Babylonian revels are eagerly sought.

Schmidt, known among his intimates as "King Tut", threw a very wild affair

at the last session of the Legislature — in March, 1929 — to celebrate the passage of House Bill No. 141, introduced by the Honorable Joseph G. Ehrlich of Cleveland, which, among other things, permitted bus lines to use trains of trailers on the public highways.

One of the best Columbus hotels was the scene of the gaiety. Several rooms were thrown into one and an ample supply of liquor was laid in. Six girl "entertainers" were thoughtfully provided by the host. Legislators drank lustily. Some sat on the floor shooting craps. Later the "entertainers" did their stuff. As the evening wore on and the drinking progressed, the party got rougher. One girl had her skirt torn off and thrown out of the window, but her feelings were assuaged with the price of several new skirts and she ultimately departed in good humor. Between thirty and forty lobbyists, State-house employes and legislators were present at one time or another. At least six of the Solons who attended are best known for their outward devotion to the dry cause. "King Tut" has thrown even wilder parties to further his legislative ends. At one of these festive occasions no less than twelve girls were present for the edification of the guests. Six of the girls were colored. They danced in the "altogether" — and this was but one of their diversissements.

MIXED parties seem quite the thing in Columbus legislative circles, possibly because of the necessity of wooing the Negro vote. At the last session of the Legislature, members of a colored musical comedy troupe were brought to a party given by a well known public utility lobbyist. Unfortunately the supply of liquor ran low, but the party was saved from being a complete flop when the colored artists sang — and ironically enough they sang hymns.

Columbus boasts it is "95 percent

American" and of course under Prohibition it should be one hundred percent pure. Have the dry legislators corrupted the community? Certain it is that these once moral mid-landers now frequently go in for obscene orgies that hardly can be paralleled outside the debaucheries of the decadent Roman emperors. Is definite proof desired?

ON APRIL 16 of this year at the Southern Hotel, the North Side Business Men's Association of Columbus celebrated the end of its bowling season with a banquet. Raw, red liquor preceded the soup, and by the time the sherbet and coffee cups were cleared away a majority of the assembled merchants were very well "oiled".

While in this mood a collection was taken up to pay for "dancing girls" and a self-constituted committee of "real wise guys" set forth to find the women. The hotel management obligingly provided a victrola. While the committee was searching for girls—inside the hotel—businessmen shot craps on the banquet hall floor. Finally the committee returned with three rather passé prostitutes. Puffing old men and livid faced youngsters scrambled for the best ring-side seats.

Several dances by the near-nude women; then they made the rounds of the banqueters and personally solicited additional funds for "the real thing". Money was forthcoming and two of the girls cavorted again, clad only in strands of synthetic pearls. Another consultation between the girls and the "committee"; another announcement by the chairman; another table-to-table solicitation by the naked girls; and—but decency forbids description of what followed. Suffice it to state it was a form of degenerate "entertainment" that ten years ago could not be seen outside the brothels of Paris, Marseilles, Rio, or Port Said. Today it is so popular in Prohibition Ohio that

an "employment bureau" for the express purpose of providing these "dancing" girls does a thriving business in Cleveland.

Under local option—a principle with which no reasonable person can quarrel—Ohio was steadily becoming drier and, prior to the passage of State-wide Prohibition in 1918, there were only 5600 saloons in the entire State.

The Anti-Saloon League's first attempt to force State-wide Prohibition in Ohio came in 1914 and wets countered with a home rule amendment which repealed county option. The wets defeated State-wide Prohibition by a majority of 84,152 and carried the home rule amendment by 12,618 votes.

The dries initiated another State-wide Prohibition amendment in 1915 which was defeated by 55,408 votes. In 1917 the dries renewed the fight and once more State-wide Prohibition was voted down by a majority of 65,792.

In 1918, when Ohio's young men were absent in France or training camps, the dries submitted a fourth State-wide Prohibition amendment. It carried by the slim majority of 25,759 votes and the saloons were closed in the spring of 1919. That the dries literally "put over" Prohibition when thousands of Ohio's voters were in the army is proved by the fact that 1,110,972 persons voted in 1917, whereas only 901,549 voters participated in the 1918 election.

WETS tried to repeal the State-wide amendment in 1919, but the dries won by a majority of 41,853 and also defeated a proposal for the sale of 2.75 percent beer by 29,781 votes.

The Ohio Legislature ratified the Eighteenth Amendment on January 7, 1919, by a vote of twenty to twelve in the Senate and 85 to 30 in the House. A drastic bone-dry State enforcement act speedily followed.

However, the Ohio constitution

reserves to the people the right to approve or reject action by the legislature in ratifying Federal Prohibition, and in November, 1919, the voters of the State were called to pass their opinion on Federal Prohibition. It was a bitter fight with 1,000,321 ballots cast. The wets won by a bare majority of 479 votes. The Ohio Supreme Court declared this referendum unconstitutional.

WETS were encouraged by the vote and in 1922 submitted another measure permitting 2.75 percent beer. Women voted in Ohio on a wet and dry issue for the first time and the result was a decisive dry victory by a majority of 189,472.

The history of state dry enforcement in Ohio is a shameful record of terrorism, brutality and wholesale corruption. The office of State Prohibition Commissioner was created in 1921 and twenty inspectors were paid regular salaries. In addition, some 110 "card men" were designated as State Prohibition officers without pay. Their recompense was to come from "splits" in fines after they haled dry offenders into court.

Responsibility for enforcement of the State dry law was placed upon local justices of the peace and constables. Like the card men, their only compensation came from collecting fines and "costs" from persons they convicted. Inasmuch as they received no fees unless the defendant were found guilty, a fair trial was an impossibility. These justices customarily assessed stiff fines upon the unsupported statements of the constables who were their fee sharers and confederates.

The 2300 justices of the peace in Ohio employed some ten thousand constables. Many were men with long criminal records. Armed with revolvers and carrying clubs, sometimes showing the badge of their authority, but more often having none, they searched the

highways and byways for liquor offenders. Homes were raided on mere suspicion or broken into without warrants. Warrants were issued in blank to be filled in after the search. Property was stolen. Men were shot at or beaten; in numerous cases women were insulted and sometimes assaulted; children were frightened into hysterics. If the fee-grabbing constables could not find liquor they frequently framed victims. Whisky bottles often were planted in parked cars and later the innocent owners would be arrested and fined before what amounted to kangaroo courts.

Seized liquor was often sold by the constables and when second and third offenders were captured many justices—for a consideration, of course—would reduce the charge of possessing or selling liquor to the less serious charge of drunkenness. Cases could be dismissed entirely if the right arrangements were made. Many constables made it a point not to capture stills and often prisoners were released after conviction and allowed to pay their fines in instalments by continued bootlegging. Bribery and blackmail by card men were of daily occurrence all over Ohio.

SOME of these crooked constables and hijacking justices collected such huge fees that State Prohibition officers on regular salaries resigned to become "card men." A. W. Hecker, constable in Fairview Village, made \$17,075 in 16 months and many card men, justices of the peace, mayors and village magistrates made from \$6000 to \$13,000 a year.

Rev. John A. Rutledge, formerly superintendent of the Anti-Saloon League in northern Ohio, was one of the most notorious of the justices. Rutledge, who was dismissed from the State Board of Parole in 1922 for using his ministerial pass in railroad travel and then



charging the State for full fare, got himself elected justice in Rocky River, near Cleveland, and had his son-in-law appointed village solicitor. They sent out raiding squads, established speed traps, and did a land-office business.

**R**UTLEDGE was forced to return thousands of dollars which he had illegally collected in fees and Ralph Wilcox, his chief raider, was given a three-year prison sentence for extortion. Rutledge is now preaching in a Methodist church at Rocky River.

George C. Southwell, secretary of the Dry Maintenance League and Anti-Saloon League superintendent in the Cleveland district, also profited from fee splitting by providing detectives who worked under the direction of various justices.

The Ku Klux Klan boasted of three hundred thousand members in Ohio when the State dry law was passed. Whippings were frequent. A set of vicious morons were in the saddle and the State administration was too cowardly to interfere. Most of the grafting card men were affiliated with the night riders. A veritable reign of terror resulted. Constitutional guarantees were flouted. Men were prosecuted on mere suspicion or because of spite work. No one was safe. Dry raiders illegally ransacked the house of Senator George Bender of Cleveland — probably because he opposed the tyranny of the Anti-Saloon League — but they found no liquor and since then Senator Bender has collected eight thousand dollars in damages from their bondsmen.

Between 1921 and 1924 no less than 21,005 persons were arrested in Ohio by State enforcement officers and they were assessed more than four million dollars in fines. A large share of this money went to the personal enrichment of the thugs and grafters who had been given cards by a complaisant State

administration under the domination of the Anti-Saloon League and the Ku Klux Klan.

Conditions became so intolerable that in 1925 Federal Judge John M. Killits of Toledo declared "Prohibition enforcement has become a commercialized activity rather than a dispensation of justice."

The investigation which resulted revealed that there was hardly a single community in the State where some constable, marshal, justice of the peace, magistrate, mayor or card man had not been accused of extortion, frame-up, assault or hijacking. Many of them had embezzled the excessive fees they had collected.

In Cuyahoga County alone 64 constables and justices were detected in irregular practices. Seven were sent to the penitentiary, 23 got workhouse sentences and five fled before they could be arrested. Seven justices of the peace resigned their dockets, another was ousted, a third fled, and eight others hastily announced they would try no more liquor cases in order to head off prosecution. Conditions were equally bad in other parts of the State. Finally the 110 State card men were summarily dismissed by Governor Donahey on May 5, 1924.

**U**NFORTUNATELY, this did not put a stop to dry terrorism in Ohio. Some of the State Prohibition inspectors were almost as obnoxious as the deposed card men and constables and justices of the peace continued to graft in all parts of the State. B. C. McDonald, State Prohibition Commissioner under Governor Donahey, was merely a "show window" and Frank S. (Czar) Evans really ran the squad. Evans was a hard boiled "go-getter" and there were complaints from all parts of Ohio about the high-handed tactics of the State dry inspectors.

Evans over-reached himself in December, 1924, when, with Inspectors Frank Mullen and O. E. Ropp, he raided the private apartment of a reputable young woman in Columbus who was employed as private secretary to a State official. The dry sleuths found about a gill of whisky which the girl had taken from a boy friend. Evidently there was politics in the case, for not only was the girl arrested, but so was a Columbus city official who had just returned with her from a dance. But the State official who employed the girl and the city officer arrested with her had sufficient influence to have Evans and his subordinates fired forthwith. Evans was succeeded by S. A. Probst, formerly a district superintendent of the Anti-Saloon League.

**P**ROBST speedily distinguished himself by raiding the Hillcrest and Maketewah country clubs near Cincinnati — and plenty of liquor was uncovered. Probst next raided the palatial home of Samuel E. Stephenson at Jackson while 132 guests were being entertained. On this occasion a dry raider tried to force his way into a room where a woman was dressing. Then the home of two old Catholic ladies was raided at London, Ohio, and one woman was so badly frightened that she fainted. No liquor was found.

Probst and his men shot at H. F. Jackson and his wife and baby as they were driving along a road near Springfield and a triple tragedy was narrowly averted. No liquor was found in the car. The young farmer's offense seemed to be that he was in a hurry to get home and driving faster than Probst thought proper.

Anti-Saloon League officials at Westerville did not like Harvey E. Nutt, town marshal, and February 4, 1926, two State dry agents declared they found a woman in his room. Unfortunately for the success of the frame-up, several

religious students who were passing said they saw Nutt enter his room alone. A few minutes later the woman followed accompanied by the two drys.

It developed that the woman, a well known prostitute and shoplifter, was on the State payroll. She claimed she had been forced to participate in the frame-up after threats had been made to jail her bootlegger husband. That finished Probst.

In March, 1927, the United States Supreme Court in the Tumey case, handed down an opinion written by the late Chief Justice William Howard Taft which declared that no judge of an inferior court was competent to act in any case in which he had a direct pecuniary interest in finding the defendant guilty by reason of fees paid him which he would not receive if the defendant were acquitted. This sweeping decision made it illegal for justices of the peace and village magistrates to continue to split fees and collect costs in liquor violation and speed trap cases.

The 2300 justices and their ten thousand constables — with the Methodist clergy — long had been the shock troops of the Ohio Anti-Saloon League. Dry leaders were shrewd enough to see that the Tumey decision threatened their political power.

The Legislature was in session and with the Anti-Saloon Leaguers cracking the whip, Senate bill No. 72 was promptly introduced by Senator L. T. Marshall of Xenia. The Marshall bill provided that constables be allowed fees of \$175 per month and justices up to \$250 per month. In other words they were to be paid regardless of acquittal or conviction.

**S**ENATOR Alton H. Etling of Orville introduced a companion bill which also was desired by the Anti-Saloon League. Etling posed as a dry and was elected with Anti-Saloon League and W. C. T. U.

support. The night his bill passed he invited a number of newspapermen to his room and personally served them with drinks. Liquor also was consumed in the Capitol building on that occasion.

**THE MARSHALL** bill was rushed through the Senate by a vote of 21 to eleven and the House of Representatives 93 to nine. Governor Donahey permitted the bill to become a law without his signature.

Senator George H. Bender of Cleveland started a referendum petition which met with an overwhelming response. The Marshall bill was placed on the ballot to be rejected or ratified by the voters of Ohio in the election of November 8, 1927.

The Anti-Saloon League got squarely behind the measure. So did the Methodist Church. So did every strong-arm constable and hijacking justice. It was a clear cut wet and dry issue, but Ohio had had enough of terrorism and when the smoke of battle cleared away the Marshall bill was snowed under by a vote of 916,016 to 438,458. That smashing defeat sounded the doom of the Anti-Saloon League in Ohio. Since then its power has been steadily slipping.

In 1926 the Anti-Saloon League of Ohio received \$126,000 in contributions. In 1928 its donations had dropped to \$108,000. Last year the Ohio branch collected only \$72,000. Many churches are refusing to allow Anti-Saloon League speakers to solicit from their pulpits. Hundreds of individuals who formerly donated generously have been disgusted with the effects of Prohibition and now refuse to give.

*The American Issue*, the organ issued by the Anti-Saloon League, formerly was a weekly. Now it comes out every fortnight — and occasionally it comes out but once a month. I spent a day in Westerville, national headquarters. Once the Anti-Saloon Leaguers

ran the whole town. Now they have little local influence.

Only two autos were parked in front of the big printing plant — which incidentally, is privately owned by an inside circle of Anti-Saloon League officials who get a nice personal profit out of dry propaganda — and the headquarters building seemed deserted. Townspeople told me the organization is slow paying its bills. The League also is selling part of its real estate. Postal receipts in Westerville have dropped from \$87,000 in 1924 to \$38,000 last year. Decidedly the Anti-Saloon League is on the wane.

I also heard a very interesting story about the handsome residence which serves as headquarters.

Howard H. Russell, founder of the league, originally built the house but was unable to meet the payments. Ernest H. Cherrington, editor of *The American Issue*, took over the house from Russell. Editor Cherrington got involved in some real estate transactions and tried to persuade the Masonic Lodge of Westerville to buy the residence for \$17,000 as a clubhouse. Failing in this, he finally sold the residence to the Anti-Saloon League for \$25,000 (another nice profit). I am told the Anti-Saloon League is having trouble meeting the mortgage payments and eventually the house may find its way back into the hands of Russell.

**WESTERVILLE** is far from being bone dry. There are at least twenty speakeasies in the town and bootleggers call on their customers almost as regularly as the milkmen. A denominational college in Westerville is run by the United Brethren and a fairly large proportion of the college boys and girls are thoroughly familiar with the taste of hard liquor. High powered home brew is manufactured in hundreds of Westerville residences and some of the

country club dances are decidedly moist. Westerville dries boast that there hasn't been an open saloon in the village since 1875 — when some fanatics dynamited the single barroom, endangering the lives of the proprietor and his family — but there is plenty of drinking now despite the saintly example of the Anti-Saloon League leaders.

**INCIDENTALLY**, it is interesting to know that Joseph Larrimore, secretary of the World League against Alcoholism, after attending a decidedly wet party at Westerville not many moons ago, became so exuberant that he hurled his straw hat upon the ground and jumped on it. Maybe his excitement was merely contagious.

However, Westerville is neither better nor worse than other towns of Ohio.

Recently the Circleville *Herald* complained editorially that the town was wide open. The *Herald* declared bootlegging was flourishing; slot machines were being operated throughout the city, and that there was a notorious gambling dive within a stone's throw of the city hall. The *Herald* asserted there are more speakeasies in Circleville than at any time since Prohibition and that even children gamble and drink.

Consider Middleton, a city of 30,000, in southwestern Ohio. Butler county has 125,000 population. Fifty percent of its people are farmers and at least 90 percent are native born Americans. Here is the prohibition news of Butler county in a single week as recorded by the Middletown *Friday Noon*. In the issue of March 28, 1930, under the caption "Liquor Rampant", Editor Frank H. Traysur writes as follows:

"Prohibition, or lack of it, held Bacchanalian revel in Butler county this past week. Hamilton and Middletown newspapers day after day streamed sensational lurid accounts of murders, deaths, paralyzed 'Jake' victims, shootings, fights, court cases, all directly or indirectly traceable to liquor. Booze fairly dripped from every story.

"At Middletown the toll was heaviest. There a policeman was killed by a paroled bootlegger who said, 'I wouldn't have done it if I hadn't been drunk.' His companion, shot in the same gun battle, is dead. The man and woman who gave

shelter to the murderer are under indictment. They, too, have records as liquor law offenders. At Middletown, too, 'Jake' drinkers have stumbled to physicians to be cured of a strange paralysis sweeping the country in epidemic form.

"At Venice, Arthur Haefner, 26, died in agony, a victim of poison liquor.

"At New Miami, Enoch Stamper, 22, was found dead in bed. Poison liquor.

"At Oxford, Mayor Harry Roadbaugh, instigator of a campaign to clean up the college town, fined bootleggers. Early next morning, before daylight, two charges of lead from a shotgun were poured into windows of his home. In special session Oxford village council sensed revenge as the motive, voted a reward for arrest of the gunmen.

"At Hamilton, in a café where men gather at night to sip glasses of wine or cans of home brew, two youths, exploding with moonshine, swung fists encased in brass knuckles, caved in faces, cracked skulls, wrecked the speakeasy before police carried them away. In common pleas court Judge E. J. Kautz fined a man \$150, not for selling liquor but for giving away a drink, as much an offense as any Crabbe act violation if one happens to give the drink to an officer."

At Sidney and Lebanon, both small county seat towns, liquor can be purchased within a block of the court house according to former residents. In Mt. Gilead three saloons can be seen from the windows of the prosecuting attorney.

I spent a day at New Straitsville in Perry County, about sixty miles southwest of Columbus. The town only has about 2200 population, but it supports at least 50 speakeasies — or rather the speakeasies support the town. Corn whisky is now the principal product of Perry County, which was once a mining region.

**MORE** than forty years ago the Old Troy mine was set on fire during a strike. The subterranean conflagration has been spreading ever since. About 36 square miles of coal veins are now on fire.

Smoke from the burning mines streams upward from thousands of fissures. It has become necessary to close the Straitsville school several times because of gas fumes rising from the earth. Roads collapse; great gaping pits appear in front yards; smoke and flame suddenly billow out of caverns. Trees do not leaf, and there is little vegetation. It is an uncanny region.

Originally there were about six thousand miners in the Straitsville district. Most of them were Scotch, English and

Welsh. The mines haven't run for years. Now those who remain make moonshine in the abandoned mine shafts. Many pit entrances are flooded and the stills cannot be reached except by wading waist deep, or, in some cases, by hidden rowboats. The stills are hard to find and the finished product is concealed in walled-up passageways. Some of the moonshiners have tapped the electric light wires and gas mains that still remain in the old mines.

**T**HE BOSS bootlegger of Straitsville — who organized the moonshiners — told me there were three thousand stills in the Straitsville district. About one-third of them are operating most of the time. Stills are hard to detect by sight or scent in this "Valley of Ten Thousand Smokes". The output of the Perry County moonshiners certainly is not less than fifty thousand gallons a week — and probably a great deal more.

"What else can we do?" the boss bootlegger asked me, rather plaintively. "The mines are done for and you can't farm in this country. We haven't anywhere else to go. It's either make corn liquor or starve."

The boss bootlegger told me he personally paid the salary of a minister and that the profits of moonshine kept the Straitsville schools running.

"Do you have much trouble with the dry agents?" I asked.

"Not with the Feds," he responded. "County officers have arrested me seventeen times, but they never do more than fine me. They know I'm a public benefactor. If these stills were put out of business we'd all have to go to the county poor farm."

Incidentally, Straitsville whisky is cleanly and honestly made. It wholesales around six dollars per gallon and is sold in Columbus, Cincinnati, Cleveland and even as far west as Detroit. I am told that one Akron pottery is kept busy

turning out jugs for Straitsville moonshine. The Volstead law has been a boon for Perry County.

Admittedly the situation in the Straitsville region is unusual, but lots of corn liquor is being distilled in the hill counties that border the Ohio River and stills and speakeasies can be found on farms in every section of the State. Dry agents are constantly capturing stills and many have a surprisingly large output. A distillery with two six-hundred gallon stills, three four-thousand-gallon vats and nine two-thousand-gallon vats was discovered three miles north of Holland, Ohio, when I was in Columbus. It had a capacity of three hundred gallons of liquor a day and fifteen thousand gallons of mash were "setting" when the officers arrived.

It is estimated that there are at least 35,000 speakeasies in Ohio today and nobody knows how many stills or how many itinerant bootleggers. The 35,000 speakeasies sell considerably more liquor than did the 5600 saloons which remained in the State just prior to Prohibition. Traveling men, newspaper correspondents and others say there isn't a town in Ohio where liquor cannot be procured without much difficulty and most persons in position to observe also agree that there is much more drinking now than ten years ago — especially among the younger generation.

**R**OADHOUSES dot the State highways leading from every large city. Most of them are wide open. All you need is a telephoned introduction or someone's name scribbled on a card. You can get into some places without that. Minors are admitted. I saw fairly young girls standing up to a bar and drinking hard liquor in two roadhouses between Cleveland and Akron on a Sunday afternoon. What was dry territory under local option — and it was really dry then — has become wringing wet. Low boozing

dens used to be confined to city slums; now you find them on the farms and in the smaller villages.

So much for the smaller towns and rural regions. Consider next the cities of Ohio:

**C**OLUMBUS, State Capital, has about one thousand speakeasies and beer flats and approximately four thousand bootleggers — and that is a conservative estimate if bellboys, taxi drivers and colored hip-pocket vendors are included. Hotel attendants specialize in quick service and provide fairly good liquor, too. In the vicinity of the University of Ohio are numerous apartments which cater to the student trade.

Columbus is football crazy and crowds of eighty thousand frequently turn out to watch Ohio State play its traditional rivals. After the game with Michigan last year the hotels were literally filled with carousing parties and the streets were crowded with genial drunks. The old grads could carry it, but some of the students were a bit boisterous. Hundreds of pillows were cut open and the feathers dumped out of hotel windows. Furniture was smashed. From one hotel alone between 140 and 150 intoxicated students were taken out by the police.

Cincinnati was settled by Germans and was always known as a "beer town". Some of its breweries bootlegged the real stuff long after Prohibition, but now its people rely largely on home brew. I am told that more malt is sold in Cincinnati per capita than in almost any other city in the United States. Contrary to general opinion, there are probably fewer speakeasies in Cincinnati than in most cities of similar size and the police have been conducting a vigorous campaign against prostitutes — in some instances illegally picking up women on mere suspicion.

Notwithstanding the popularity of home brew, lots of hard liquor is consumed in Cincinnati — the police

records show an enormous increase in drunkenness since Prohibition — and when whisky or gin isn't available many of the drinkers go in for Jamaica ginger or bay rum.

When I visited Cincinnati there were 222 "Jake" victims in the General Hospital alone and health authorities estimated that between four hundred and five hundred persons were suffering from the effects of the fiery fluid. Seven of the victims have died. Yet a dry propagandist tried to tell me there was very little drinking in Cincinnati since the open saloon was abolished.

Gangsters and racketeers are getting a foothold in what was one of the most orderly cities in America; and crimes of violence increase every year. Practically all of the newspapers in Cincinnati are disgusted with Prohibition and openly advocate repeal of the Eighteenth Amendment. Sentiment is decidedly wet. Nicholas Longworth is one of the four Ohio Congressmen who dares express his honest opinion on Prohibition.

**I**N CANTON, former home of President McKinley, the chief of police and various subordinates were taking money from booze peddlers and proprietors of disorderly houses. City officials accepted presents of whisky; and beer or Canadian ale could be delivered in carload lots. Don Mellett, courageous editor of the *Canton Daily News* started to expose conditions and as a result he was shot to death as he was putting his car into a garage. A clean-up — only temporary — resulted; but it required this cowardly assassination to make the citizens of Canton realize to what an extent their city government had been corrupted. Thirty-five persons, including the former mayor and former chief of police, have just been indicted for booze corruption.

A Youngstown dry agent recently charged on the floor of the council chamber that when his men raided

speakeasies they "first have to push patrolmen out of the way".

Akron, the rubber manufacturing center, has at least one thousand speakeasies, five thousand bootleggers and one thousand prostitutes, according to information given to me by a former deputy sheriff and others. I visited Akron on a Sunday afternoon — the first time I ever stopped in the city — and in less than five minutes after my arrival was inside a speakeasy. Any stranger can do the same.

**T**HE HOME of M. C. Robinson, Ashtabula dry leader, was bombed on April 18, this year, presumably by bootleggers. It was the second bombing in Ashtabula within a week.

Dayton, Lancaster, Steubenville, Lorain, Sandusky, Tiffin, Troy, and a score of other Ohio cities have had liquor scandals, but again space forbids narration of the details.

Come now to Cleveland, metropolis of Ohio, a great industrial city with a polyglot population of slightly less than a million. The Anti-Saloon League's official organ a few months ago declared the liquor laws were well enforced in Ohio and Cleveland was the driest and cleanest big city in the United States.

This ostrich-like avoidance of facts may dupe those who contribute to the Anti-Saloon League with the mistaken idea of promoting temperance, but it is a ghastly joke to anyone who knows the truth.

Cleveland had 1200 high-license saloons before Prohibition. Today at least five thousand speakeasies are operating in the city, not including 2500 beer flats run by women; approximately twenty thousand persons are selling liquor, of whom not less than five thousand are professional bootleggers; and according to estimates by newspapermen, police officers, hotel bellboys, taxi drivers and men about town, there are fifteen thou-

sand prostitutes, if colored women are included.

Does this seem excessive? It is conservative compared to a statement made in the *Cleveland News* of February 14, 1923, by R. J. Donaldson who declared police officials estimated there were ten thousand stills in Cuyahoga County; thirty thousand bootleggers; and that one hundred thousand persons were making or possessed liquor for home consumption.

Cleveland is wetter today than it was seven years ago for the simple reason that the police have practically ceased making any real attempts to enforce Prohibition.

At present there are only ten men on the "raiding squad" under Captain McMasters, and Edward Barry, Director of Public Safety, evidently has cautioned them "to go easy". Chief of Police Jacob Graul is frankly out of sympathy with Prohibition. He has repeatedly told newspapermen that the law cannot be enforced, and is responsible for the increase of drunkenness, prostitution, robbery, murder and other major crimes. Chief Graul favors a return to the modified saloon and the sale of liquors as well as beer and wines.

**C**LEVELAND's city administration is openly wet. In 1926 by an overwhelming vote the Council memorialized Congress to permit light wines and beer.

The "Feds" also seem to be relaxing their efforts in Cleveland. Occasionally they stage spectacular raids on well conducted German beer clubs, but seldom bother the notorious dives that run wide open. On May 11, 1928, United States District Attorney Bernstein — whom the Anti-Saloon League had previously acclaimed as the most vigilant dry prosecutor in the entire nation — said, "The city is wide open and the Federal agents are not doing a thing". District Attorney Bernstein

added that "Cleveland is now in the worst condition since I took office. The city is rotten with bootleg booze".

Federal Judge John M. Killits concurred in this opinion, ironically expressing his wonder at what was being done with the millions of dollars appropriated by Congress for Volstead law enforcement, and suggested that the State officers try to dry up Cleveland.

The record of arrests for drunkenness in Cleveland plainly proves that drinking is steadily increasing. In 1917 — and that touched the high mark before Prohibition — 12,196 persons were arrested for drunkenness. The number dropped to 2991 in 1920 — the first year of Federal Prohibition — but it jumped to 6156 in 1921 and has been larger every year since. *Last year 32,751 persons were arrested for drunkenness.*

Police records prove that not only are men drinking more heavily nowadays, but that the liquor is more potent. The Cleveland cops have a system of "golden ruling" drunks. Seltzers or other restoratives are given to arrested drunks and when they sober up sufficiently prisoners are allowed to go home.

**O**F THE 12,196 drunks arrested in 1917, some 10,987 were golden ruled and only 1209 — or less than ten percent — were so badly soused that they had to be held over for police court.

Last year 11,842 — or 36 percent — of those arrested were so stupefied or violent that they could not be sent home and consequently had to face police magistrates the following morning.

Italians had a virtual monopoly in Cleveland bootlegging until two years ago, but profits have been so big that Jewish and Irish gangsters are "cutting in". To complicate matters, the Italian racketeers have started fighting among themselves. Within the last five months six persons have been "put on the spot". The first gang murders in Cleveland were in November, 1924, when Louis Rosen

and his brother-in-law, Adolph Adelson, were shot in a dispute about certain allotted "territory". Since then 38 killings can be traced to gangsters as the result of rum wars, and the police have a record of 168 other murders directly due to intoxication.

**S**O MANY killings have taken place at 110th Street and Woodland Avenue — in the heart of "Little Italy's" bootlegging district — that police reporters have dubbed it "Bloody Corner".

Diago De Palma, Carmello Mendola, Wyman Weinberg, Salvatore Vella, Ernest Yrokkel, Jack Brounstein, Joe and John Lonardo, Ben Nadel, Leo Kline, and Salvatore Todara are some of the gangsters who have been given "the works" in this vicinity by rum rivals.

One of the most spectacular recent killings was that of Charles (Chuck) O'Neil, "Little Hollywood" liquor king, who was shot in the back as he sat before an open window in his home drinking his wife's health. O'Neil was supposed to be serving a thirty day sentence in the workhouse at the time he was shot. He had been illegally released by complaisant officials.

There are about eighty square blocks in Little Italy. It is a cheap neighborhood with small stores, and old, tumble-down houses, but I counted eighteen Packards, Cadillacs and Lincolns in a single block not far from "Bloody Corner". The inference is obvious.

Many "alley breweries" and several big cutting plants also are located in this section. If you "look all right" you can buy "dago red" in any restaurant in Little Italy. The same is true of the Hungarian and Polish sections. Beer and wine are served openly and there is home brew in a great majority of the homes. In the Jewish residential district there is more sacramental wine than seems necessary for purely religious purposes.

Women make the rounds of office



buildings ostensibly peddling flowers — on the plea their husbands are out of work — and in many cases they volunteer to sell whisky cheap. If the offer is accepted they will call in a small boy — who has been waiting in the hall — and take the whisky out of his hip-pocket.

Irish bootleggers have "muscled in" on most of the business in "Little Hollywood", the district bounded by 60th and 86th streets and Euclid and Hough avenues, which comprises nearly two hundred square blocks consisting mainly of apartment houses and old fashioned brownstone fronts. Most of the prostitutes and "hustlers" live in this section and it contains at least 1200 beer flats run by women. Approximately one thousand parlor houses — including both white and colored — are now operating in Cleveland and about one-quarter of them are located in "Little Hollywood".

Any taxi driver can give you a long list of "addresses" in this district and after eight o'clock at night the curbs are crowded with parked cars. Street-walkers are numerous, too, and several hotels — two of them owned by well known politicians — cater almost entirely to prostitutes.

**L**IQUOR is plentiful in Cleveland and fairly cheap. Hotel bellboys demand from five dollars to eight dollars a pint, but outside bootleggers will sell equally good stuff for \$2.50 to four dollars a pint. Corn and alky can be had for fifty cents to \$1.50 a pint. Bootleggers are offering corn liquor in two and five gallon kegs for seven dollars to eight dollars a gallon, including the charred keg. One bootlegger boasted recently that he sold three hundred kegs in a single week. Alley beer brings sixteen dollars a half barrel and Canadian beer can be had for thirty dollars a half barrel.

The bulk of the cheaper booze is brought from Youngstown, Pittsburgh,

or Straitsville; and the choicer brands are run up from Detroit by auto or smuggled across from Canadian ports by boats

**N**O ONE knows just how much Canadian liquor is run across Lake Erie under the noses of the Coast Guard. Only two months ago a 65-foot armored motor cruiser was captured off Lorain, Ohio, after a running battle and that single vessel carried three thousand cases of Old Pepper whisky.

Soon after the cargo was confiscated, bottles with Old Pepper labels were being peddled in Cleveland and Akron. It was advertised by word of mouth that this Old Pepper was part of the captured stock. This may have been nothing more than clever "sales talk" by bootleggers who were peddling synthetic stuff with faked labels. However, considerable confiscated liquor *does* appear later in commercial channels.

Racketeering is still an infant industry in Cleveland, but with a few more years of Prohibition it will probably attain big business proportions. The dry cleaners once paid tribute and then broke away from gangster domination. Efforts are being made to "organize" them again.

When I was in Cleveland gangsters were trying to force the undertakers into line. A hearse was blown up the day I arrived. There have been about fifteen bombings in the past year. Several gangs specialize in beating up scabs or breaking windows on non-union jobs. They have a regular rate schedule.

There are many "floating games," policy joints and poolrooms where you can lay a bet on the ponies, but at the same time gambling is far from being wide open in Cleveland. In all fairness it must be conceded that the Ohio metropolis is freer from racketeers and a far safer place in which to live than Detroit, Michigan, where Henry Ford

is constantly bleating about the blessings of Prohibition. However, conditions in Cleveland are nothing to write home about and they are steadily growing worse.

Maurice Maschke — Ohio's original Hoover man — is the boss of Cleveland and National Republican committeeman as well. His chief aides are Alex Bernstein, Herman Finkle and Gus Hirstius, who control populous Negro wards. They have organized the bootleggers, gamblers and racketeers until they have a machine that in efficiency — and corruption — justly may be compared with Tammany Hall. Recently Maschke ousted City Manager Hopkins in the face of protests by all the newspapers and about every decent person in Cleveland. It is predicted that the organization's next step will be to abolish the city-manager plan and restore the mayoralty. The Honorable Harry L. Davis, former Governor, and also ex-mayor, is slated for the job.

**B**ARE-FACED election frauds are frequent in Cleveland; liquor is openly used to influence voters; and the police do not dare raid dives that are protected by councilmen. One big beer joint operates openly just across from the City Hall and is patronized almost exclusively by politicians. Even policemen pay for their drinks there — which proves how strong its protection must be.

The police raiding squad visited a certain notorious hotel while I was in Cleveland, but before they could make arrests a State senator and a colored councilman appeared and demanded that they get out.

"Go back to the Fourth Ward and do your raiding," the councilman ordered. "Don't try to stage all your grandstand plays down in this district."

The next day the raiding officer and 40 patrolmen were shifted without explanation. The lesson is plain. Policemen who desire promotion — or want to

keep their jobs — must be mighty careful who, when, and where they raid in Cleveland — and especially in the downtown colored wards that furnish the needed balance of power to the Maschke machine.

**L**IQUOR and gambling cases are customarily "shuffled" by municipal court clerks so that the culprits will appear before "friendly" judges. Bootleggers with the "right" lawyers will be fined and released on parole — which means that they can promptly go back to bootlegging to pay the fines.

Investigation revealed on April 20, 1930, no less than 235 convicted bootleggers, who owed the city an aggregate of \$60,000 in unpaid fines, had been at liberty from one month to eight years. Such a system, of course, puts a premium on law violation, but the workhouses, city jails and penitentiaries already are overcrowded and there is no way of accommodating the constantly increasing floods of fresh offenders unless the Government resort to prison stockades — or possibly penal colonies.

Toledo also paroles liquor offenders who, of course, sell more booze to pay their fines. In fact, the situation exists to a greater or less degree in all parts of Ohio for the simple reason that if the third and fourth term liquor law violators were sent to the State penitentiary as the Crabbe act provides — there would not be room to hold them all.

Prohibition has brought corruption to every part of Ohio. Governor Vic Donahey was forced to remove the mayors of Canton and Massillon, the chief of police of Youngstown and a score of other officials. There is hardly a sizable city in the State that has not had its officials involved, and scandal has followed scandal in rapid succession.

Here are a few of the high spots:

George Remus of Cincinnati, one of the first to realize the possibilities of

bootlegging, claims he paid \$250,000 to Jesse Smith, intimate of Harry Daugherty — then Attorney General of the United States — for certain immunities. Remus owned seven distilleries in Kentucky at one time and asserts he sold twenty-five million dollars of illicit liquor. He was convicted in 1923. Soon after being liberated in 1927 he killed his wife in cold blood in a public park in Cincinnati. He was tried; declared insane; then freed from the asylum on a court writ. He still has plenty of money.

Youngstown was the seat of operations for a gang of beer runners from 1921 to 1923. Two breweries ran day and night and flooded northern Ohio and western Pennsylvania with genuine beer. Twenty-two persons were indicted, including one Federal dry agent and Patrick Scanlon, a prominent Republican politician. They were convicted. Judge Killits, who heard the case, caustically remarked that Federal agents in that vicinity either must have been "culpable or awfully dumb" not to have noticed the beer going out in carload lots day after day.

THE NEXT liquor scandal in Ohio was discovered in 1925 and involved J. E. Russell, Federal Prohibition agent and former Congressman; M. B. Copeland, his chief clerk; Warren Barnett, Columbus attorney; and eight others, who were engaged in a plot to illegally remove whisky from the old Haynor distillery which had been converted into a Government warehouse. Russell, a Harding appointee, was sentenced to two years in Atlanta. Copeland and Barnett got similar terms. Russell also was selling forged liquor permits. He had political influence, however, and was paroled before serving out his time.

Russell and his associates had hardly been put behind prison bars before another huge alcohol ring was dis-

covered in Cleveland, in March, 1926. Operations of the Superior Industrial Alcohol company extended from Philadelphia and Baltimore as far west as the Pacific coast. Some 235,000 gallons of alcohol were captured in the raid on the Cleveland plant. The conspirators handled from one hundred and twenty thousand to two hundred thousand gallons weekly with an average profit of nine hundred thousand dollars per month.

ONE HUNDRED and twenty persons were indicted, including brokers, attorneys, chemists, bookkeepers, railroad men, truckers, policemen, night watchmen, and a dozen Government officials. After extended trials about half of those who stood trial were convicted.

Bert B. Buckley, four years assistant attorney general and twice elected Treasurer of the State of Ohio, is the most recent official to become involved. In February, 1929, he was sentenced to Atlanta penitentiary for thirty months on a charge of having attempted to bribe a Prohibition officer to inform him in advance of contemplated raids on a certain Cincinnati brewery.

Most Ohioans who have followed the trial feel that Buckley was the victim of an entrapment. Technically he may have been guilty of suggesting to John F. Eckhart, assistant Federal Prohibition commissioner, that he could make three hundred dollars a month by tipping off intended raids; but the fact remains that an unfavorable response by Eckhart would have ended the matter. Instead Eckhart, upon the advice of a Federal judge, led Buckley to believe he would accept the bribe, and then with undercover men, dictaphones and other stratagems deliberately lured the State Treasurer into a trap. Not a penny of money ever changed hands. The only connection Buckley had with the brewery was to receive a trifling political contribution

from a lawyer acting for a brewery employé.

Buckley himself stoutly denies that he ever intended to bribe Eckhart and asserts he was framed up and railroaded to the penitentiary because United States District Attorney Haveth E. Mau of Cincinnati is politically ambitious and wanted to remove a possible future rival for the United States senatorship. (Buckley was very popular and was re-elected in 1928 by three hundred thousand more votes than Governor Cooper received.) In a signed statement after his conviction, Buckley declared that District Attorney Mau "has been a notorious violator of the Eighteenth Amendment" and added that Attorney John L. Schrimper had informed him that Mau himself had been receiving protection money from Cincinnati brewers.

THE AKRON *Beacon-Journal* stated editorially that "The whole motive (of the Buckley prosecution) appears to have been directed more to getting somebody's political hide than to protecting Ohio's interest in law enforcement."

State Treasurer Buckley is not the first Ohio official to be entrapped for political purposes.

In December, 1926, Judge Robert C. Patterson of the Court of Common Pleas in Dayton attended a convention of the State Bar Association in Cincinnati. His hotel room was raided and a small flask of liquor found. Judge Patterson was dragged before a local court in Cincinnati and fined two hundred dollars. He declared the raid was a frame-up, however, and refused to resign. He was endorsed for reelection by the Dayton Bar Association and, despite the bitter opposition of the Anti-Saloon League, was reelected in 1928.

Frame-up and entrapment seem to be favorite methods of many dry enforcement officers.

Governor Cooper named Rupert R. Beetham, a Cadiz banker, as Prohibition commissioner. Beetham thriftily gave his son, Sam, a place on the payroll. Sam conceived the bright idea of employing two fifteen- and sixteen-year-old high school girls for entrapment purposes. The girls were so used at Lancaster in April, 1929, and then were taken to Columbus by State Inspectors Little and Cole. The evidence is that the girls and the dry agents had a pretty wild party. Drinks were charged to the State, of course, and one agent put his poker losses on his expense account.

The newspapers exposed this disgraceful episode; the agents were discharged and young Sam Beetham hunted another job. In fact, Inspector Little narrowly escaped prosecution for contributing to the delinquency of a minor. Only the natural desire of the girls' parents to avoid further notoriety kept the case out of the courts.

W. L. Lewis, former Kleagle of the Ku Klux Klan in Fayette County, is present Deputy State Prohibition Commissioner and several ex-bootleggers are now on the State payroll. One hears rumors of hijacking and complaints that confiscated liquor is not always destroyed.

Governor Cooper recently directed the State dry squad to cease bothering petty offenders. The Governor showed good discretion. Public sentiment has changed in Ohio and people no longer are in the mood to stand for any more terroristic tactics from ruffian dry raiders.

THE TRIAL of "Handsome Larry" Davidson, former Federal dry agent and later ace of the Lake Erie rum runners — who was sentenced to Atlanta penitentiary for three years on April 12, last — is the most recent expose of the unescapable corruption of the Volstead law, and if the Government goes through with the prosecution, numerous Coast Guards-

men in the Lake Erie area are likely to be involved.

Davidson came to Ohio five years ago as one of the crack Prohibition agents of the special Customs patrol and did some excellent work in apprehending bootleggers. Presumably his investigations showed him that it was easy to make big profits, for he soon resigned and organized his own rum running ring with Daniel F. Coughlin of Pittsburgh and James B. Courtney of Ontario, Canada. Coughlin was indicted with Davidson and will be tried soon. Courtney is now a fugitive from justice.

Davidson operated several high speed power boats and landed the cargoes at Harbor View beach, near Point Clinton. Federal agents suspected Davidson from the first, but his speedy vessels consistently avoided capture. It is alleged that Davidson and his associates cleaned up nearly two million dollars in four years. They finally were caught by undercover agents who rented a cottage near the Harbor View landing place.

George Martin, an employé of Davidson's, who is supposed to have tipped off the Feds, subsequently was "taken for a ride" before he could testify at the trial and Arthur Kreiger, Federal undercover man, was offered five thousand dollars "and even more" to "forget what he had seen". Efforts were made to bribe other witnesses and to fix the jurors, according to Lee N. Murlin, assistant U. S. District Attorney who prosecuted the case.

**T**HE GOVERNMENT also is said to have evidence — not used at Davidson's trial — which shows the rum runners paid thousands of dollars "protection money" to Coast Guardsmen stationed on Lake Erie. Courtney is still directing rum-running operations from Canada and it is rumored that Davidson smuggled through one large cargo of choice

liquors between the time of his indictment and his trial.

Davidson's attorneys are Robert Burri of Cleveland and Robert Phillips of Toledo. Burri is former head of the Federal border patrol and an associate of Arthur P. Fenton, Federal customs collector at Cleveland. It is openly charged in Cleveland that Burri gets an unduly large proportion of bootlegging cases and some hint that Customs Collector Fenton's official position may have some bearing on this situation.

**C**OUNTY officers, too, seem unable to resist the corrupting wiles of the bootleggers — even after they are in jail. Johnny Schliemer — whose home was recently bombed — and Samuel Cohen, Cleveland rum runners, last June were sentenced to nine months in jail. The Federal penitentiaries were jammed so they were "farmed out" to the Dayton workhouse.

It was soon discovered that their cells were fitted out with comfortable furniture, they were dining off china and silverware, and having luxurious meals brought in. The Dayton authorities asked to have Schliemer and Cohen removed and U. S. Marshal George Stauffer recommended they be sent to Cincinnati. Apparently some mysterious influence was at work in the bootleggers' behalf, for a telegram came from Attorney General Mitchell ordering the two bootleggers to be sent to the Richmond County jail at Mansfield, Ohio.

Schliemer and Cohen were star boarders at the Mansfield jail. They were allowed to leave their cells almost every night and spent their time at bowling alleys, billiard halls and speakeasies. On the night of January 21, 1930, some 22 bootleggers and racketeers from Cleveland came down to Mansfield and Schliemer and Cohen entertained the boys at a leading hotel. It was a wild party. Liquor flowed like water and the

two deputy sheriffs present had as much fun as anybody.

Early in February Schliemer and Cohen were turned loose — nearly two months before their sentences expired. When certain interested citizens made inquiry they were told Schliemer's and Cohen's terms had been shortened because of "good behavior". Newspapermen are wondering why Attorney General Mitchell displayed such concern in this case — and whether any of Ohio's "dry" congressmen may have been working for the bootleggers' release.

Prohibition, according to its advocates, was going to put an end to poverty; decrease divorces; empty the insane asylums, reformatories, penitentiaries, and completely end drunkenness. Curiously enough, not one of these things has come to pass.

There is more unemployment and downright misery in Ohio today than at any time since 1893 when Coxey's army took the trail.

**I**N 1918 — the year State-wide Prohibition carried in Ohio — 58,757 couples were married and 8777 were divorced. In 1928 there were 59,922 marriages — a very negligible increase — but the divorces had gone up to 14,793 — an increase of approximately eighty percent. Will some dry leader explain?

Insanity also shows an alarming increase. Last year 4704 persons were committed to various State institutions for the feeble-minded.

Arrests for drunkenness indicate more hard liquor is being consumed. Records from 39 Ohio cities show that in 1917 there were 42,650 arrests for drunkenness. And 1917 saw the peak of pre-Prohibition drinking. Records from the same 39 cities last year show 63,380 arrests for drunkenness. The increase in arrests far outstrips the increase in population.

Ohio reformatories have more than

doubled the number of their inmates since Prohibition went into effect and last year 375 girls and 1133 boys were sent to the State industrial schools.

Ohio's penitentiary is not being emptied, either. On the contrary, the number of prisoners is increasing as never before. In 1900 there were 1831 persons in the Ohio penitentiary and in 1920 — this was before national Prohibition — the number had increased only to 1948.

The number of convicts jumped to 2570 in 1922 and has been climbing steadily ever since. Today there are 4950 prisoners in the State penitentiary and Ohio has the invidious distinction of having more convicts per one hundred thousand population than any other state in the Union except Indiana — which also is noted for its fanaticism and drastic dry laws. Ohio has 111.2 convicts per one hundred thousand population as compared to 65.5 in "wet" New York. A year ago it was necessary for Governor Cooper to request magistrates to avoid sending men to State institutions whenever possible. Ohio's parole board is working overtime, but the prisons continue to fill faster than they can be emptied.

Ohio also has the reputation of having the worst penitentiary in the United States and responsibility for the horrible disaster of April 22 when 320 convicts were burned to death rests squarely upon the penurious rural legislators and professional politicians who were always willing to squander money for dry "enforcement" but consistently rejected pleas for appropriations to build a modern, fireproof penitentiary.

**P**ROHIBITION filled the Ohio penitentiary by creating criminals, and Prohibitionists refused to give the helpless wards of the State a prison that was decent, sanitary or safe.

Will the Anti-Saloon League continue

to dominate Ohio politics? The most recent *Literary Digest* poll reveals better than a two-to-one wet majority in Ohio — almost the same ratio as the wet majority on the Marshall bill — and most Ohio newspapermen agree that the State is wet in sentiment and getting wetter every day.

This being the case, how do the dries manage to control the Legislature?

The answer is that Ohio hasn't even the semblance of a representative government. Two-thirds of the people of Ohio live in cities, but the unequal system of apportionment permits the minority of voters from the small towns and rural regions to elect a majority of the State Legislature.

Under the 1920 census, each 57,593 persons in Ohio are entitled to one member of the Ohio House of Representatives, but there is a joker to the effect that each county is entitled to one representative regardless of its population. Cuyahoga County in 1920 had 943,495 population and was entitled to sixteen representatives; but Vinton County with only 12,075 population also has one representative. In other words, the Vinton County voter has nearly five times as much voting power as a citizen of Cuyahoga County.

**F**IFTEEN of Ohio's rural counties had no incorporated towns of 2500 or more in 1920, and the total population of these fifteen counties was only 282,230. Yet they have fifteen votes in the House of Representatives, or within one vote of as many as Cuyahoga County with almost four times as many people.

Eight of the larger counties have practically half the population of the State — and pay considerably more than half the taxes — but they have only 48 representatives while the remaining eighty counties have 85 representatives.

**T**HIS undemocratic system gives control to the rural regions; works out to the detriment of the cities; and is a flagrant denial of representative government. But the Anti-Saloon League plays upon the prejudices of the country members who are its followers and prevents reapportionment.

There is no possibility of this rank injustice being corrected so long as the dries retain control of the Legislature; and, as is obvious, they will continue to control the Legislature until the situation is corrected. Control by the ruralites works out in a vicious circle.

Fortunately, however, Ohio has the initiative and referendum and a constitutional amendment providing for fair representation can be put on the ballot by petition and decided by the votes of the people — and a majority of the people of Ohio now reside in cities.

Such a petition already is being circulated by Senator George H. Bender — who was one of the first to revolt against Anti-Saloon League tyranny — and there will be no difficulty in getting sufficient signers. The reapportionment amendment is being widely supported and if it wins next November — as now seems most likely — it will be the welcome beginning of a very speedy end for the dry dictatorship in Ohio.



# PLAIN TALK

JUNE 1930

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## WHOOPEE in OKLAHOMA

• • • • • The politicians of Oklahoma are cowed and crawling before the dry organizations, even though they frequently go on boisterous drinking parties. Justice is in shambles . . . violence is on the boom . . . hypocrisy is almost picturesque in the Oil State. . . . A Supreme Court justice acts as bartender . . . a boy is kicked as he lies dying from a dry bullet . . . this is Oklahoma's brand of dry whoopee.

• • • By Walter W. Liggett

**O**KLAHOMA was the fourth State to go dry. Indeed, it not only outlawed liquor when it was admitted to the Union in 1907, but Prohibition preceded Statehood. The entire eastern half of what is now Oklahoma was known as Indian Territory, and in the '70's Uncle Sam had enacted drastic regulations to protect his Indian wards against fire water. It was in Indian Territory that "Pussyfoot" Johnson began his crusading career and bootleggers usually got short shrift and long sentences from the Federal territorial judges.

Oklahoma also had the distinction of being the political stepchild of the late lamented William Jennings Bryan. At the peak of his power when the territory

was admitted to statehood, he not only wrote his ideas of government into the Oklahoman constitution, but successfully stumped the State for Prohibition. When the new State voted dry by a substantial majority, the enthusiastic Bryanites predicted the prairie commonwealth was destined to become a pattern of good morals and political purity. So fervently bent on bringing about an immediate millennium were the Baptist and Methodist disciples of Bryan that a measure proposing a model capital city to be called New Jerusalem was initiated by petition in 1910 and actually received more than 40 percent of the votes at a state-wide election.

True, Oklahoma wasn't always so

mawkishly moral. Not a few of its "first settlers" were cattle rustlers, horse thieves, train robbers, and all around "bad men" who sought sanctuary in the Cherokee strip for the simple but sufficient reason that ownership of this "No Man's Land" was disputed and no extradition laws obtained. To this day it is not considered good form in Oklahoma to inquire too closely about the antecedents of the territorial pioneers and more than one family fortune was founded by the "sooners" who slipped across the line prior to the "Big Run" of '89 and were found perched on the choice pieces of real estate when the main army of panting home seekers arrived.

THE "BIG RUN" of '89 was followed by the "openings" of 1891 and 1893, and in the meantime there was a steady infiltration from Kansas, Nebraska, Texas and Arkansas. Most of these later homeseekers were farmers who migrated by whole communities and brought along their churches and schools. An overwhelming majority of both northerners and southerners were primitive Baptists and Methodists and Prohibition in Kansas had shown the pulpit pounders the way to political power. The Anti-Saloon League was organized in Oklahoma territory in 1899—eight years before statehood—and therefore it is not surprising that at the first election on September 17, 1907, the people of Oklahoma not only ratified Bryan's pet constitution by a vote of 180,333 to 73,059, but also adopted state-wide Prohibition by a vote of 130,361 to 112,258.

In 1910 the wets initiated a measure which permitted the operation of high-license saloons, to be strictly regulated, in incorporated villages and cities of more than 2000 population. This proposed amendment was defeated by a vote of 126,118 to 105,041. This encouraged the Legislature a year later to

repeal the act which allowed medicinal dispensaries in towns of more than 2000 persons and today no physician in Oklahoma is permitted to prescribe liquor even in the direst emergency. Oklahoma's dry laws are extremely drastic and in the eastern half of the State the Federal judges impose two-year sentences for the mere introduction of liquor into Indian territory.

"Oklahoma was born sober and Oklahoma expects to remain sober" is the favorite slogan of the Anti-Saloon League. Leaders of this organization and the pious old ladies of the W. C. T. U. never tire of putting forth ridiculous claims that there is little drinking in Oklahoma. They assert the generation born since statehood knows nothing about drinking and if these assertions were to be taken seriously one might expect to find Oklahoma's jails and insane asylums empty, little or no crime or juvenile immorality, few arrests for drunkenness, and an unusually high level of prosperity.

Theoretically the State has been liquorless for 23 years; it was virgin territory to begin with; the drys possessed political power and have had the shaping of conditions in their own hands without interruption. Here, if anywhere, one should find the ideal conditions which dry fanatics insist will always follow Prohibition.

It is to laugh—yet laughter is out of place in a situation so essentially tragic. For instead of being a prize exhibit of the supposed benefits of Prohibition, Oklahoma really is a horrible example of the fanaticism and folly of professional reformers. Here is the truth—the truth which no honest person dare deny:

Whole communities terrorized by bootlegging gangsters who do not hesitate to murder . . . sheriffs, mayors and chiefs of police operating stills and

protecting criminals . . . a trail of corruption leading from constables to county officers and straight into the State Capitol . . . hundreds of persons including children of tender years and women paralyzed from the effects of poisoned Jamaica ginger . . . two law-abiding tenant farmers shot down in the presence of their wives and children by a blood-crazed Federal dry agent . . . an 18-year-old boy kicked as he lay dying from the bullet of another "Fed" . . . county enforcement officers so drunk they were dangerous . . . a former Federal dry agent arrested as he visits his still . . . United States deputy marshals selling confiscated booze . . . county officials giving wild liquor parties in the courthouse and parceling out whisky to thirsty politicians . . . a justice of the Supreme Court behind an improvised bar dispensing drinks at a State Bar Association banquet . . . newspapermen who profess to be dry, guzzling at the home of a traction magnate . . . dry but drinking legislators making whoopee on booze furnished by public utility lobbyists while they pass reactionary laws . . . a Federal judge handing out savage sentences to petty booze peddlers while he paroles the biggest bootlegger in the State . . . a Ku Klux Klan candidate for Governor arrested under an assumed name for being drunk and disorderly . . . a star-gazing Governor, also the choice of the Klansmen, communing with Spiritualists and Hindoo Yogis while contractors swindle the State . . . politicians and publicists too cowardly to call attention to conditions which every well informed person knows exist.

IN SHORT, the people of a great State cowed and cringing before a little group of fanatical professional reformers, while their natural resources are looted and farm producers and small city homeowners groan under excessive taxes.

Is this picture of Oklahoma under Prohibition appalling? Then consider admitted facts and judge if I exaggerate:

Oil was discovered in Seminole County in 1924. The population doubled almost overnight. Oil derricks loomed thickly along the landscape. Workers poured in from far and near. Crossroad hamlets became bustling little cities.

THE TOWN of Seminole soon had thirty thousand inhabitants. More than two hundred thousand persons poured into the surrounding territory. Oil impregnated the very atmosphere—oil and booze. Gushers were running day and night—and countless stills also began to turn out corn liquor.

Liquor peddling became an industry second only to oil. Gamblers, prostitutes, confidence men flocked in. Bishop's Alley, just outside the city of Seminole, looked like a California gold camp in the days of '49. Dance halls, crib-houses, gambling resorts and speakeasies flourished without restraint. Indescribable revelries were carried on in unpainted shacks on the prairie.

Federal dry agents knew what was going on. So did the State officials and local and county officers. Decent citizens of Seminole City protested. Reporters from Tulsa and Oklahoma City described conditions without mincing words. Nothing was done. There were huge profits in peddling corn liquor at ten dollars a gallon to be retailed at fifty cents a drink and village constables, city policemen, county officers, Federal agents and State officials were taking their share of the graft. In fact, a peace officer, William Tilghman, employed by the town of Cromwell, was killed by Wiley U. Lynn, a drunken Federal officer. Matters went from bad to worse until finally District Judge George Crump of Wewoka impaneled an honest grand jury and indictments were returned against a score of crooked minor

officials and some of those connected with the liquor racket. Sixteen persons were tried and convicted, but practically none of the "higher ups" was caught and a week after the trials liquor was as plentiful as before in Seminole County.

**A**GUSHER "came in" near Earlsboro in 1926 and the oil boom extended into Pottawatomie County. Earlsboro, a hamlet of hardly two hundred persons, grew into a city and Shawnee, a prairie town of 32,000, was the metropolis of the entire region. The vice conditions that disgraced Seminole were speedily duplicated in Pottawatomie County, and on an even rawer and more extensive scale. The liquor ring in Pottawatomie County was organized by officials sworn to enforce the law. City and county officials not only got regular payments of "protection money" but themselves operated stills and supervised the distribution of the bootleg liquor. Hundreds of prostitutes were brought in and they, too, paid for "protection".

Earlsboro was the center of the Pottawatomie County liquor ring, but "the line" included joints, drug stores, cafés, rooming houses, filling stations, hotels, dance halls and private beer flats at Maud, St. Louis, Pearson, Asher, Wamego and Shawnee. Thousands of gallons of corn liquor and high powered home brew were sold every month. Home brew was priced at six dollars a case and corn liquor brought ten dollars a gallon. Four dollars out of every case of whisky and \$2.50 from every case of beer were set aside for a "protection fund" which was split four ways — one share to the local officials, one to the county officers, a third for state officials and a fourth interest for the "Feds".

The stills of Pottawatomie and Seminole counties proved inadequate to meet the growing demands for liquor. Arrangements were made to bring in liquor from Grady and Caddo counties. Offi-

cials there also were fixed to permit the uninterrupted transportation of booze by the truckload. When the boom was at its crest, more than two hundred joints were selling liquor in Pottawatomie County and at least six hundred persons were connected with the liquor ring. "Wild cat" or independent operators were raided and liquor taken from them was sold to the joint owners who had paid for protection.

Frank Fox, sheriff of Pottawatomie County from 1925 to 1929, was one of the organizers of the ring. So was Homer Knappenberger, ten years mayor of Earlsboro. Oscar Motley, hard-boiled special deputy sheriff, later killed while raiding a "wild catter," was chief collector, and paid off the weekly "split" which ranged from two thousand dollars to four thousand dollars. Marion Fuller and Clarence Burdette, successive chiefs of police of Earlsboro, were both in the pay-off. Several witnesses declared that Randall Pitman, county attorney — and Sunday school teacher — also got a share of the graft, but he was acquitted at a recent trial.

Eight of the defendants, including ex-Sheriff Fox, were found guilty and 28 defendants, including ex-Mayor Homer Knappenberger, pleaded guilty. Forty-two others among the 102 Pottawatomie residents indicted by the Federal grand jury last September are fugitives from justice.

**C**REDIT for exposing conditions in Pottawatomie County is almost entirely due to Mrs. Ethel Renner, an intelligent, well-bred woman from Illinois, who struck oil in Pottawatomie County and built a modern hotel in Earlsboro.

Her first knowledge of the liquor ring came about when she was told that a certain number of prostitutes would be assigned to her hotel — the ring collected fifteen dollars per week per woman — and was asked how much liquor she

could sell. Mrs. Renner bluntly replied she would sell no liquor and that no prostitutes would be harbored in her hotel.

The next day the plans for her hotel were turned down by the Earlsboro city council. Mrs. Renner had the architect change the plans and went ahead with the building. City officials tried to harass her in every possible way. She and her brother, Clyde Peddicord, were repeatedly threatened. The hotel plumbing was deliberately stopped up. Numerous attempts were made to frame up Mrs. Renner. She was offered money to leave. She always carried a revolver, and a sawed-off shotgun rested on a counter in the hotel office. Twice she backed armed men out of the lobby and another time with her revolver she clubbed a drunken deputy sheriff to his knees after he had drawn his gun.

The story related to me by Mrs. Renner would seem incredible if it were not substantiated by documents and sworn testimony. She appealed to the churches and the Anti-Saloon League — and got no help. She made at least fifty visits to the State Capitol to appeal to Governor Henry S. Johnson — who later was impeached for general incompetence — and to Attorney General Edwin Dabney — who has since resigned.

Nothing was done. Conditions satisfied the oil operators who preferred to see their men spend what little energy was left them after a twelve-hour day, seven-day week, on prostitutes and bootleg booze, rather than read or organize for shorter hours and higher wages. Apparently "dry" state officials also were satisfied.

**A**FTER months of delay, Oscar Gordon, deputy attorney general, was sent to Pottawatomie County. Two members of the Earlsboro council and Marion Fuller, chief of police, resigned and Gordon reported that Sheriff Fox

was honest and the persons complaining were of questionable character.

Mrs. Renner openly charged that Gordon had been bribed and renewed her complaints. This time she called on the Federal officials — and not the dry enforcement officers, either. All of the story cannot be told now, as the Federal authorities are not yet through with the liquor investigation of Pottawatomie County; but at least a dozen undercover men were sent out directly from Washington, D. C., and soon after the 102 indictments resulted from the Federal grand jury.

**A**T THE trial, Assistant U. S. District Attorney Herbert K. Hyde declared that the Government had evidence showing "that the stream of justice in Pottawatomie County was polluted from the constable's office to the State Capitol itself." Homer Knappenberger, ex-mayor of Earlsboro, declared that he had paid Deputy Attorney General Oscar Gordon \$2300 for white-washing conditions. Gordon resigned the next day. (Attorney General Dabney stepped out of office just before the indictments were returned by the September grand jury.)

So far every charge made by Mrs. Renner has been sustained — and not all her evidence has been acted upon. Another Federal grand jury will consider some new evidence in the near future and additional indictments are not at all unlikely.

Liquor gangsters of Pottawatomie County did not stop short of murder when their profits were threatened. M. C. Brice, who had signified his intention of turning state's evidence, was shot from ambush on September 19, 1929, just before the Federal grand jury was prepared to hear his testimony. "Red" Borders, later indicted as a member of the liquor ring, got ten years for the shooting. Mike Logan, a deputy

sheriff, was present and swore that Borders had shot in self-defense. Strong efforts were made to get a parole for Borders. Higher-ups evidently feared that he might squeal.

Sadie Weaver, an Indian woman, who had offered to "come clean," also was killed under very suspicious circumstances just before the grand jury convened.

**M**ARION FULLER, deposed chief of police at Earlsboro, also died of a mysterious malady on January 31, 1930, while he was being held in the Pottawatomie county jail waiting to testify at the trials of the defendants. Fuller, too, was prepared to "come clean" and he probably knew more than any other witness. On his death-bed he claimed to have been poisoned.

Professional drys — who failed to offer the slightest aid while Mrs. Ethel Renner carried on her courageous single-handed cleanup of the Pottawatomie cesspool — will maintain, of course, that conditions in Seminole and Pottawatomie counties were due to unusual and even abnormal conditions. True, but it must be remembered that these oil fields were less than 60 miles from the State Capitol and that for a period of 28 months Mrs. Renner made repeated appeals to all the constituted authorities and only got action when she threatened to carry the matter straight to the President of the United States.

Conditions closely approximating the scandalous situation in Seminole and Pottawatomie counties now exist in Comanche, Grady and Caddo counties and a real honest-to-God investigation in Creek, Pawnee and Osage counties might startle the church-going folk of these communities.

Nor need there be any deception about the existing degree of dryness in Seminole and Pottawatomie counties — where the "cleanup" so recently took

place. Less than a month after eight defendants were found guilty by a Federal grand jury — and 28 other defendants pleaded guilty — the League of Young Democrats held their annual convention at Shawnee, the county seat of Pottawatomie County, and the affair was so extremely wet that the *Tulsa Tribune* referred to the convention as the "League of Young Democratic Drunkards".

Let no one suppose that drinking in Oklahoma is confined to the oil fields. At the League of Young Democrats' convention a delegate from McAlester urged the delegates to hold the next meeting in his county.

"Come to McAlester," he cried, "where there is a still on every hill, a brewery in every backyard, and not a damned Hoover Democrat in the county." This poetic appeal stamped the convention.

While at Muskogee I was told in all seriousness that a large proportion of the farmers throughout eastern Oklahoma are making corn liquor and confirmation of this came from an official — necessarily nameless — who said that when the State erected watch towers in the wooded Ozark and Kiamichi hills so that forest rangers might look out for fires, the "hill billies" threatened to dynamite them until they were solemnly assured no state forest ranger would report the smoke from still boilers — and the rangers also had to promise not to allow "Feds" to use the towers for spying purposes.

**I**T'S PRETTY bad," this official said, "when we have to wink at the wholesale violation of one law to enforce another." He said that on a clear day from the tops of most fire towers scores of threads of smoke from hidden stills sometimes could be seen ascending from the woods.

Liquor is easily obtainable anywhere in Oklahoma, but since the so-called

prohibitory law, corn, home brew, wine and even straight alcohol are among the milder intoxicants consumed by thirsty Oklahomans. Once no one but an Indian would drink Jamaica ginger, perfumes, and hair tonic; straight "alky" was seldom used outside hobo jungles; and the pious ladies of the W. C. T. U. and lank men of the Anti-Saloon League had a monopoly on patent medicines with a high alcoholic content.

Times have changed. The recent paralysis epidemic which affected at least 1200 persons in Oklahoma City, Tulsa, Shawnee, El Reno, Newkirk, Pauls Valley, Blackwell, Earlsboro and other widely separated points in Oklahoma proved that white men now will drink Jamaica ginger, perfumes, hair tonic, rubbing alcohol, patent medicines, bay rum, canned heat and even sheep dip. Mange cure also is said to be in demand for beverage purposes. The recent "jake" scare in Oklahoma shocked the professional reformers almost as much as the *Literary Digest* poll.

"Jake" is the colloquial term for Jamaica ginger — which contains 80 percent alcohol. Starting March 6, no less than five hundred residents of Oklahoma City were suddenly stricken with paralysis — and all except four admitted having recently partaken of Jamaica ginger.

**S**EVERAL women and one fourteen-year-old girl were among the "jake" victims. A preacher also was stricken with paralysis. (He was one of the four who wouldn't admit drinking.) Those stricken collapsed on the streets or while at work. Hospitals were filled and ambulances were kept busy. There undoubtedly were hundreds of more cases than actually reported. Many persons were treated at home and kept silent out of shame. Physicians and city chemists decided that sulphate of lead had in some way poisoned a shipment of Jamaica

ginger. (The latest reports from Washington, state that it is creosote or carbolic acid.) Several deaths have resulted. The publicity acted as a deterrent. Oklahoma City spent the soberest weekend in years on Saturday, March 8 and Sunday, March 9. Usually between 40 and 50 drunks face the police magistrate every Monday morning, but the Oklahoma City police arrested only seven souses over this particular weekend.

**C**ITY Chemist Charles E. Clifford is authority for the statement that not less than 100 gallons of denatured alcohol are consumed *daily* in Oklahoma City and T. Benjamin, United States drug and food inspector stationed at Kansas City, Mo., asserted that two hundred gallons of Jamaica ginger had been shipped into Oklahoma's capital in the first week of March, just prior to the poisoning.

"Jake" is sold in two-ounce bottles for 25 cents and legally can only be dispensed on a doctor's prescription. Two bottles ordinarily will cause intoxication. It was discovered that dozens of "jake joints" had been running wide open and selling the fiery fluid to men, women and children. "Jake" addicts prefer the stuff to the best liquors.

The *Oklaboman*, one of Oklahoma City's dailies, dry in policy, declared,

The most painful feature (of the "jake" epidemic) is the revelation of widespread habits of drinking and hypocrisy combined. People not known as tipplers or drunkards turned out to be regular patrons of drug stores that sold ginger and other "extracts". No telling how far the tremors went. Some very surprising revelations are taking place. It is further shown that youth [sober youth of W. C. T. U. circulars] is addicted to "booze" under other names and that the purchase of burning beverages by children and other classes of people has reached the proportions of big business.

As the result of the "jake" poisoning, the Oklahoma City newspapers — doubtless acting at the request of some of the leading preachers — vigorously demanded "a cleanup".

"Things have become pretty bad all over the city," Editor Carl Magee wrote in the *Oklahoma News* on March 20.

The booze joints and brothels are especially objectionable along Grand, California and Reno avenues, just west of the Santa Fe tracks. . . . Booze joints, "jake joints", soliciting porters and bawdy houses abound in these blocks. It has been impossible for people to walk a block from the Santa Fe station on either California or Reno Avenue after nightfall without being openly solicited. . . . This has gone on month after month without being corrected. . . .

The plain truth undoubtedly is that the mayor, city manager and chief of police do not believe that a majority of the people want the city closed.

Sheriff Stanley Rogers, urged on by both newspapers, arrested more than two hundred bootleggers, gamblers, prostitutes, their male solicitors, vagrants, and a number of criminals wanted elsewhere. Numerous speakeasies were uncovered and one seventeen-year-old girl was found to be selling liquor. The deplorable conditions exposed, crushingly refute the claims of the Anti-Saloon Leaguers, the W. C. T. U. and other professional purists who had been maintaining that 23 years of Prohibition had tended to make Oklahoma one of the nation's model commonwealths.

The "Maternity Homes for Unfortunate Girls" advertised in the daily papers also indicate that something has gone wrong with the program by which the younger generation was to grow up.

**B**EFORE statehood, there were 60 saloons, twelve retail liquor stores and two breweries in Oklahoma City. The city then had a population of close to forty thousand. Now it has two hundred thousand residents, and H. T. Laughbaum, superintendent of the Oklahoma Anti-Saloon League, insisted that any one of the saloons in the old days sold more liquor than is now consumed in the city within a week.

"Do you honestly believe that, Mr. Laughbaum?" I asked.

"Certainly, I do," he replied with some asperity.

"Would a single saloon sell thirty thousand gallons of beer in a single Saturday night?" I inquired.

"Probably not," he admitted.

"Well, it may interest you to know that the residents of Oklahoma City are now consuming an average of almost exactly thirty thousand gallons of home brew every week," I replied. When he questioned my figures I told him that I had talked with every wholesale grocer in Oklahoma City and ascertained that between 20 and 25 carloads of malt were delivered to and sold by Oklahoma grocers last year.

**T**HERE are 1200 to 1400 cases in the average carload; twelve cans to a case; and each can will make five and one-half gallons of high powered home brew. Figure it out for yourself. I have taken the minimum figures. It comes to 1,584,000 gallons a year — or a trifle more than thirty thousand gallons of home brew each week. I'll wager that is more beer per capita than Oklahoma City got away with in the days of the open saloon.

Furthermore, Oklahoma City is not a beer or home-brew town. It always has been noted for liking hard liquor and it has not changed a bit since Prohibition — except that the liquor is a trifle *harder* in these days. Harder to handle, I mean. Not harder to get.

Oklahoma City is swarming with bootleggers. I could not find a single man about town — including policemen — who would attempt an estimate, but they all agreed that "there are hundreds of them". As a matter of fact, there probably are at least two thousand persons in Oklahoma City today who sell liquor on occasion. A majority of them do not rely entirely on sales of illicit liquor for their living. In addition to the 1500 semi-professionals (as they might be termed) there are at least five

hundred bootleggers in Oklahoma City who have no other occupation. But there are few really big bootleggers in Oklahoma City. The bulk of the liquor is made on farms and brought into the city in comparatively small lots. Often the farmer will sell directly to a few customers. Sometimes, ten or more farmers band together and hire someone to deliver the stuff on a commission basis. I would not be surprised if the hard liquor sold in Oklahoma City totals 1,200,000 gallons a year.

**T**HE most popular drink is sugar corn, which sells from eight dollars to twelve dollars and fifty cents per gallon, depending on its age. Some of the Oklahoma farmers make very smooth corn and there isn't a headache in a barrel of it when it's allowed to remain six months or more in a charred keg.

There isn't much demand for redistilled industrial alcohol in Oklahoma. An occasional shipment is "wheeled in" from Kansas City. Alcohol sells for twenty dollars a gallon and is retailed in four-ounce bottles at one dollar each. It is chiefly used to "needle" near beer and other soft drinks.

One bootlegger boasted — though it may not be true — that he sold twenty thousand gallons of corn during Christmas week last year, but he had fourteen runners at work and probably is the biggest liquor vendor in Oklahoma City. The Stalker-Jones "five and ten" law has made most of the big fellows cautious. Today the bootleggers rely on small profits and quick turnovers.

There are about 350 taxi drivers and approximately 200 bellboys in Oklahoma City most of whom have bootlegging connections. Bootleggers will deliver anywhere on short notice except to hotels. The bellboys have a monopoly on the hotel business and "turn in" every bootlegger they see in the hotels in order to protect their own commissions.

Most of the office buildings house bootleggers (I could be more specific but sometimes Federal grand juries are overly curious and I have no desire to embarrass friends). There are at least 250 beer flats scattered about town. Sheriff Rogers' raids also revealed plenty of speakeasies. The speakeasies and "beer flats" are rather sordid. Your average Oklahoman does his drinking in his home or club — or rents a hotel room if the occasion calls for serious boozing.

The so-called "beer flats" usually are run by girls who are no better than they should be. Most of them show a willingness to "liquor up" with "guests." After the fourth or fifth drink they are likely to become very hospitable indeed. Perhaps this explains the extreme prevalence of venereal ailments — for doctor after doctor specializes in "blood and skin diseases".

Chief of Police Blaine of Tulsa told me that his men arrested on an average of 250 prostitutes a month and that 75 percent of the women arrested were diseased. I insisted that the percentage of diseased women could not be right, only to be assured most firmly that it was right. City, state, and private physicians informed me that the rate of venereal disease was abnormally high throughout Oklahoma. Many of them deplored the complete lack of control and declared conditions were much better when the police had some sort of surveillance over prostitutes.

**P**ERHAPS, also, this explains why ex-Chief of Police Binnion of Oklahoma City some months ago suggested the advisability of restoring a red-light district. It certainly explains why he is an "ex". The Baptist and Methodist divines lost no time in climbing the frame of Chief Binnion who frantically back-peddled. He repudiated his former remarks about "medical inspection" and "control" and asseverated — after a



session with the Reverend Mordecai Ham — that he really meant that the fallen women should be segregated in dormitories where they could be reclaimed by prayer. Nevertheless there was a suspicion that the chief had been correctly quoted the first time and he "resigned" soon after the interview.

The same Reverend Mordecai Ham, then pastor of one of the largest Baptist churches in Oklahoma City, was struck by a street car about that time and explained the accident to his flock by declaring that the devil (himself, in person) had pushed him under the bumper. Reverend Mordecai was very active in the Anti-Saloon League.

The Oklahoma City police force is composed of 133 officers, matrons and jail attendants. The actual effective force consists of 123 men working in three shifts. In other words, there never are more than 41 policemen on any one shift. That, of course, means one policeman to every 4390 population. Obviously, if the policemen did nothing else but apprehend bootleggers and drunks they could get only a small proportion. However, they captured 1241 bootleggers last year. That indicates the police are doing pretty well, and it also indicates that I probably understated the facts when I estimated that there were two thousand bootleggers in Oklahoma City. The number of drunks arrested in Oklahoma City has increased from 1791 in 1925 to 3387 last year. The number of bootleggers captured by the police has increased from 716 in 1925 to 1241 in 1929.

OKLAHOMA City is a pretty good drinking town — especially when the Legislature is in session — but it is tame compared with Tulsa. Known as "The Oil Capital of the World", Tulsa has had a mushroom growth, especially in the last decade, and now claims 183,000 population. It also boasts it is the richest community per capita in the world and

brags that its airport handled 65,000 passengers last year — more than London, Berlin or Paris.

There is no doubt at all about the Tulsans being high flyers — and in some respects it deserves the title of the "Magic City". Its turrets and towers — many of them of semi-Oriental design — when seen from a distance rise from the morning or evening mists like a dream city. It seems inconceivable that this bustling metropolis was only a struggling cow town less than a generation ago. It still has the youth and strength of its pioneer days — and much of the crudeness.

ITS OFFICE buildings are modern — some of them almost futuristic; and the mansions of its oil millionaires rival those of upper Fifth Avenue in New York. But booted, flannel-shirted oil men tramp the deep-carpeted corridors of its one magnificent hotel, and befeathered Osage Indians — oil millionaires, too — sometimes are seen lolling back in the highest priced sedans while liveried chauffeurs drive them through the streets.

Tulsa's a "go-getting" town with a hard, meretricious, boasting spirit — and it's a carousing town, too. The fact that oil men could come for miles around and find "a good time" in Tulsa explains why the town outstripped Muskogee and Sapulpa, which were both larger twenty years ago. Tulsa still is willing to show all comers "a good time" and while I don't want to libel the city, I am convinced it probably has more "kept women" per capita than any other community I ever have visited. They are the camp followers of the oil fields — whether they drive their own limousines or are merely street walking "rustlers" — and they are tolerated because they have helped make Tulsa what it is.

Tulsa long has been the haven for a gang of card sharpers and confidence men who rooked various oil men and

others with apparent immunity over a period of several years. The crooks' winnings have aggregated many, many thousands of dollars.

C. L. Wiggins of the Wiggins Barber Supply Company of Tulsa was fleeced out of \$1500 on November 2, 1927; L. V. Pope, Locust Grove farmer, lost \$2500 and was in so much of a hurry to lose it that he actually chartered an airplane from Tulsa to his home so that he could return more quickly to the game with his money; Wilford Dickinson, a brick contractor, lost \$1400; Mayor James J. Lindley, of Nevada, Missouri, lost ten thousand dollars; William Meadows of Holdenville was cleaned; E. M. Ranther, a plumber, lost \$4000; Joe and O. D. Mayer of Prior, lost \$200; Clint and John Strong, wealthy Custer county ranchers, were taken to the tune of \$8000; and finally Bert Swift, well known oil man of Tulsa, lost \$20,000 in a single jackpot in February, 1928 — and \$5200 of it was his own money.

The gang trimmed the wrong man when they "took" Swift. Other victims had been ashamed to admit their losses and unwilling to face the publicity of court prosecutions. Swift conceived it his duty to put the gang out of business to save others.

HE RAISED so much disturbance that early in 1929 the Tulsa county authorities were spurred into action and F. D. Jackson, Bob Smith, Floyd Woodward, Cecil Huff, Marshall Smith and Fred (Red) Autrey were convicted. Jackson and Huff got five-year sentences; Autrey was sentenced for two years; the other members of the gang got a year each in the state penitentiary.

Gambling is still going on in Tulsa. "Floating" games are quietly advertised by cappers in the lobbies of all the leading hotels. No one who craves action need wait long. About a year ago a group

known as "The Order of Otters" ran a wide open game within a few doors of the Federal Prohibition headquarters. The "Otters" were raided regularly once a month but just as regularly the game ran full blast for the remaining days of the month and they had a heavy "take".

THE AGE-OLD badger game is a steady producer for the sure-thing operators, confidence men and prostitutes who infest Tulsa. Byron Kirkpatrick, county attorney, recently said that Tulsa businessmen had been mulcted out of more than three hundred thousand dollars in the past fourteen months.

One brief trip cost a certain Tulsa man forty thousand dollars not long ago and two Tulsa business women are said to have obtained their start by similar "donations". A bunch of "shake-down artists" have been working the hotels of the oil region in a systematic manner and County Attorney Kirkpatrick's recent estimate of three hundred thousand dollars in fourteen months certainly does not exaggerate their total takings.

Corn liquor from the Ozark hills is the principal drink in Tulsa, and it retails for \$1.50 to \$2.50 a pint, or can be purchased for from eight dollars to fifteen dollars per gallon. Four Roses can be had for \$7.50 a pint and genuine Old Tucker sells for \$135 a case. White Horse — probably cut some — can be had for \$95 a case. Gin sells from \$65 to \$75 a case.

The labeled liquor is wheeled down from Canada via Detroit. Some of the genuine Scotch comes from Galveston by airplane. An occasional load of alcohol comes from Peoria. The Ozark corn comes from thousands of stills and has proved a boon to the Oklahoma farmers, hard hit by the drop in cotton prices.

Last December Oklahoma experienced the severest winter for years and

blizzards blocked the roads for some ten days around Christmas time. The result was a temporary booze famine. Prices soared accordingly. Bootleggers who were stocked up profited hugely until the roads were opened.

THE *TULSA World* ran a jocular feature about the shortage. Walter F. Bisscup, the reporter who wrote the story, promptly was haled before the Federal grand jury. Naturally, not being a "rat", Mr. Bisscup declined to squeal and suffered a temporary lapse of an unusually keen memory. The dry authorities jubilantly declared this proved there was very little drinking in Tulsa.

The "Fed" agents either are awfully dumb or extremely dishonest. Tulsa is the wettest spot in Oklahoma. Competition is so keen that bootleggers actually solicit trade from strangers. At least I had that experience. There aren't many speakeasies in downtown Tulsa, but at least two hundred beer flats are scattered within five minutes' walk of the business district and bootleggers who take care of the office-building trade specialize in quick deliveries.

Tulsa was in Indian Territory before statehood and the laws prohibiting the introduction of liquor still apply. Franklin E. Kennamer, Federal district judge, is notorious for the severity of his sentences on petty liquor offenders. Last year 959 liquor cases were tried before Judge Kennamer and but nine persons were acquitted. Not only does Judge Kennamer frequently lecture the United States attorneys and United States marshals as to their duties, but on several occasions he has undertaken to instruct Tulsa city and county officers on law enforcement.

One of the worst of the many liquor scandals came in the fall of 1926 when Patrolman C. O. Briggs of the Tulsa County Highway Patrol declared he had seen members of the squad so drunk in

the courthouse "that they had to catch the wall to keep from falling down"; and said he had seen the captain driving the police car when he was so intoxicated "that his chin was lying on the steering wheel".

Patrolman Briggs alleged that practically all the confiscated liquor was parceled out to politicians instead of being destroyed as provided by law, and he also alleged that numerous drinking parties had been held within the courthouse itself. Judge Kennamer ordered the Federal grand jury to investigate.

The grand jury returned no indictments. Judge Kennamer became suspicious that undue influence had been used and had several witnesses haled before him. Briggs charged that Deputy Sheriff Charles Price and several members of the Tulsa County Patrol had tried to intimidate witnesses.

Judge Kennamer sent Patrolman W. D. Davis to jail for four months for contempt of court and sentenced Deputy Sheriff Price to six months in jail and a \$500 fine. Marshall Moore, a deputy U. S. Marshal who was accused of communicating with grand jurors, was sentenced to a year in jail. All the sentences were imposed for contempt of court. Captain Phil Stone and Patrolman Wade Foor of the Highway Patrol resigned.

DEPUTY SHERIFF PRICE, who refused to involve fellow officials or tell what disposition had been made of confiscated liquor, resigned immediately after his sentence. He was pardoned after serving 30 days. Soon after, he became a candidate for the sheriff of Tulsa County. He was elected by an overwhelming majority and is still serving.

In February of this year Judge Kennamer leveled sweeping charges of favoritism and fee splitting against members of the Tulsa police force. It had been alleged for some time that when the city

police arrested bootleggers the first procedure suggested to the prisoner was to send for certain favored lawyers. If the prisoner was receptive to this suggestion, he would be allowed to plead guilty in police court where ordinarily only a small fine would be imposed. But if the prisoner was recalcitrant about "seeing the right lawyer" or had not sufficient funds to justify his exploitation, he would be turned over to the Federal authorities for prosecution, and with Judge Kennamer on the bench this ordinarily resulted in a savage sentence.

A prisoner brought before Judge Kennamer in February alleged that his two companions had been released after paying fines in police court although they all were arrested at the same time and for the same offense. Judge Kennamer then denounced the city police for favoritism and fee splitting and at the same time United States Marshal John Vickrey declared that "Tulsa is now wetter than it has been within the past two years. Prohibition enforcement has fallen off distinctly" and went on to say that "somebody higher up in the city administration" was keeping the police force from enforcing the dry laws with the relentless severity approved by Judge Kennamer.

ON MARCH 12, while I was in Tulsa, Judge Kennamer took occasion to denounce County Attorney Byron Kirkpatrick and Sheriff Charles Price of Tulsa County for their "laxity in enforcing the laws against gambling". Judge Kennamer specifically referred to a certain gambling place "running wide open on South Peoria road" and declared that "even a blind man could see what was going on".

Neither County Attorney Kirkpatrick nor Sheriff Price replied to the Judge's denunciation, and on last reports the gambling game complained of — which is really a bookmaking establishment —

was still operating without molestation.

Impeachment proceedings were filed against Judge Kennamer in March, 1928, by Henry Stroud, former Department of Justice agent. He alleged that the judge had his wife and two daughters on the Federal payroll (this was true); that he had intimidated grand jurors to compel indictments against liquor offenders; and that he had agreed to let off F. W. Evans, a wealthy bootlegger, with a fine and a short county jail sentence instead of sending him to a Federal penitentiary for a long term.

IT ALSO was alleged that Judge Kennamer had accepted gifts of confiscated liquor from United States Marshal Henry G. Beard and H. C. Coates, his deputy.

Judge Kennamer admitted paroling the bootlegger Evans after he had served but five months in jail, but explained that he had done so only after the leading businessmen and preachers of Picher, Oklahoma, had pleaded for Evans' release so that he might keep some local mines from failing.

Judge Kennamer denied receiving liquor from Marshal Beard or Deputy Coates and asserted they had falsely testified because the judge had compelled Beard to destroy large stocks of confiscated liquor which were being sold and given away by Federal courthouse attaches. Judge Kennamer also said he had compelled Marshal Beard to discharge two deputies, one for drunkenness and one for tampering with a grand jury.

The House Judiciary Committee refused to take any action on the impeachment charges. Later two of the deputy marshals who signed affidavits against Judge Kennamer were convicted of bootlegging.

Judge Kennamer is feared by the hip-pocket bootleggers, but when officious dry officers broke into the home of W. F. Bates, millionaire oil man, and seized his

private stock, the Federal judge quashed the indictments against Mr. and Mrs. Bates on the grounds that the raiders had acted without a search warrant. Probably that was sound law, but one can hardly help contrasting his tenderness toward Millionaire Bates and his wife with the severity he has shown on other occasions.

**W**HEN WILEY U. LYNN, a Federal dry agent, got drunk with two companions and killed William Tilghman, veteran peace officer at Cromwell, Seminole County, in November 1924, Judge Kennamer issued a writ of habeas corpus when the State authorities charged Lynn with murder and sought to try him like any ordinary assassin. Lynn later was acquitted before Federal Judge Van Valkenburg. The killing of Tilghman, who was more than 60 years old, was wanton and unprovoked and created a storm of indignation all over Oklahoma.

Judge Kennamer also issued a writ of habeas corpus when State authorities sought to bring charges of murder against Charles Warner, another dry agent, who shot Elmer Fulton, an eighteen-year-old boy, as he tried to flee arrest at Picher, Oklahoma, on August 4, 1927. Witnesses testified that as the boy lay dying after being shot in the back, Warner kicked him and then dragged his body through the dust. Judge Kennamer heard this testimony and exonerated Warner "for shooting in performance of his duty".

Oklahoma has been the scene of many particularly atrocious killings by Federal dry agents. José Alvarado, Spanish "two-gun man", boasted he had twelve notches on his revolvers and one came from killing a woman. Finally there were so many protests that he was dismissed by the Federal Government.

Governor Henry S. Johnson, star-gazing dry who had been elected with Klan backing, promptly hired Alvarado

as a state "investigator". Soon after that, Alvarado was indicted for robbing a store in Osage County; and then Texas indicted him for bank robbery. Governor Johnson refused to honor extradition papers from Texas and kept Alvarado on the State payroll until the Osage County authorities set aside a State stay of execution and forced Alvarado into the penitentiary — where he still remains.

Probably the most wanton of all the many Prohibition killings in Oklahoma occurred on July 4, 1929, when Jeff Harris, a snooper employed by the Federal dry forces, raided the home of James Harris, near Tecumseh, and shot down Harris and Oscar Lowry, two young tenant farmers, in the presence of their wives and children. Jeff Harris had no search warrant and no liquor was found on the premises — nor was there any evidence that either of the men so much as drank.

James Harris and Oscar Lowry were both World War veterans and the American Legion raised such a row that for once the Federal Government failed to get a writ of habeas corpus to remove the trial to a Federal court. Jeff Harris was convicted in the State courts and sentenced to fifty years in the Oklahoma penitentiary. "Snake" Thomason, the Federal agent in charge of the raid, also has been indicted for murder and will stand trial this summer.

**J**UST NOW there are many chuckles in Oklahoman speakeasies and beer flats over the recent arrest of C. L. Thoroughman, better known as the "Fighting Parson", a former Federal dry agent and Methodist minister, who was caught conducting a sizable still of his own near Lawton.

Thoroughman resigned from the Methodist ministry in 1923 to become a dry agent and served until his resignation in July, 1929. Thoroughman was constantly under fire, but he had the

backing of the Anti-Saloon League which repeatedly rallied to his defense. At that Thoroughman lived up to his name and played but few favorites before he went into bootlegging on his own hook.

He raided the convention of the Veterans of Foreign Wars at the Mayo Hotel in Tulsa, in May, 1925, and found plenty of "dead soldiers", too. A roar of protest went up — especially from the prominent politicians who were participating in the festivities.

A year later Thoroughman captured a truck driven by two World War veterans which was carrying seven hundred bottles of beer to the American Legion convention at Medicine Park. Once more the politicians sought Thoroughman's scalp, but the Anti-Saloon League was more powerful than the American Legion.

The dries have been strangely silent concerning the arrest of their star raider.

Neither can you get dry leaders to discuss E. B. Howard, former dry Congressman from the Tulsa district, who was arrested for intoxication at Oklahoma City, June 7, 1924, when he was a candidate for the Democratic nomination for Governor and had the backing of the Ku Klux Klan, the W. C. T. U. and the Anti-Saloon League. Howard was booked under the name of "S. B. Thompson", but his identity was established beyond any question.

**H**OWARD was attending a party that grew so noisy that neighbors complained. The police raid resulted. Howard, of course, alleged he was "framed up" and also spoke of the affair as an "unfortunate accident". According to the Anti-Saloon League, Congressman Howard had an "unimpeachable record" and the Klan remained loyal despite all revelations. Howard is a candidate for Governor again this year. Of course he is as bone dry as ever — politically, that is.

The hideous hypocrisy displayed by politicians like Howard is the most disgusting result of Prohibition in Oklahoma. The professional dries seem to have the politicians, newspapermen, professors and all other public men completely cowed.

**T**HE GOVERNOR, both United States senators, all eight congressmen, and every office holder, municipal, county, State or Federal, vociferously claims to be dry. Yet the majority of Oklahoma politicians drink and many of them drink plenty as the recent convention of the League of Young Democrats indicated. But no one will admit drinking, since an outward profession of absolute dryness is the only requisite demanded by the Anti-Saloon Leaguers, the W. C. T. U. and the Ku Klux Klanners. Consequently, no politician since statehood has dared to suggest that Prohibition is not a perfect success, although many of them privately express alarm over the growing intemperance of the younger generation and the appalling corruption that is evident on every hand.

Lawyers, bankers, businessmen and merchants also are afraid to express their real opinions publicly for fear of bringing down on themselves the wrath of the Baptist and Methodist ministers and their followers. Boycott is the favorite weapon of these fanatics. Some grocers hide malt behind the counter and will deny they have it for sale unless they know the customer.

A leading banker of Oklahoma admitted that he was a hypocrite while in the very process of pouring me a drink — and it was most excellent liquor.

"Prohibition is a crime — and it is breeding crime," he sadly asserted, "but if I should breath a word against it tomorrow these dry leaders would start a run on my bank. I don't dare say anything — I don't even dare let it be known that I drink."

A professor told me almost the same thing.

Newspaper editors also fear to express their real opinions lest ministers preach against them from the pulpits. Personally, I think their fear is unfounded. The average Oklahoman is ready to revolt against the obvious evils of Prohibition. The insincerities of dry leaders have forfeited the confidence of many honest temperance advocates.

ANY POLITICIAN, or publicist with sufficient courage to tell the plain, unvarnished truth about existing conditions — with the reasons therefor and the logical remedy — will meet with an overwhelming popular response.

It may be wrong about public opinion. It is possible, of course, that the people of Oklahoma have been perverted beyond redemption. Maybe the reformers really rule. But I do know this:

There can be no honest, decent, constructive leadership anywhere when public officials, newspapermen, teachers, bankers, businessmen — yes, and the average persons you meet on the street — surrender their right of thinking (or at least the public expression of that right) to a handful of sky pilots and professional reformers who have succeeded the old time ward heeler as the most vicious force in American life. There can only be cowardice, insincerity and corruption in any community (be it city, country, state or nation) when individuals surrender the right to think — or dare not behave as they honestly believe.

Perhaps that is why I am scornful when I learn that a Prohibition poll of Oklahoma dailies and weeklies (there are more than 400 publications in the State) shows that only three editors have the guts to vote the way they drink.

I scorn them still more when I ascertain that for years past the annual conventions of the Oklahoma State Editorial

Association have been notorious long-distance souses. At least one half the editors drink — and drink to excess. Do they want details? Then I can supply them:

When the State Editorial Association met at Altus, a little town in the southwestern part of the State, a local editor persuaded fifteen women of the community to make 100 bottles of home brew each for the visiting scribes. The ladies obliged and the liquor was duly killed at the "Boll Weevil" club house down in the river bottoms. The local editor was given a unanimous vote of thanks for his thoughtfulness. Several rather prominent Oklahoman politicians imbibed heavily on that occasion, but it would hardly be fair to single them out.

For the last two years these "guiders of public opinion" have met in Oklahoma City and on both occasions the State editors have been entertained at the home of Frank Wilkins, president of the Oklahoma City Street Railway Corporation.

I have no hesitancy in plainly stating (If I libel him he can collect damages) that Mr. Wilkins personally has served booze — and plenty of it — to the assembled "molders of public opinion" on at least two occasions.

Also, and this is typical of Oklahoma, the Oklahoma City Street Railway Company president not only has served booze to the State editors of Oklahoma, but employs a reactionary Baptist preacher as "counselor of public relations".

HOWEVER, newspapermen are no worse than judges — bankers — labor leaders — or pious, pie-eyed legislators, for that matter.

A session of the Oklahoma State Bar Association was held in Tulsa not so long ago. The lawyers met at the Mayo Hotel. Liquor was served. Plenty. A bar was set up (rail and all) in rooms

removed from the banquet chamber and while the evening was yet young a member of the Supreme Court of the State of Oklahoma shed his coat, donned an apron, and began serving drinks.

Bankers, of course "owe everything they have to character". (I am quoting James Stillman of Indian guide fame.) Therefore, it is interesting to know that Group Number 1 of the Oklahoma Bankers Association met at Weatherford, Oklahoma, on February 27 for a three-day session. Plenty of liquor was had and many bottles were found afterward in hotel rooms.

Three years ago the State Federation of Labor adopted resolutions against an oil production tax. I understand there was a quorum morning, night and evening of the three-day session, but the real business was transacted in a couple of anterooms paid for by oil men. The oil men also furnished the booze.

Legislators, too, have been known to transact their real business in anterooms — inspired by liquor furnished by public-utility lobbyists. The 1925 session of the Oklahoma Legislature was especially wet. The main party was held in the election board room, opposite the Senate chamber. Practically all the newspaper correspondents were drinking freely. At least ten senators were actually drunk.

WELL INFORMED persons all over the State were aware of the disgraceful conditions. However, the Anti-Saloon League officials never squawked since the good moral forces furnishing the booze were officially dry — and Trapp, the Lieutenant Governor who succeeded the impeached dry grafter, Jack Walton, also was officially dry.

We are supposed to have a representative form of government, so it may be conceded that most legislators are about as sober as the majority of their constituents. In 1929, C. L. Storms, a well known dry, president of the Senate, adjourned

one session because several senators were drunk on the floor. Agents of the Anti-Saloon League were sitting in the gallery, but naturally said nothing because all but two of the soused Solons favored Prohibition — officially.

NO HISTORY of Oklahoma could be complete without sketching the amazing state-wide domination of the Ku Klux Klan between 1920 and 1923. Racial hatred engendered by the Klan resulted in the Tulsa race riots in the spring of 1921. The nightshirts soon had control of Oklahoma City, Tulsa, Muskogee and practically every other community in the State. Scores of whippings followed — castrations, even murders. It was the logical result of the racial hatred and religious intolerance persistently sown by the Anti-Saloon League.

Jack Walton, an alleged radical, was elected Governor in 1922. He had a Klan card when he took the oath of office. He sold pardons, dispensed patronage, sought and accepted a thirty thousand dollar "loan" from Marlin, the oil magnate. Threatened with exposure, Walton tried to raise a smoke screen by turning on the Ku Klux Klan.

He called out the militia, declared martial law, put military censors in the newspaper offices, and seemed to think he was a Napoleonic dictator, till he was impeached and deposed by the Legislature on September 26, 1923.

Trapp, also a Klansman, and a dry, succeeded him.

Henry S. Johnson was elected in 1926. He, too, was a Klansman, and apparently a bit balmy besides. His female private secretary assisted by an uncle, conducted the affairs of state while Johnson spent most of his waking hours with Spiritualists, star gazers and Hindoo Yogis. While Johnson was communing with the past, certain selfish grafters took care of the present and future by putting over road contracts which called

for several thousand dollars per mile in excess of competitive bids.

After standing for two years of star gazers and Spiritualists, Yogis and grafting confidants, the Legislature finally rebelled against Johnson and impeached him for "general incompetence". He was succeeded by Lieutenant Governor Holloway, a dry, of course, who seems to be normal in other respects.

Oklahoma would almost seem synonymous with opportunity. Within a single generation it has developed from a frontier community to a fairly thickly settled State. Its oil and other rich natural resources should have made it one of the most prosperous States per capita in the Union.

Unfortunately, Oklahoma fell under the spell of William Jennings Bryan and it is a pretty sad lesson of what professional reformers can accomplish. Every other consideration has been subordinated to mere dryness and as an inevitable consequence, venal hypocrites have been elevated to high positions and selfish interests have looted the public domain in the guise of moralists.

There is hope, however, on the political horizon of Oklahoma. Most shrewd political observers admit that an increasing number of voters are becoming disgusted with the corruption caused by

Prohibition. Oklahoma twice voted dry by fairly decisive majorities. Politicians admitted to me that a straight fight on the wet and dry issue might be doubtful today. This sentiment is reflected by the *Literary Digest* poll which showed the State almost evenly balanced.

It is undeniably true that the Anti-Saloon League is losing its grip. While I was in Oklahoma it developed that Superintendent Laughbaum had not been paid for four months and when a public appeal was made but few contributions were forthcoming. The budget of the Oklahoma Anti-Saloon League is only \$7500 annually. It is an encouraging sign of revolt when the Methodist and Baptist brethren find difficulty in financing their political side show.

The Ku Klux Klan also is in a state of complete collapse. In its heyday it had nearly 100,000 members. Today but a scant 600 continue to pay dues — and most of them are cowardly county politicians. Reactionary big business, oil men and public utility interests, are keeping the wet and dry issue to the fore — and it would not surprise me if they eventually pay the Anti-Saloon League deficit. For the powers that prey on modern society realize only too well that Prohibition makes a splendid smoke screen to conceal their monopolization and looting of the public domain.

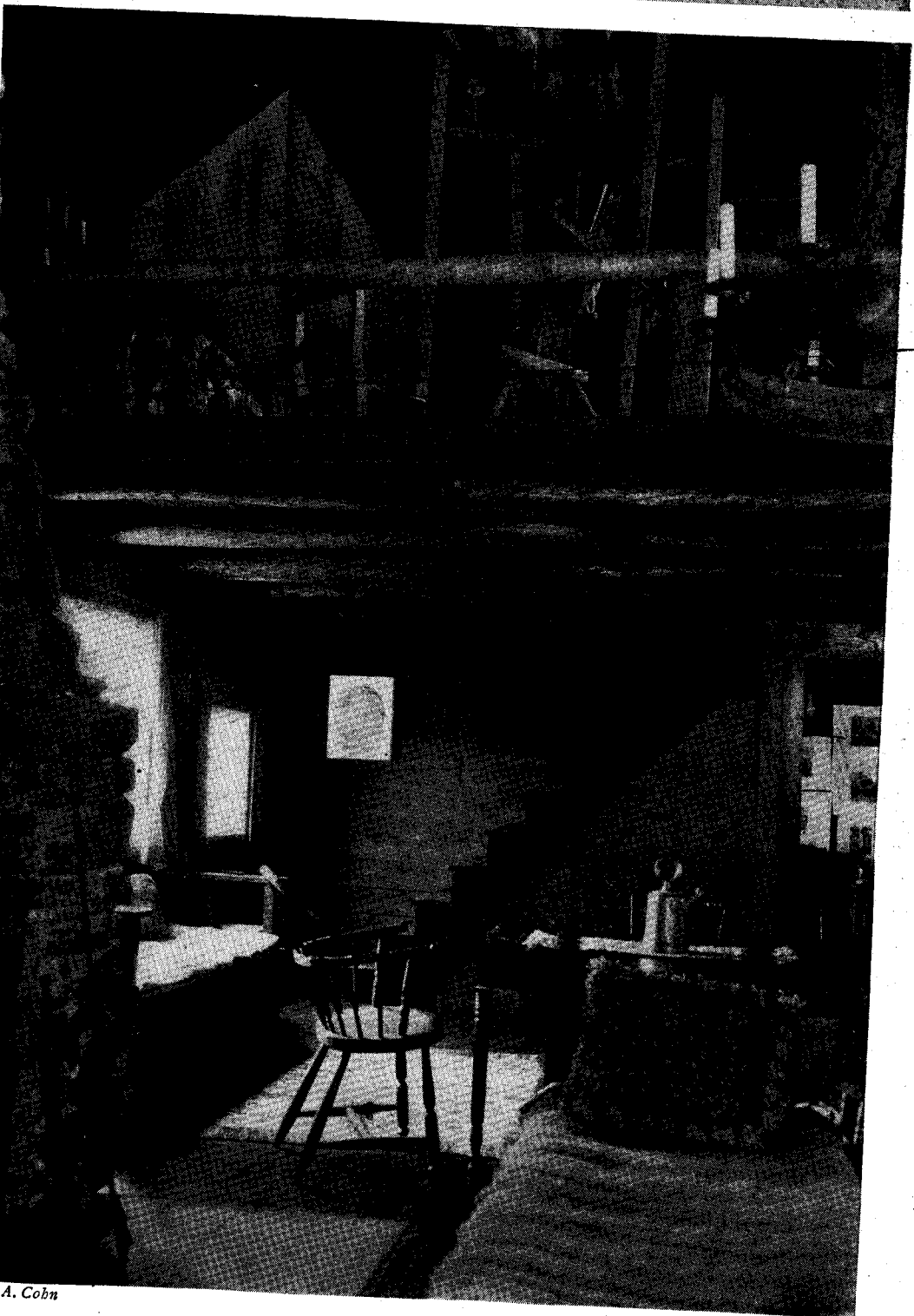
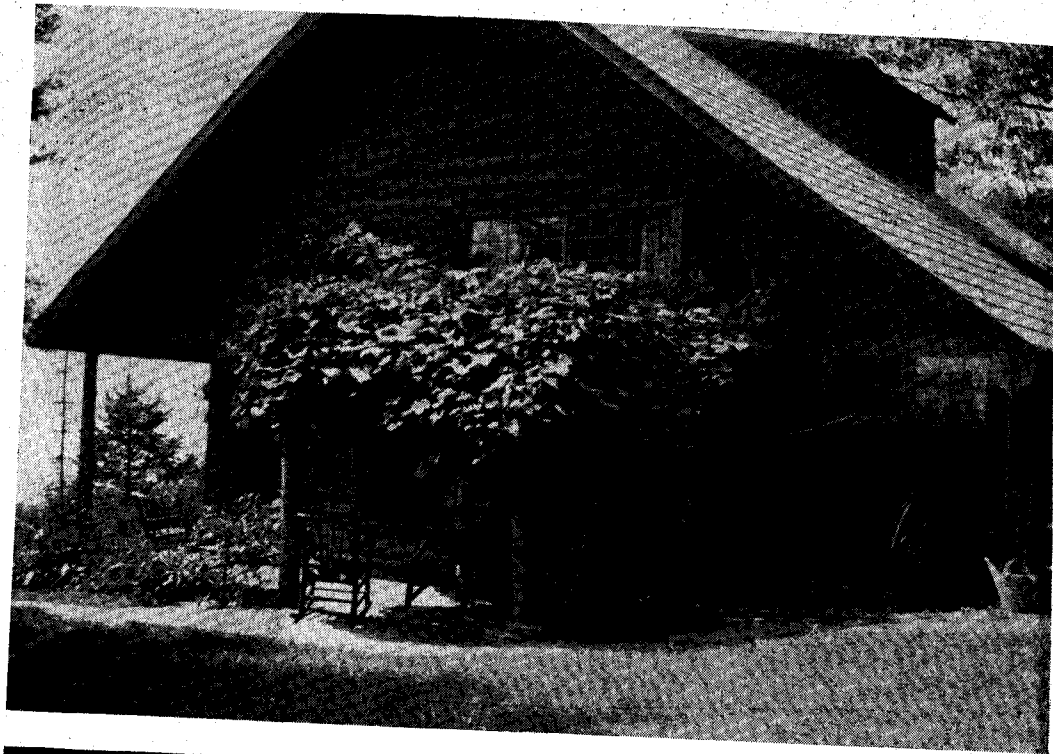




# Summer Retreat

that was once  
two-room peasant cottage

BY A DEU PREE NELSON



The summer home of Mr. and Mrs. Engelbert Koentgen on a high, rocky point in the hills, is an attractive peasant house in the manner of the Swiss chalet. When the five acres of two rooms with lean-to were purchased, it was to be a rough retreat for a few weeks during the summer after a busy metropolitan existence. On a strip of flat table land which cuts into the mountain, the little house of two rooms perched impudently over tops of the finest laurel growth on the hill. From that point there was a magnificent view such as one rarely sees—it demanded a suitable house!

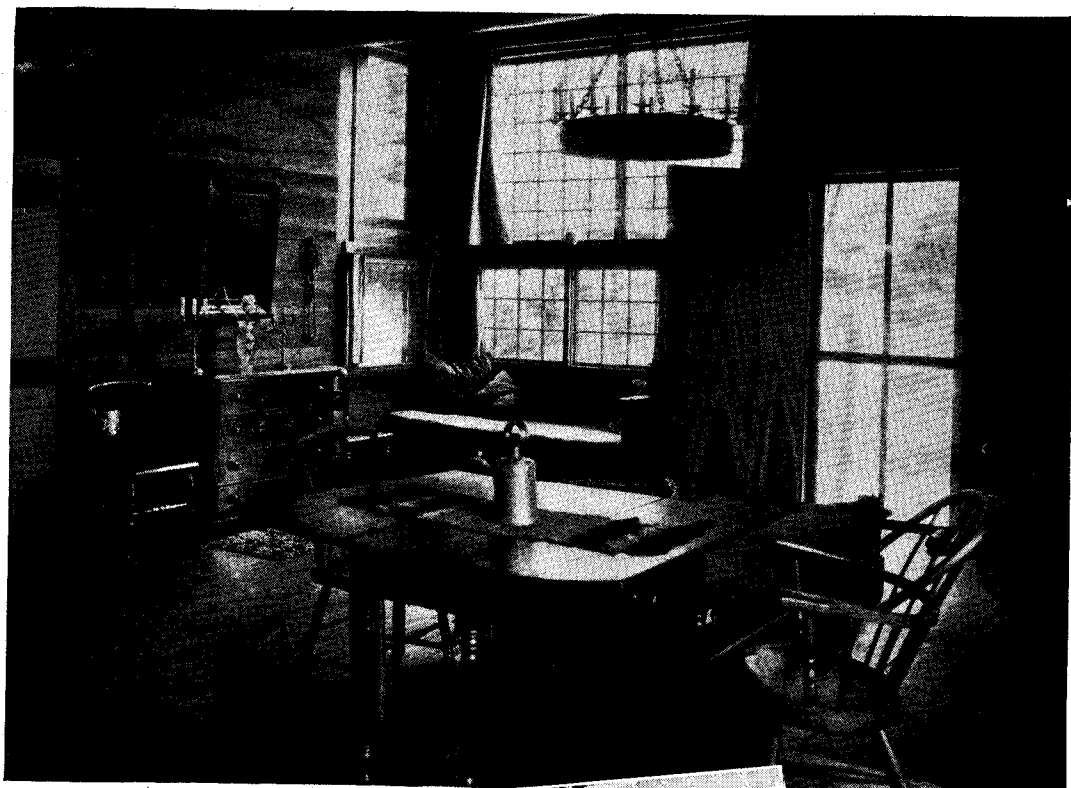
To reach the spot one has to climb a steep slope of one hundred steps, cut out between dulled laurel growth and evergreens. But at the top there is the reward of miles of valley, a rokan reservoir far away, and a repeating succession of hills folding back into the infinity of blue. Here the patient cedar and pine have a peculiar remoteness; even the birds that wheel in the clean air, move with slow solemnity and gain timelessness, while below in the village no boasts neither railroad nor street cars there lie quiescent, and a white-pointed church seems to promise rest. With that view had plenty of inspiration.

At the beginning there was added a studio room twenty-two feet wide by twenty-six feet in length. Outer walls were unfinished timbers, lightly a red brown. Gray-green shingles and staves and cement give a weathered appearance to the sloping, peaked roof. Inside, the walls are of two heights: the first fifteen feet from the ceiling is finished like the walls of the main house with boards from four to ten inches wide, thick peeled maple trunks, stained and supported by this end of the roof. The floor of the studio is twenty-one feet from the peak of roof. A balcony eight feet above the main level and twelve feet deep, extends into the end of the room, supported by a hand-hewn beam a foot in diameter and by small wooden trunks.

Against the east wall is the fireplace of gray stone held together with plaster, with chimney opening into the room. Hanging from a peg in the room is a harness of sleigh bells; brass and silver cups are arranged on the rocky shelf that serves as a mantelpiece.

The studio floor is of two-inch pineboards, stained and oiled. In the north wall there is an eight-foot window of forty-eight panes; just above it are sliding windows of clear glass. Frames of the windows are painted black and hangings

The large beam that supports the balcony is carved: "Strength lies so close to me that I would be silenced by all words but those that come from the heart of me"



are of pale yellow cotton, hung from brass rings. A bench below the windows is decorated with cushions in vermilion red and shades of yellow; there are shelves built into the wall at the top of the bench for bright pieces of pottery. Adjoining this window is a Dutch door leading to an outer terrace. Sleigh bells serve as a door knocker; a ti lantern with lights of purple, red, and yellow hangs outside the door which is painted diagonal stripes of vermilion, green, and black. Inside the studio, on the opposite of the door, is another row of windows at the top of the wall; below, hangs a hands old clock with a reassuring steady tick in the small niche between this wall and fireplace, where stands the radio on a convenient table, is a square window looking onto the front terrace with a view of the valley. To the south of the fireplace there are three additional windows about fifteen inches in height hung with rich purple fabric and below the windows is a settee, one of those old-fashioned spool benches, now upholstered and comfortable with cushions. Across the room to the west near the kitchen door, are two more windows, covered with soft yellow fabric: these look onto the large rear stone terrace.

The skill with which color has been introduced into this room and throughout the entire house is largely responsible for its charm. Against the south wall and abutting on the west windows is an open cupboard with covered lower shelves for china. The exposed end pieces of the upper part of the cupboard are shaped into graceful curves. This piece has been painted as one plain canvas, not flat and uninteresting, but lovely pale blue and soft greens with a suggestion of yellow. Similar treatment has been used in painting the drawers built in the space under the staircase to the balcony, ordinarily occupied by a closet.

On the shelves of the open cupboard are pieces of old pewter, candlesticks, German and Swiss cups and plates; old earthenware, flower decorated bottles, pottery, coffee urns. Copper pudding pans and a set of old pewter spoons are on the wall. Brass branch candlesticks decorate the chest, above which hangs a nice mirror decorated with roses. Hanging from the ceiling by stout chains is a hand-wrought chandelier made by Mrs. Roentgen. Copper cups for candles have charming patinas. Two iron wagon wheel rims were used as the foundation for this fixture.

All furnishings of this room and throughout the house are early American and were picked up at odd times from near-by locations: Boston rockers, finely made dining tables, Hitchcock and pine chairs, spool benches, chests, and desks.

Once a loom for weaving held chief place in the balcony, but long ago it was removed and now the spacious upper open room with its smoothly waxed floor, old tables, and comfortable chairs is a place where one can gaze happily through windows in the sky, sit on the roof and spin daydreams. At one side of the balcony is closet space with doors of iron, framed with black scallops. A simple wall candlestick at the top of the stairs the outline of a sconce has been painted in vermilion. There is no handrail on the lower steps of the staircase, but the wooden bench has been cleverly constructed to serve as a handrail for the upper stairs.

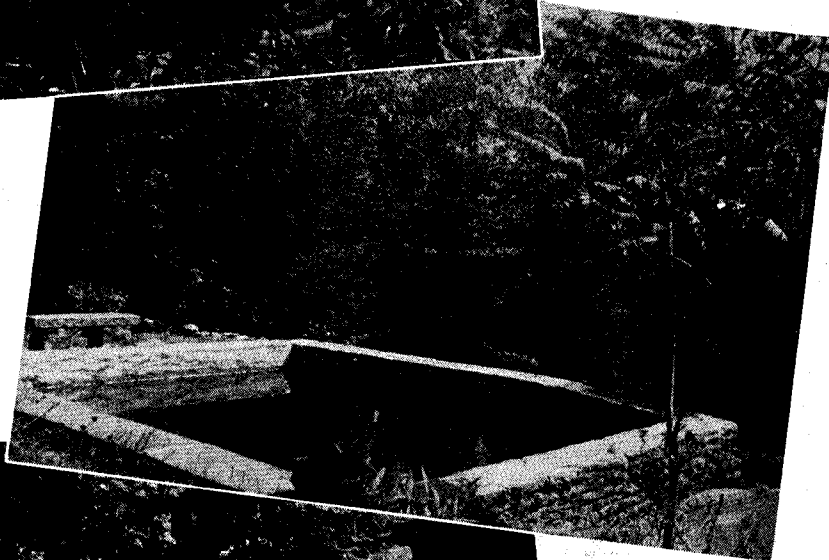
Leading directly from the balcony

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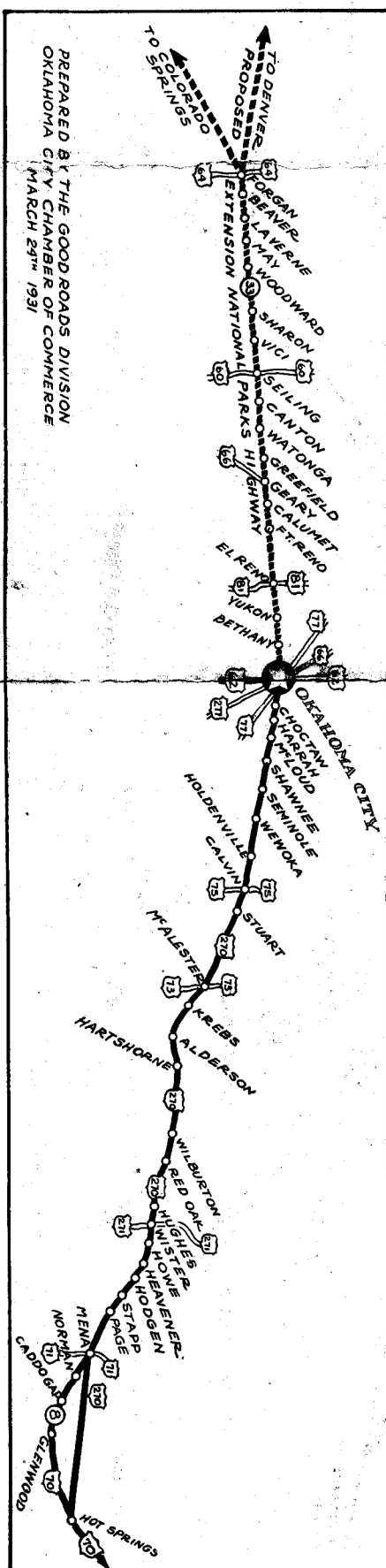
Peasant colors are used in hangings and decorations; genuine early American furniture is used throughout. Practically all the exterior and interior work too was done by the enthusiastic owners

A hundred steps had to be set into the side of the mountain for an ascent to the house; this followed the trail of laurel



Gradually were evolved an outdoor sitting room, stone garden walls and embankments, and small swimming pool





## 1931 Road Projects

**H**IGHWAY development, both in Oklahoma and throughout the Southwest, long has been a major activity of the Oklahoma City Chamber of Commerce. In keeping with this policy, the following projects, approved by the Chamber's membership, during 1931 are in process of accomplishment by the Good Roads Division:

- 1—Complete paving of U. S. Highway 66 through the state.
- 2—The extension of U. S. Highway 62 from Maysville, Kentucky, to Niagara Falls, and the improvement of that highway within the State of Oklahoma. This is one of Oklahoma City's major transcontinental arteries.
- 3—Extension of U. S. Highway 270 from Oklahoma City northwest, and the improvement of same.
- 4—Completion of hard-surfacing U. S. Highway 277 to Del Rio, Texas.
- 5—The extension of U. S. Highway 266 east through Arkansas.
- 6—The extension of State Highway 41 from Minco through Union City and Wheatland to Oklahoma City, and the construction of same through Canadian County. Also, the extension of State Highway 41 from Sayre northwest.
- 7—The paving of Grand Boulevard from West 10th Street north, crossing 39th Street, Western Avenue, Lincoln Boulevard, by way of Lincoln Park and south to the State Fair Grounds.
- 8—The paving of Eastern Avenue from Lincoln Park north to 63rd Street.
- 9—Continue to work with Oklahoma State Highway Department and the various Boards of County Commissioners through the State, where we can be of service, in the completion of the state road system of Oklahoma.
- 10—Improvement of Oklahoma County's highway system and additional outlets for traffic in and out of Oklahoma City.
- 11—Exert every effort with the State Highway Department for additional state highway mileage in Oklahoma County and the re-routing of state and federal highways to relieve congestion of traffic.
- 12—Assist in every possible way in working out a plan with the state and county units of government for the widening of Highway 77 from Norman to Oklahoma City and Edmond, the widening of 23rd Street east to the county line, and the widening of all other main highways in and out of Oklahoma City.
- 13—Continue to work with the American Association of State Highway Officials for additional U. S. Highways in the State of Oklahoma, where needed.
- 14—U. S. designation of a highway from New Orleans to Oklahoma City.
- 15—Extension of U. S. Highway 77 both north and south, and the paving of same in adjoining states.
- 16—Continue Tourist Information Bureau, giving information to the general public on highways and airline passenger traffic, the publishing of maps, etc.
- 17—The erection of bill boards at the intersection of U. S. highways for the purpose of directing inter-state traffic through Oklahoma City.

0-97-VS-157

FEDERAL HIGHWAYS CONVERGING AT OKLAHOMA CITY SHOWING CONNECTING HIGHWAYS

