

HERBERT HOOVER ON LAW ENFORCEMENT

(Continued from Page 4)

office, than it was before. He has reason to believe this for there has been a very great increase in convictions for all kinds of crime during the past six months.

Nominated On Enforcement Platform
Mr. Hoover was nominated for the Presidency on a platform which declared in no ambiguous terms for "the vigorous enforcement of this provision of the Constitution."

Mr. Smith's platform called for "an honest effort to enforce the Eighteenth Amendment."

There is no national difference of opinion on this phase of the subject.

In other words, Mr. Hoover took office, as he believes, with a clear mandate from the people of the United States to enforce the Eighteenth Amendment and the laws adopted by Congress thereunder, and what is more, he considers the most important issue before the American people is the reduction of criminality and disobedience to laws of all kinds—and prohibition is not the only crime in progress.

How important he regards it is easily deduced from the emphasis which he laid upon it in his inaugural address and in his first regular message to Congress.

I am going to note here from the President's public utterances, emphasis the point that he still holds the same views.

"I have been elected to enforce and execute the laws of the country," Mr. Hoover said in his inaugural address.

But he recognized there that the prohibition law can be enforced only with the cooperation of the public. "The measure of success that the Government shall attain," he said, "will depend upon the moral support which you, as citizens, extend."

Duty of Citizens

"The duty of citizens to support the laws of the land is coequal with the duty of their Government to enforce the laws which exist. For our citizens to patronize the violation of a particular law on the ground that they are opposed to it is destructive of the very basis of all that protection of life, of homes and property which they rightly claim under other laws," he said on March 4, 1929: "If citizens do not like a law, their duty as honest men and women is to discourage its violation; their right is openly to work for its repeal. Our whole system of self-government will crumble if officials elect what laws they will enforce or citizens elect what laws they will support."

About all a President can do with the citizens of the country as a whole is to point out that they have an obligation to obey the laws as long as these laws are laws. But his active efforts at enforcement of the law are aimed at the professional lawbreakers. "To those of criminal mind," he said at the same time, "there can be no appeal but vigorous enforcement of the law."

Well, what is President Hoover doing or trying to do to, with or about "those of criminal mind" in the matter of prohibition enforcement?

Gets Facts First

He tackled this problem in the way in which he tackles every administrative problem. "First, get the facts."

The way to get facts is to engage experts in that particular kind of facts to dig them out. One of Mr. Hoover's first acts as President was to appoint a commission, headed by George W. Wickersham, to investigate and report upon the whole problem of enforcement.

In the meantime, he turned his attention to the Personnel of the Federal Prohibition Enforcement Unit.

One of the greatest obstacles to efficient enforcement has been the character of the men, or many of them, originally engaged to enforce the law. In the first few years of Prohibition the term "prohibition agent" became almost a synonym for dishonesty and corruption. The temptation to connive at violations of the law was too great for many of them to withstand. And many got themselves appointed because they wanted the opportunity to sell out the Government to the illicit liquor interests.

Politics Hinders

So long as appointments to the Prohibition and other law enforcement forces were made under political pressure and without regard to fitness, this state of things was bound to get worse instead of better. Congress had, after nearly nine years of the old system, authorized the Executive to pick the enforcement personnel in the same way other Government employees are chosen, by examination as to fitness and character.

Mr. Hoover believes that this is already resulting in improvement in the efficiency of the Prohibition forces, and the work is proceeding rapidly in improving the service.

That process is going on, and men of a high standard of character, courage and a sense of duty are replacing the irresponsible ones.

Prohibition enforcement has been a function of the Treasury Department ever, there seems little doubt that it will shortly have been made law by the action of both houses.

Then, Mr. Hoover thinks, he will have a more efficient enforcement machine, under better control, than he has had up to now.

For a third line of control, the President is urging upon Congress the consolidation of all of the border patrol and coastal protective services into one. There are five different units now engaged in protecting the borders of the United States against the entry of smuggled goods. They are the Customs Service, the Immigration Service, the Coast Guard, the Prohibition Unit and the Narcotics squad.

Each of these has its separate function and not a man of one of them willingly does anything to help the others. They operate under different chiefs, with different methods.

Consolidated Forces

All of these, the president believes, should be consolidated into a single Coast Guard border patrol, which would guard the Canadian and Mexican borders as well as the sea coast. He has asked Congress to authorize this. What Congress will do is still uncertain. If the President gets the authority he seeks, he feels confident that the flow of imported liquor over the borders can be checked down to a trickle. He has no illusion that it can be stopped altogether. We have had laws against smuggling for a hundred years and more and still smuggling goes on. England has tried for a thousand years to stop smuggling, but still some illicit merchandise gets past revenue officers.

"It is not to be expected that any criminal law will ever be fully enforced so long as criminals exist," is the way Mr. Hoover phrased it.

And if Congress does not strengthen his arm in the matter of protecting the borders, he will go ahead and do the best he can do with the existing forces on the borders.

Wants Quick Court Trials

The next line of attack is his statement that there is no hope of real enforcement of the criminal laws—and there are many besides prohibition—unless Congress will do something to lessen the congestion in the courts, ever since the Volstead Act was passed. That was done in the first instance because there was already in the Treasury the nucleus of a force skilled in hunting down illicit liquor for taxation purposes. In the old days the Federal Government did not concern itself with those who made or sold liquor, or where or when it was sold. It was concerned only with seeing that every gallon paid its tax, that every dealer paid his Federal license tax.

Tax collecting was a proper function of the Treasury, but the enforcement of Prohibition never was. President Hoover urged strongly upon Congress this request for authority to transfer this phase of law enforcement to the Department of Justice, which is the proper place for it. Most other criminal statutes of great importance come under the jurisdiction of the Attorney General, who has a better machine for handling crime than the Treasury has or should have.

This transfer, which the President regards as the second important new tool in his hands for more efficient enforcement, has been agreed upon by the House of Representatives but not, as I write this, by the Senate. How long as bootleggers, narcotic sellers and automobile thieves can be sure of a year or two years before they come to trial they are willing to take a chance.

The fourth line of criminal law enforcement, as the President sees it, is reform in the methods of procedure in the Federal Courts. This has been strongly urged by the Commission on Law Enforcement.

As matters stand today, there are something like 80,000 cases of violations of Federal criminal laws brought before the Federal courts each year, of which only 10,000 or so go to final trial. The rest of the prisoners plead guilty and are fined \$100 or some other sum. This amounts, in effect, to a licensing system for bootleggers and thieves.

The reason for this is that the Federal courts have to handle all Prohibition cases and all other crimes by the processes of indictment by a Federal grand jury and a trial by a district judge before a petty jury. In state court systems there are magistrates before whom minor violations of law are tried, usually without a jury. The right of any prisoner to a jury trial is not denied, but the great majority of cases for which men are sent to prison for terms under a year, are tried in these minor courts.

The President's Commission on Law Enforcement has recommended, and the President has approved and requested Congress to authorize the setting up of similar system for handling Prohibition cases, and the grading of offenses under the Prohibition and other criminal laws. As the law stands now almost any violation of the Prohibition law is a felony, except casual or slight violations. With

"casual or slight violations" defined and the prisoner being willing to waive a jury and the district attorney willing for him to plead to a minor offense he can be tried without a grand jury indictment, by a method corresponding to trial in magistrates' courts in other cases, and with punishment in such cases limited by law to a moderate fine or a short term of imprisonment. The prompt punishment of offenses against the Prohibition and other criminal laws could be assured, the President believes, and respect for the law impressed upon the criminal classes by the only means which they can understand.

Editor's Note: This is the second of a series of five articles by Mr. Stockbridge based upon conversation with President Hoover. Last week we published "Government by Facts." Next week, "Farm Relief."

TELLS OF ARMY LIFE

Mount Greenwood Kiwanis Club held a regular weekly meeting on Wednesday evening at the Colonial sea room in Fernbrook. President William Jeter presided and introduced Captain Leland Scraggs of Trucks-ville as the speaker of the evening.

Captain Scraggs, who is a veteran of twenty years of army life, entertained the club with numerous episodes of army life.

Greetings were extended to Rev. H. F. Henry of Shavertown and Rev. W.



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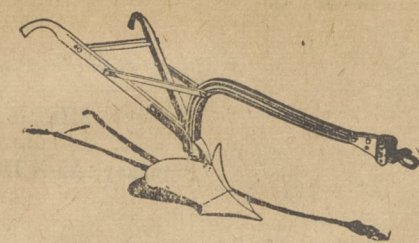
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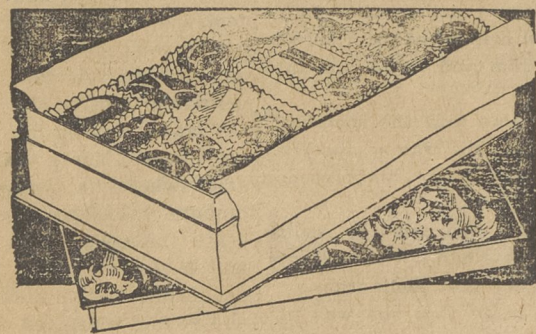
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