

ENRIGHT ON HOW TO ENFORCE PROHIBITION

POLICE COMMISSIONER ENRIGHT in the following article answers the question, "Can prohibition be made effective in New York City?" He points out the conditions making enforcement difficult.

By **RICHARD E. ENRIGHT**,
Police Commissioner, New York City.

THE prohibition law can be enforced and made substantially as effective as any other law in this city. We have never been able so far in the history of this city to prevent the violation, to a greater or less extent, of every law on the statute books, but we have been able to bring most lawbreakers to justice and, although many of them are arrested over and over again for repeated violations and escape punishment, we continue with our work of enforcing the law to the general satisfaction of the public. No reasonable citizen expects that any particular law can be completely enforced and this, of course, is true in respect to the Federal prohibition law.

Our great difficulty in the enforcement of the prohibition law is the fact that this law does not have the moral support of the general public. It is of general knowledge that this law was enacted by Congress in advance of proper expression of public opinion and, in the minds of a very considerable number of our citizens, the law is oppressive and an unreasonable interference with what they claim to be their personal liberties. This is a great cosmopolitan city with a population of approximately 39 per cent. foreign born, according to the census of 1920. Many of our foreign born citizens have been accustomed all of their lives to the use of light wine and beer, and it is difficult to persuade them that they must abandon a traditional habit and manner of life.

Blames Federal Government.

The repeal of the State prohibition law left no available legal process for enforcement by the State authorities of the national prohibition law in this city, and it is a matter of common knowledge that the facilities provided by the Fed-

eral Government for the enforcement of this law are notoriously inadequate. We have no additional courts of judges for the enforcement of the Federal law in this city other than those that were established prior to the advent of prohibition. The machinery of our Federal courts is so congested that there is almost a denial of justice, and it is almost impossible to obtain the efficient cooperation of our Federal officers in the enforcement of the Federal prohibition law. At the same time these courts are handicapped in the trials of other and more important cases by reason of the court calendars being congested, with cases growing out of violations of the national prohibition law.

The Federal procedure requires that a Federal agent accompany police officers in the service of warrants and, as the Federal authorities have a very limited and entirely inadequate force of such agents, the police officers of our city are rendered almost helpless in the service of these warrants. The Federal procedure, as it exists, is entirely too technical, cumbersome and ineffective for the prompt and efficient enforcement of the law.

Where to Shut Out the Liquor.

The greatest difficulty is due to the fact that the Federal authorities have never made any adequate preparation to prevent the importation of liquor into this city through our great seaport and over the borders from Canada and elsewhere. While we are seizing and have seized a tremendous amount of liquor it is safe to say that we are drying it up by the pint while it is being imported into the city by the hoghead.

The place to stop the importation of contraband liquor is at the portals of the city or at the border where it can be seized in large quantities, but, when this liquor is brought into the city and broken into thousands of small lots, it is easily conceivable that the enforcement of the law then becomes exceedingly difficult and would require the services of a tremendous number of men.

Therefore, an adequate force for the patrol of the harbor and coast and an adequate patrol of the border of Canada will prevent the importation of liquor and then the liquor now on hand will be speedily exhausted. Conceivably,

this would not require a very large force.

The manifest determination of the Government to provide sufficient men and means to enforce the law, to be

followed by severe jail sentences, will have the desired result. If the bootleggers can be made to understand that a violation of this law means jail for a period of years, bootlegging will soon



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become very unpopular. Fining bootleggers from \$200 to \$500, who can make a hundred times that amount in one week, is of course futile.

It should be understood, however, that there will always be illicit manufacture of liquor wherever there is a market for this brand of stimulant. Notwithstanding the fact that we have had a rigid internal revenue law in this country since the foundation of the Government and stringent State laws governing the illicit manufacture and sale of liquor, there has always been a great deal of moonshine liquor manufactured and sold throughout the country. We will always have moonshine, hooch, or whatever name this dangerous poison is called, manufactured to some extent so long as there are customers for this kind of spirits. Indeed, we have frequently seized illicit stills in this city in years gone by at a time when we had an efficient State liquor law on the statute books.

Campaign of Education Needed.

Of course, a campaign of education will be necessary in order to arouse decent citizens to the right attitude toward the enforcement and observance of the Federal prohibition law. As citizens who are drafted for our Grand Juries and juries must decide these cases, it is necessary that they at least should have no personal prejudices against the enforcement of the laws of the land. All good citizens should support the law, whether they like it or not. Even a criminal will observe a law that he likes.

One of the greatest evils of the present situation is that a great deal of the liquor which is now being offered for human consumption is poisonous, and its effect upon the consumers must be very bad. I have no doubt that the mortality statistics of our insurance companies will very soon reflect the general use and consumption of poisonous liquors and a corresponding increase in insurance rates will be necessary.

There is no question about the present effect upon society generally. A great deal of hard liquor is now being used by all classes of people—young and old, male and female—who heretofore seldom if ever indulged in the use of hard

spirits, and there is no doubt that this clandestine practice prevails to a much greater extent than ever before. Call it a fad or an alleged smart practice upon the part of a lot of our young people, or call it what you will, the situation is one that is far from reassuring.

Present Situation Intolerable.

As the head of a great law enforcement organization in this city I have no opinion to express upon this question other than that I believe absolutely in the enforcement of the law as it stands, and I am firmly of the opinion that this law should be efficiently enforced and adequate measures should be provided for its enforcement, or it should be modified or repealed.

The present situation is intolerable. Conditions which are detrimental to public morals, public health, and which probably to a great extent bring into disrespect all laws, should be corrected, and so long as the present law remains upon the statute books it can be handled in only one way—by rigid and efficient enforcement.

If I were offered unlimited men and money to clean up the city I could not succeed unless efficient court machinery was provided either by the Federal or State Government. A police force, no matter how well it may be organized or how efficiently it may be directed, cannot deal effectively with lawbreakers unless men who are privileged to sit upon our grand juries and trial juries will support them in the enforcement of the law and unless judicial officers who preside over our courts will impose adequate punishment.

With an adequate force of men and sufficient funds the police can and will bring plenty of grit to the mill, but unfortunately we cannot do the work of the miller. But I am satisfied that in this contingency public opinion could be organized behind the police of this city for the enforcement of this law and the law would be enforced as efficiently as any of the other laws now upon the statute books. Of course, many violations would be discovered from day to day, prompt arrests and adequate punishment would follow, and the entire situation would become a part of the routine law enforcement program of the city.