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## Unusual Address of District Attorney Colonel Hayward at Union Preachers Meeting--Story of his Own Abstinence Pledge

Anderson Cheered by Four Hundred Preachers When He Spoke Between Trial Sessions

On Monday, January 28, the ninth annual meeting of the ministers of New York City and vicinity under the auspices of the Anti-Saloon League was held in the Marble Collegiate Church. The large gathering of ministers after listening to the quite remarkable address of United States District Attorney Colonel William Hayward waited patiently while Orville S. Poland, attorney for the League, filled in time pending the coming of Mr. Anderson who was detained at the morning session of court, the meeting being held during the progress of the trial.

Colonel Hayward spoke without notes and in a most effective manner. One could understand, while listening to him, how such effective work has been done in the office of the United States District attorney for the Southern District of New York while he has been in charge of it. There was a quietness, a sincerity, a clearness and thoroughness in his discussion of every phase of the prohibition problem he touched upon. We greatly regret that there was no stenographer present able to take down his address in full. Colonel Hayward not only showed thorough familiarity with every sophistry advanced against the Eighteenth Amendment and the Volstead law, and the smashing answer to it but made it publicly clear that he personally stood not only for the enforcement of the law but for personal obedience to the law, telling in this connection how, because of a criticism made shortly after he took the office of district attorney, he had himself personally announced his own complete abstinence thereafter, under every circumstance, from the liquors banned by prohibition, regardless of whether they were possessed and consumed in accordance with the provisions of the law or not.

The meeting adopted resolutions calling on the Republican party in the state to nominate a man for governor "who is unquestionably in favor of prohibition, whose public record on this question can leave no doubt as to his convictions, and whose personality can summon to his support all loyal friends of prohibition of whatever political faith." The New York Evening Post was quick to point out that Mr. Hayward might be considered as measuring up to such a demand. Colonel Hayward said in part:

"From my present experience and observations I firmly believe in prohibition. There are always objectors to every kind of legislation that interferes with anybody's desire to do something. There are business concerns which say that the Sherman act interferes with personal liberty. There are doctors who say that the Harrison act restricting the free purchase, sale and prescription of narcotic drugs is against personal liberty; and some doctors are even accustomed to argue against any law they think infringes upon their liberty of personal action. No one has a right to cloak lawlessness in any such high-sounding phrase as 'personal liberty.'

"It is foolish to argue that the members of the American

Expeditionary Force were against prohibition and that it was put over in this country while they were out of it. The American Expeditionary Force was in favor of prohibition and voluntarily put prohibition regulations about itself in France.

"It was no easy thing to enact the Eighteenth Amendment in the Constitution. Recall what a struggle there was between Alexander Hamilton and Patrick Henry over the difficulty of the provisions for ratifying the Constitution. Objecting to that provision as making it practically impossible to amend the Constitution, Patrick Henry pointed his finger at George Washington and said that 'if the Constitution were

adopted tyranny would be re-established and the restrictions of personal liberty they had fought to overthrow would be re-established.' Yet in spite of the handicaps fixed by the Constitution itself the Eighteenth Amendment was achieved and achieved in the orderly processes provided by that document.

"But they say the people never voted upon the subject matter of the Eighteenth Amendment and on the Eighteenth Amendment itself. If every man, woman and child in the United States at the time had gone to the ballot box and had cast a ballot for such an amendment it would have had no possible effect whatever and could not have put the amendment into the Constitution. I am a firm believer in the government of the United States as devised by Hamilton and the fathers and as it has come down modified only to a slight extent since that time. This nation has endured because it was and is a Republic—a representative Republic—and because the people can not go to the polls under any sudden sweep of sentiment and overturn every branch of the government. And why talk about mere popular vote on

this matter alone, when popular votes settle nothing nationally, not even the presidency. In 1884 Grover Cleveland was president and in full possession of all the authority of government. In the presidential election that year he received a hundred thousand more votes to continue as president than Benjamin Harrison, his opponent, did to become president. But in the electoral college, the body of representatives elected by states to cast the actual vote which elects a president, Harrison had a clear majority. The popular majority was for Cleveland by over one hundred thousand. The electoral college vote was for Harrison. But the popular vote had nothing to do with the question under the Constitution. Did Grover Cleveland, already in the possession of the presidency, refuse to accept the electoral college vote which deprived him of office, and appeal to the one hundred thousand popular majority in his favor, and defy the Constitution because of that popular referendum? The only way to express any effective sentiment against the Constitution, and against the Eighteenth Amendment in it is the manner in which the advocates of the Eighteenth Amendment acted. The process which created that amendment will

### HIT THE LINE

Regardless of events and individuals, the real war must and shall go on. Political leaders at Albany have announced that the Ordinance-Enabling Triplets are dead because of the court verdict in New York. The Triplets were not on trial in the Criminal Courts Building of New York City. The ruin wrought by the repeal of the Mullan-Gage laws goes on. Homes and families have not quit suffering from defiance of prohibition. Yet members of the legislature say they will do nothing to give the people power to prosecute bootleggers in their local communities merely because William H. Anderson was pronounced guilty by a New York City jury! Where is the connection? Do you who live in communities that want to be dry stand for that? Will you let your assemblymen and Senators use that as an excuse for keeping you helpless before bootleggers?

If not, let them hear from you at once. Let churches and individuals make it plain to the legislature that they were not on trial in New York City, that their community rights were not on trial, that their community needs were not before the Anderson jury, and that they want the Triplets passed. Hit the line, and hit it hard!

be equally effective if applied to its destruction. But it can not be destroyed in any other way.

"And why is it that there are men in this country who will stand up and say that the Eighteenth Amendment was not an expression of the country's sentiment? There are ninety-six legislative bodies in the legislatures of the forty-eight states. And the vote of those bodies was ninety-three to three in favor of the ratification of the Eighteenth Amendment. It was the most convincing vote on a constitutional question ever given.

"How is it that the arguments against this particular law—arguments meant to undermine belief in it as a real and just law—are worded so identically whether they are heard on the street or at a social gathering or in a Pullman car? I have had the same utterly unreasonable objections poured into my ears in exactly the same words until I am weary of them. How do they come to be worded in exactly the same way everywhere? How else but by reason of the fact that there are some sources of propaganda busy putting these words in the people's mouths and circulating statements meant to undermine belief in, and obedience to, the law.

"Then they say that the Volstead act is wrong; that it is an impossible piece of legislation. There is probably no district in the country which has had so many important cases arising under the Volstead law as we have had in New York; cases arising under the provisions preventing importation into and transportation through the country; cases against socially prominent bootleggers with all the strength of wealth and social position behind them; cases against immensely wealthy, unscrupulous, under-world bootleggers, of one of whom it was said that people were more afraid of him than of the United States government. Yet we won all these cases in this district under the Volstead law. I have found it an extremely sound and workable law; and I would feel like congratulating the judicial committee of Congress which drafted a law so thoroughly workable from the legal standpoint, as we, even here in the greatest city, the city of the most wet sentiment in the country, have proved it to be.

"And how can there be any valid argument against the 'one-half of one per cent' provision in the law? The law does not say, and I have never heard anyone claim, that one-half of one per cent of alcohol in a beverage makes it actually intoxicating. That is not the point. The point is what percentage will make the law enforceable? For sixty years before the Eighteenth Amendment was adopted all the states were framing laws to deal with the liquor traffic, to regulate it or to prohibit it—first with one law and then with another and in those experiments various kinds of definitions were used such as, 'liquor sold in dram shops,' 'strong liquors,' 'intoxicating liquors' and many others, seeking always for definitions that would accomplish the purposes of the legislation. In the days of license, when the law was seeking merely to regulate the liquor traffic, the liquor people were honestly and legally entitled to sell their wares, and entitled by reason of the license fee they paid, to a monopoly in the selling of them. And these liquor dealers camped on the doorstep of every district attorney and insisted that the district attorney give his time to stopping bootleggers from selling in competition with them. To do so it was necessary to have an enforceable definition in the law that would make it possible to prosecute and convict these bootleggers in license days; and, finally, at the behest of the liquor dealers themselves it was, and properly so, insisted that the percentage of alcohol, the dead line, should be fixed at one-half of one per cent as necessary for the enforcement of law.

"Thirty years ago the United States government adopted the one-half of one per cent standard as being the point above or below which stamp taxes would or would not be required. In 1895 the legislature of the state of New York, faced with the responsibility of making new legislation on the question, passed the Paines law; and the New York legislature unanimously voted that the degree of alcoholic content which would be the dead line for prosecution under that law should be that adopted by the Treasury Department of the United States. Numerous states had experimented for years and had adopted the same standard in their laws; and when the members of Congress had placed upon them the responsibility of drafting legislation to carry into effect the Eighteenth Amendment they did just what everybody with intelligence expected they would do. They studied the laws of the states to see where the dead line would have to be fixed to make an enforceable law and adopted the definition of intoxicating liquor for enforcement purposes which the experience of the states in regulating and prohibiting the traffic had shown to be necessary.

"There are well-meaning people who actually seem to believe that if the percentage were raised to five per cent so as to permit beers and what they call light wines, that all bootlegging would cease. That all manufacture of moonshine would end, and that these men conspiring against the law with their stills, with their printing plants for producing bogus labels, with their automobiles and all their organization for seeking to break the law and making a profit out of it, would suddenly fade out of the picture. But I am not one who has any such belief. It would not in my opinion to any considerable

extent help the authorities or do away with bootleggers.

"It is better, of course, to be obedient to law than to have it enforced against one. That is the ultimate idea, the acceptance, by all people, of the law because it is the law. And on that point may I say a personal word. I drank while I was in college and I drank in the Spanish-American war. I never drank very much, but when I was where it was on social occasions, I did drink in moderation. After the enactment of prohibition and we came home from France and I was in the district attorney's office, I was present at a supper party. It was a birthday anniversary and in the home in which it was held there was liquor legally acquired before prohibition, the serving of which to guests was permitted under the law. At that supper party there was one small bottle of wine for seven people, so that no great amount went to any individual, but with it the one whose birthday was being celebrated was toasted, and I participated in the toast. Then one of the young men present said to me, 'You do not seem to me to be consistent. You prosecute other men who give people a chance to do this same thing—to get a drink—and then you drink here.' I explained of course that I was doing nothing in violation of any law, that the liquor was legally in the house, legally exempt, legally served and legally partaken of. But his reply was, 'That's a good lawyer-like explanation, but it does not go with the men in the street.' At first I was angry but the more I thought about it the more I saw that the young man was right in his view; and I said then and there that so long as prohibition remained the law I would never drink another drop. And it has been a matter of great gratification to me while prosecuting the important cases I have had to handle, that I made that decision then. And if prohibition were to be repealed tomorrow and liquor was to come back, I do not think even then I would ever drink again.

"There are those who say that prohibition is responsible for the lowering of good morals and good manners among young people. That there are tendencies and some conditions that might be wished otherwise is true; but I do not believe that prohibition has any part in creating those conditions. England is a country very similar to ours in its social usages. There the young men and women have much the same liberty of meeting socially. And yet the conditions complained of here have been so much worse in England that Lady Astor was able to get through a wet Parliament a law restricting the sale of liquor to young people in England.

"Among other strange things that I hear is an argument usually spoken in fine homes, amid luxurious surroundings, by wealthy people who seem to be greatly worried over the fact that while they are able to get liquor of a sort the poor man can not have his beer. I do not charge these people with hypocrisy. I do not say they are not in earnest. But I have never heard them worry much about a great number of other things the laboring man does not have, things that are really worth very much more than his beer—proper hours of labor, safeguards in industry, ending of sweat shops, and various other matters. It does seem strange that these wealthy worriers about labor should have said nothing about all these things through the years, and then should suddenly begin to worry about the poor man's beer. Labor is really interested in things that are more important than beer.

"It is the duty of a prosecutor, a district attorney to administer the law in its entirety. No prosecutor can select the laws which he will attempt to enforce. It is also the concurrent duty of the people to obey the laws. If a man can pick out laws that he wants to obey and other laws that he wants not to obey then we will have selective anarchy. And if there is widespread disrespect for this law, that will create widespread disrespect for all law. The respectable people who have their bootleggers and who defy the law are helping create that condition. If their catering to this kind of traffic and furnishing the money which makes it possible for outlaws to maintain expensive aids to the violation of law and offer bribes to officials—if that does not stop the thing that will happen will be that the bootleggers will destroy respect for the respectables.

"I believe in the ultimate triumph of the law in the state of New York as fully on this question as on other matters. I need not come to you with any word of mine to show that the repeal of the Mullan-Gage law has made conditions more difficult. I need only quote the words of the present police commissioner of the city of New York. He has publicly stated that before the repeal of the Mullan-Gage law they had reduced the number of places selling liquors from nine thousand to two thousand but that following the repeal of the state enforcement laws crooks and bootleggers flocked to the city of New York for the purpose of taking advantage of that repeal and that the number of places selling liquor went up as the result. I believe that this state will yet re-enact its own state enforcement act. I do not expect it to happen at this legislature, however.

#### BELIEVES IN THE TRIPLETS

"And I have a feeling that it is desirable that the legislature should act by passing the three measures proposing to give power to local communities to legislate and protect themselves against the criminals that are now swarming in those



## Personal Statement to the Anti-Saloon League Constituency by the State Superintendent

It would be improper for me to make any comment upon my recent trial until certain legal technicalities are taken care of.

Any person, however, has a right to say, if it be true, that he is not guilty, morally, technically or any other way, any verdict to the contrary notwithstanding, and that he expects that fact to be made clear pursuant to appeal.

God being my Judge, I do hereby solemnly so declare.

There are infinitely worse things than a verdict declaring one guilty of an offense he has not committed. I would rather be innocent and declared guilty than be guilty and escape punishment or even suspicion.

When I enlisted in this work in obedience to an un-

questioned Divine call I weighed in even my life itself.

Therefore, I feel no sense of grievance that the kind of fight which I believed it my duty to make should have resulted in an attack upon my reputation.

I am not in the slightest degree dismayed or discouraged over this temporary injustice. Much of what in the providence of God I have been able to accomplish is irrevocable and beyond the possibility of successful assault no matter how violent or desperate the efforts of a criminal liquor traffic. And I do not begrudge the cost. Further my determination to have a hand in the ultimate complete destruction of the illicit traffic as it follows the legalized traffic into the realms of the forgotten is not only not abated, but is deepened and intensified.

WILLIAM H. ANDERSON.

communities and against which the communities are now helpless. Even if a new Mullan-Gage law is passed I still believe it would be well to have such legislation on the books empowering the local communities. Under the federal law and under such a state law as the Mullan-Gage act it was and is necessary to try every case before a jury. It ought not to be necessary to try all minor offenses against the prohibition laws in that way. There should be some mechanism such as police courts in which the man with a bottle on his hip and other offenders in the smaller way could be tried and convicted without the expense and the time required for a jury trial. That would let the federal department of justice devote more of its time to the great conspiracies, to the large bootleggers, and to dealing with smuggling by land and sea.

"I believe we have made progress and have turned the corner on the prohibition question, not so much because of what any one individual has done as because the people have come to the conclusion that the amendment is here and here to stay, and that there is not going to be any relief so far as the national enforcement act is concerned. They are becoming universally disgusted with the stuff that bootleggers sell; and before long this law will be obeyed practically with the same degree of respect and obedience as any other law on the statute books."

Mr. Anderson was received with applause and cheers as the audience rose when he came from attendance upon his trial, while court was adjourned at noon, to speak to the meeting.

## Resolution of the Union Meeting of Protestant Clergymen of New York and Vicinity at the Marble Collegiate Church, January 28

First: That we appeal to the governor and the legislature of New York for the enactment into law at this session of the legislature of the bills popularly known as the Ordinance Enabling Triplets which empower cities, villages and towns to pass ordinances in support of the enforcement of existing laws including the Eighteenth Amendment of the federal Constitution. We contend that these proposed state laws are fully in accord with the principle of home rule, in that they afford communities which desire prohibition of the liquor traffic an opportunity for local enforcement. We hold that the repeal of the Mullan-Gage act has forced the United States government to undertake police duty that properly belongs to the state and its municipalities; that the precedent New York state has set in this matter is not safe, wise, or patriotic in the scheme of American government; that law of enforcement properly begins in the local communities which in New York state have been left helpless through the repeal of the Mullan-Gage act to deal with the enforcement of prohibition; and that these bills being sound in principle will, if enacted into law, promote the good order of the state and the welfare of the nation. We believe that these proposed laws are in full accord with President Coolidge's call for coordination of federal and municipal units in the enforcement of prohibition and that New York state should respond to the request of the chief executive of the United States.

Second: That we call upon the newspapers which have complained that New York has had no popular referendum on prohibition to give strong support to the Ordinance Enabling Triplets now before the Senate and the Assembly as offering the best referendum of binding legal effect now available. Since the Ordinance Enabling bills are permissive, giving to each community in the state the opportunity of local law enforcement of prohibition, no more fundamental reference with power can be offered to the people under the law.

Third: That we challenge the wet newspapers of the state to promote without equivocation the enforcement of the national prohibition laws. In the name of good citizenship we

believe that they should cease featuring the law breaker as a hero and should make plain to the public the sordid, miserable, wretched results of disloyalty to the Constitution and the laws of our country.

Fourth: That we urge upon the Republican party the necessity of nominating for the next governor of New York state a candidate who is unquestionably in favor of prohibition, whose public record on this question can leave no doubt as to his convictions, and whose personality can summon to his support all loyal friends of prohibition of whatever political faith. The Democratic party of this state seems to be committed to a policy in opposition to effective prohibition. The Republican party can not hope to compete successfully for the wet vote of the state as the history of the last campaign for governor clearly demonstrated. The opportunity is wide open to the Republicans to capitalize the present situation by an appeal to all loyal citizens to choose as a chief executive of the state a man who is not only for law enforcement as a general principle but one who is wholly loyal to the American government in its adoption of national prohibition.

Fifth: That we believe the Republican party should adopt as a party platform and political principle the restoration of the unrestricted direct primary in this state to the end that all the members of political parties, including the great mass of women voters now practically excluded from party councils, may have a deciding vote in the selection of party candidates for all important elective offices.

Sixth: That we approve of the requested legislative investigation of the Anti-Saloon League provided such an investigation be broadened to include all wet organizations working in the state, specifically the Association Against the Prohibition Amendment, and all other organizations, such as the Federation of Labor, which are using their influence for wet legislation and further be made to include all public officials who have conspired to block effective enforcement of the prohibition laws and have embarrassed efforts made to promote the enforcement of such laws.

## The Conviction of William H. Anderson May Not Stand

(Editorial in the Brooklyn Standard-Union of January 30)

Most of those who attended or followed in the newspapers the trial of William H. Anderson, state superintendent of the Anti-Saloon League, on a charge of having committed forgery in the third degree, were of the opinion before the jury retired there would be a verdict of not guilty, or, in default of that, a disagreement. The verdict of guilty was something of a surprise. How such a conclusion could have

been reached after Judge Tompkins' charge, which was eminently fair, was and is difficult to understand, although the appeal may be made on his refusal to charge as matter of law certain things proposed by the defense.

That the verdict will not be upheld is the belief of many. Perhaps how the presiding judge felt about it may be inferred from the fact that the defendant was not taken into

custody pending the filing of an appeal, as is customary, but allowed to remain out on the bail fixed when he was indicted until sentence is pronounced next month.

The case is unique in the annals of criminal law.

The Anti-Saloon League, which Anderson is charged with defrauding, has put itself on record through its board of directors as saying the charge against the defendant is without foundation in fact and that Anderson never defrauded the League of a dollar.

Moreover, it is conceded that is the actual fact.

The defendant did split commissions with one of the agents of the League and did order a change to be made in the League books, so the agent who split the commissions would not have to pay income tax on money he did not receive, but there was no attempt to hide or cover up that transaction. It was all openly done and when brought to the attention of the governing body of the League received its entire approval.

There are other aspects of the case that are curious.

For instance, when the facts upon which a conviction was secured yesterday were first laid before a grand jury, there was a failure to find indictments. But the district attorney's office took up the matter again and was able not only to secure indictments against the head of the Anti-Saloon League, but to have the grand jury which found the indictments recommend that a legislative investigation of the League be instituted.

There seemed to be a strong political flavor to that presentation.

Indeed the tactics pursued by the district attorney's office toward Anderson have been in marked contrast with the attitude it assumed toward other important cases. There is at present pending in that office an election case which has hung fire for two years despite the efforts of the candidate for the Assembly, counted out by the Tammany election officials, to force a trial of the defendants. Quite other methods were pursued in the Anderson case. It was pushed with vigor, and, although one grand jury had refused to find indictments after hearing the facts, ex-Governor Whitman was refused permission to examine the minutes of the second grand jury, while such permission was granted in six other cases, one of them a murder.

It was common talk that Anderson would be "railroaded."

All due legal forms were followed, but the conviction remains in many minds that the verdict secured will not and

ought not to stand, not for the reason there is any particular admiration for Anderson, but because of a belief that he has not committed any actual crime against the Anti-Saloon League or anybody else.

Then there was more than "bum" bookkeeping to trouble the defense.

That is how ex-Governor Whitman, counsel for Anderson, characterized the cross entries in the League books, ordered by Anderson to save one of the League employes from paying income tax on money he did not receive. The John T. King and Harry Mann incidents may have unduly influenced the minds of the jury. King, who Anderson testified, had given him \$25,000 which he spent in a publicity campaign for the League, could not be found. That such a man existed and that he gave Anderson \$25,000 to spend for prohibition is probable enough, but that his name was John T. King—the name he gave to Anderson—is not so certain. If he wished to give the money anonymously for reasons of his own he would be likely, in order to secure greater secrecy, not to give Anderson his real name. But after all, as Mr. Whitman pointed out, that had no bearing on the charge of forgery made against Anderson and could not be taken in any sense as evidence the defendant committed the crime of forgery in the third degree charged against him.

Anderson, in his League fighting, antagonized some powerful people.

They withdrew or largely cut down their subscriptions to the League, and it is a matter of common knowledge that their financial agent had many communications with the district attorney's office in relation to the indictments found against the head of the Anti-Saloon League.

Ordinarily Anderson's conviction would be legally satisfying.

That is, it would convince the opponents of prohibition and the advocates of a modification of the Volstead act that the fight against them was being conducted by an unscrupulous agency ready to go any length or to do anything to justify the imposition of the Eighteenth Amendment on the people; but the circumstances surrounding the prosecution of the Anti-Saloon League head leave more than a reasonable doubt in the minds of many thousands of men and women unalterably opposed to prohibition in the form of an amendment to the Constitution of the United States of the guilt as charged of the defendant.

That the verdict will be appealed from goes without saying.

## The Plea of District Attorney Whitman on Behalf of William H. Anderson, Summing Up the Evidence

People vs. Anderson  
January 29, 1924.

### TRIAL RESUMED

MR. WHITMAN. If your Honor please, simply for the sake of the record, I desire to move again for a direction, or that the Court, in the language of the statute, advise the jury to render a verdict of not guilty on the ground that the guilt of this defendant has not been established beyond a reasonable doubt, on the ground that the evidence not only fails to sustain the charge, but the evidence conclusively proves the defendant innocent of the crime charged.

THE COURT: Motion denied.

MR. WHITMAN. Exception.

And I renew my motion that the indictment be dismissed on the grounds set forth in the former motion at the close of the People's case.

THE COURT: Motion denied.

MR. WHITMAN. Exception.

Mr. Whitman then summed up the case to the jury in part as follows:

May it please the Court, Mr. Foreman, and Gentlemen of the Jury:

I congratulate you first, on the approaching termination of what must have been a somewhat tedious and somewhat exhausting experience and tax upon your patience during so many days.

I appreciate the attention which you have given in this case, the very marked attention that you have given to the evidence submitted, and the manifest sincerity on your part to understand and to properly determine the issues presented to you.

Now, an essential element of all crimes, it has always been so, in every English-speaking country in the world, it was so centuries before you and I were born, it is so today; an essential element of a crime is an evil intent. It doesn't make any difference as far as the case is concerned, so far as a trial is concerned, and so far as the criminal law is concerned, whether a man did a thing charged, unless it is also established that he did that thing with a criminal or fraudulent or evil intent. That is an essential element of all crimes. It is true of murder, it is true of arson, it is true of larceny, it is true of forgery, it is true of every crime set forth in the Penal law; it is true of every crime; it is true with regard to the

presentation of the facts to the Court in every court in every English-speaking community in the world, and it is true right here. And I want you to keep that in mind all through this case, an intention to deceive is not necessarily criminal. An intention to conceal is not necessarily criminal, and an intention to cover up conditions in a corporation or a company or your own individual accounts is not necessarily a crime. The courts of this state have specifically set that down. An intention to defraud, to injure, to take from some company—in this case a league—to take from that league something that belongs to it fraudulently and dishonestly and corruptly is necessary to establish a crime. That is the law of this state, and as I said before it is the law practically everywhere.

The evidence is sometimes treated in a summation in the order presented by the witnesses. If you permit me, I want in this case to present the evidence more or less briefly in what might be called chronological order. The story opens in the city of Baltimore something like eleven years ago.

Now this alleged forgery was a good many years later, and in my opinion what occurred at Baltimore has nothing to do with it, but that is in the story. And the first character, in connection with the rather interesting and somewhat sensational events, as they have been made to appear, is one John T. King. And Mr. King suddenly becomes a very distinguished individual throughout the United States. If he had attempted to obtain publicity he could not have begun to obtain what he has received during the last three or four days for twenty-four or five thousand dollars or anything like it.

### Concerning Mr. King

Now, gentlemen, we are told that this Mr. King gave during a period of two years to Mr. Anderson a sum approximating twenty-five thousand dollars. He didn't give it to him all at once. He gave it to him during this period of extreme activity on the part of the Anti-Saloon League in New York, and on the part of the Anti-Saloon League throughout the country, and on the part of friends of the prohibition movement which was then virtually under way throughout the United States.

And I have no doubt, gentlemen, that you feel as a good many men have felt and some have said, that it would be a most astounding thing if a man should come to you and should say that he liked your looks or liked what you said or liked what you were doing, and should in the course of two years



or eighteen months, whatever the period may be, give you twenty-five thousand dollars. It would be very astounding. Nobody ever gave me twenty-five thousand dollars under such circumstances. Nobody ever offered to give me twenty-five thousand dollars for anything in my life. Now, today, if anybody should come to me and should offer to give me that amount of money or a similar amount of money I should regard it as an astounding thing. If I should be told such a story why I should regard it as a fantastic story and so would you, and gentlemen it would be a fantastic story and it would be an astounding thing.

But, listen. Supposing you, supposing I, not a law practitioner, not engaged in the business or occupation in which you gentlemen are engaged, but supposing you or I or any other man were entering upon, in the great state of New York, in this great state of eleven millions of people, a campaign against one of the most powerful, one of the most resourceful, one of the most arrogant, one of the richest businesses or entrenched institutions in this land.

You and I know that for fifty years efforts had been made along the lines of moral suasion or temperance meetings or religious efforts or church drives, of the so-called kid-glove method to fight an institution that was willing to use any weapon to maintain its existence in this country. And you know that just as well as I do. And they hadn't gotten very far. And a man, one of several to be sure, a belligerent, pugnacious, rather reckless, in some ways disagreeable fighter, comes forward to come to this state and undertake that fight against the greatest power outside of political power at that time existing in this city and in this state. You know that and I know that. And when a man offers to finance him to the extent of twenty-four or -five thousand dollars, saying, "You can take this money. It is your own. Use it as you please. You are fighting this battle. Of course I am not subscribing it to the Anti-Saloon League. Of course I am not putting it on the books of the Anti-Saloon League. Of course I am not asking receipts from the Anti-Saloon League. It is your money. You are carrying on this fight. Support your family with it if you want to. Support your children with it if you want to. Build your house with it if you want to. Use it while you are fighting this thing as you want to."

#### The Use of the Twenty-Four Thousand Dollars

Is there anything astounding about that? Is there anything astounding about the use of the twenty-four thousand dollars? Why, it was a small matter compared with the two million dollars that the Anti-Saloon League used in this state fighting this thing, and that was a small matter, two million and more, compared with the billions of money that were back of the foe against which they were contending.

It is to laugh, one way or the other. Who is John T. King? I don't know and I don't care. I mean, for the purposes of this trial I don't know and I don't care. It doesn't make the slightest difference who he was or what he was or where his money came from, not a particle.

Isn't it reasonable to suppose that a man who is willing to do that might be unwilling on account of his business relations, his social relations, his financial relations, his own condition, whatever it may be, that he should prefer that the gift should be anonymous? Isn't it reasonable to suppose that he might have collected it, I don't know, from a dozen people? I don't know, and neither does Mr. Anderson know, and there is no reason in God's world why he should know.

Why, gentlemen, you see every day hundreds of thousands of dollars given to educational institutions of this country and given anonymously. You read every Christmas time and every Thanksgiving time and every time there is a drive in the newspapers of this city, for the little children of the city, for the Fresh Air Fund of the city, for all kinds of things, "given anonymously, given anonymously, given anonymously."

It doesn't make any difference.

There never was a political campaign in the history of New York City that that thing has not been done, over and over and over again. There never was a campaign, not in your time or in mine, in the history of New York state when that thing or something like it has not been done, ten times that amount. Why, we spent over a million dollars here, as was demonstrated by an investigation, to elect Mayor Mitchell in New York, by propaganda, spent in two months. It is the most natural thing in the world, and there is nothing astounding about it, there is nothing fantastic about it, there isn't even anything unusual about it, and there is absolutely nothing improbable about it.

Now, Mr. Anderson comes to New York, and again we hear from the evidence that he has dealings with another man whose name he knows and gave, he preferred not to, (and a suspicion might have been created in some minds that the man was entirely fictitious) and that he used \$24,000 in two years in publicity work for the Anti-Saloon League.

#### Henry Mann

Now, gentlemen, again as far as this case is concerned—don't misunderstand me, I am simply confining my attention, and endeavoring to confine your attention to the matter of

this alleged forgery—as far as that is concerned it doesn't make any difference whether that story was true or not, except possibly as affecting the credibility of the one witness upon whose testimony we don't rely at all as a necessity for sufficient evidence to defeat this case. But, Mr. Mann goes throughout this state, and the testimony is, and it is contradicted anywhere, that as the result of his efforts this state was flooded with publicity. I want to tell you that I know something about that, gentlemen. I ran for governor of this state during that year, the year 1914, and I know that there wasn't anything else that received the publicity. Either candidate for governor was not in it with the publicity received by the Anti-Saloon League.

Mr. Anderson testifies that he left that publicity to Mann, that the boiler plate—and if you have ever had to do with boiler plate you will know how much it costs—that the interviews, that the written article that the electro-plates, that were placed in the newspapers and hundreds and thousands of them throughout this state, all that was left to a publicity man who was introduced to him by King.

Well, we heard a good deal in the way of suggestion that he, too, was a mythical character, that although all this publicity was obtained, that although this work was done—and I want to tell you it is the cheapest publicity work I ever knew of as having been done—that although it was done, still there wasn't any Mr. Mann.

To my surprise, it didn't strike me as very important one way or the other, you heard Mr. Bloomer say that I didn't take it very seriously, and I didn't when he came to see me. The whole thing seemed so entirely unimportant as affecting this case. We will meet the other issues when the time comes. We are ready to. A man who, so far as I know, I had never seen before, testifies on the witness stand that he knew Henry Mann, and that he saw him from week to week, and that he worked for him for a year and over, that that was his business, that he had done some work for the Democratic party and the Republican party and the Progressive party, and worked for other interests and other institutions, that he did it as a matter of business, he testified that he was paid for it. The evidence doesn't show what he was paid for it, very properly, no question about the propriety of the Court's ruling, he was not allowed to say what he was paid for it.

#### "I Couldn't Answer About a Man I've Known 25 Years"

Every single question that was asked Mr. Bloomer for the purpose of discrediting him in connection with his acquaintance with Mr. Mann might be asked me relative to Mr. Morse, and I would have to answer exactly as he answered, today or eleven years hence. And so would you, gentlemen, with regard to hundreds of men that you knew and dealt with and knew well eleven years ago and haven't seen for years since. There is nothing astounding, there is nothing incredible, there is nothing unusual, there is nothing fantastic whatever about that story. It stands absolutely undenied, and the suggestion that the amount of twenty-four or -five thousand dollars was paid for that publicity, the only improbability to my mind, from my experience, is that it didn't cost more, that it was done for that, and I would have thought it would cost infinitely more.

Now, gentlemen, we come from that period down to April, 1919. Mr. Anderson states from time to time, as the evidence shows, to officers of the League and members of the League and the public that he was spending money, some of it his own money that he had, during those two years. The suggestion is that he stated that it came from mortgages on his house, some of it, or mortgages or advances on his life insurance, or mortgages on his house in Yonkers, some of it, that some of it was his money, and that some of it was money given him.

The evidence that the claim was made, that it was continuously before the board. That a committee of the Board of Directors was appointed to investigate and determine how much they owed and how much the Anti-Saloon League owed Anderson. Such a committee was appointed, such a committee did investigate it, and such a committee did report, and this is the report that the committee made:

#### Committee Report Acknowledging the Debt to Anderson

"The report of the Special Committee appointed to investigate matters relating to advances made by the superintendent promoting the work of the League in connection with the reorganization was brought up and, on motion, this report finding on a basis of affidavit and detailed statement in connection with the contract and the action of this board that the state superintendent, William H. Anderson, has advanced a total of \$24,000 covering a period from March 1, 1913, to December, 1914, which was spent for the benefit of the League, and that such expenditures were in fact fruitful of result, and recommending that the amount be repaid with interest at 6 per cent from the date of the monthly totals to the date of the repayment, and recommending that the indebtedness be paid and be made a lien contingent, as aforesaid, upon the proportion coming to the Anti-Saloon League of New York from subscriptions to the National League, the indebtedness, however, not to be confined to reimbursement out of such fund, on motion

of Dr. Coman, seconded by Mr. Miller, the superintendent was authorized to draw reasonable sums of money pursuant to this report, and so forth."

The only body in the world that could authorize that expenditure was the board of directors. The only body in the world that had any right, as far as the obligation of the Anti-Saloon League was concerned, to determine that matter, the only body in the world that could rescind that is the Anti-Saloon League. The Court will tell you, I am sure, that under the law that by the passing of that resolution by the Board of Directors a legal obligation is created in favor of Mr. Anderson as against that board, that holds as against all the world unless it is set aside by a judgment of the Supreme Court of the state of New York.

#### The Obligation Absolute

Now, that is the law. And the passing of that resolution creates an absolute obligation of \$24,700 in favor of Mr. Anderson as against the League. That is binding today as it was the day it was placed in that minute book.

Why, the very people that passed that resolution today recognize it and want to pay it and are paying it all the time, and with all respect to my friend, Mr. Pecora, I don't mean anything unworthy in so speaking, it is not his business and is not the business of the District Attorney of this county whether Mr. Anderson is receiving from this League under that resolution binding upon the League and binding upon him those amounts of money. It can't be, for it is an obligation under the law, and he had a perfect right, as any man who has ever made up an income tax report in his life knows, to deduct these moneys from the amounts owed him.

#### Phillips' Story of the Alleged Shake-Down

Well, now, we hear something of a conflict of testimony. Mr. Phillips, an employee of the Anti-Saloon League, tells us that in a corridor of a building Mr. Anderson told him that if he did not pay to him, Anderson, one-half of his receipts over \$10,000 as commissions for the collections made for the Anti-Saloon League, that he could get out, or words to that effect; that he would not have a man working under him that was making more money than he was making. That was Mr. Phillips' testimony. Mr. Phillips testifies that that conversation was in 1917, and yet at that time Mr. Anderson himself was making about \$5,000 a year, and could not have made such a statement. The trouble was, Mr. Phillips, in fixing up his story, which very often happens, didn't remember that at that time where he placed his conversation Mr. Anderson was getting but \$5,000, not \$10,000, and the story could not be true because Anderson could not have said to him in 1917, "All that you make over \$10,000 I want to divide with you because I am not going to let a man be here that is making more money than I am." Anderson was only making \$5,000 himself then, as the record shows. Of course, the Phillips story is not true. Why, if it were true, gentlemen, and we are perfectly ready to meet that when it comes,—if it were true it would not make the slightest difference in this case. It has no bearing upon the question as to whether or not an entry was a forged entry or not, or whether Anderson had a conversation in a hallway with Mr. Phillips when he tried to hold him up. Phillips admits that there was such an agreement. He says he was forced to make it. But there was such an agreement.

Well, whether that agreement is going to be set aside or not in another proceeding is another matter. But the money was paid. No question about it.

#### The Question of Commissions

We concede it. The money was paid during those certain years by Mr. Phillips to Mr. Anderson. There is no question about that, gentlemen. And a great deal was made of it. Why, it is the most normal, it is the most natural, it is the most usual arrangement in the world, collecting money on a percentage. Human nature is human nature. Possibly if we had to make it over we might make it better, but I don't think we would. But men always will work harder and perhaps more successfully with an incentive to a greater reward for a greater result. That is always true and it has been so since the beginning of the world. It has been done with all the great drives during recent years, a percentage on collections. I don't like it. I don't believe in it as a theory, as a proposition myself, but it has always been done, and it has always been legal and is legal today, to go out and solicit funds for any good work or bad work, for that matter, as far as that is concerned, under an agreement to work on a percentage basis. There is nothing intrinsically wrong with it, and there is nothing illegal in it, in any way. If Mr. Anderson held this man up with a shotgun and if he compelled him, I mean figuratively speaking, if he compelled him to do it, that is another matter, another charge, and it is another crime if it was done, and has no place here. It was not done, and we are ready to meet that at any time, but if it had been it would not affect the result. That is the agreement under which they worked, and Mr. Anderson was authorized to make such an agreement.

Listen:

"December 9, 1919. At a meeting of the board of directors of the Anti-Saloon League. On motion of Mr. Miller, duly seconded, the Superintendent was authorized to make any proper arrangement for the securing of money by personal solicitation, which does not cost more than 20 per cent of the actual cash received."

#### Salary and Commission Account Correct

Now, this money amounted, in the years 1919 and 1920, and 1921, to substantial sums. For the calendar year 1920—Of course, gentlemen, as you can see, there has been a little confusion, probably not in your minds, owing to the fact that the fiscal year and the calendar year were different in connection with the work of the Anti-Saloon League, that the fiscal year ends on the first of May or the 30th of April, and the calendar year, of course, is the taxable year. For the calendar year 1920 the books of the League show that Mr. Phillips received and was entitled to receive approximately \$18,800. Mr. Phillips himself so testified. The books themselves so indicate. They indicate it before these \$4,400 entries were made. They indicate it after the \$4,400 entries were made. They indicate it at the time this report was made to the federal government. And they indicate it today. That on the basis of 10 per cent or on the commission basis of the amounts received and set forth in the contract and agreement over \$7,500, Mr. Phillips was entitled to receive under that agreement a salary or commission chargeable as against him and amounting approximately to \$18,800. In accordance with his agreement made with Mr. Anderson, and I neglected to say that you heard Mr. Phillips' testimony relative to his conversation with Anderson, and the \$10,000, when Anderson was receiving five, and then you heard Miss Odell testify that she was present when Mr. Phillips and Mr. Anderson discussed this matter, and Mr. Phillips said, very naturally and very properly, just as any man would say who was engaged in business with a man similarly situated, working together, working for the same cause and for the same people, helping each other along the same lines, that the employees should not receive more than the Superintendent. Of course, it probably occurred to neither one of them that this amount would amount to anything like that when they began. When this man came to New York and took charge of a bankrupt institution as it was shown, in debt eight or ten thousand dollars, and used his own money, put it on this fight,—he didn't expect to get anything like that. But whether they did or not, you heard Miss Odell testify that Mr. Phillips said, "It is not fair that I should receive such a large aggregate amount over \$10,000 which is what you are getting. We will divide it."

#### Miss Odell's Testimony

Now, you saw, Miss Odell. There was no reason in God's world why that woman should come forward with such a story as that if it was not true. There is no reason whatever why a woman of her quality and her character, which was perfectly apparent, and her sincerity, which any man of intelligence such as you must have discerned, would lie about a thing like that. And it was the story she told, as Mr. Pecora has admitted from the first, and she was not shaken one particle, as I call you to witness, and that is her story and that story is true. But whether it is or not does not make very much difference. That contract was made and the money was divided and the books do show that approximately \$4,400 was half of the salary and commission over \$10,000 during the year 1920 and was the amount which under the contract was due to Mr. Anderson. Dividing the commissions was a part of the expense of making that \$18,000. Dividing with Anderson was a part of the expense, if you please. It was a part—don't use the term "expense" if you don't want to—it was part of the obligation incurred under that contract. It was a legal contract, even under his interpretation of it, provided he lived under it for three years, worked under it day by day, lunched with this man, dined with this man, telegraphed him when he was in the hospital, hoping God will give him more strength; it was the obligation of Phillips to Anderson, met by Phillips, paid by Phillips in the discharge of his work, and deductible from his income of \$18,800, just as plainly as any deduction ever was properly deductible from the taxable income of Mr. Phillips on his own statement. The taxable income, as far as the income from the Anti-Saloon League was concerned, for the year 1920 was \$14,400, and there isn't an income tax officer in America that won't tell you so. It is the law of the land. It is not a question of interpretation here. His taxable income from the Anti-Saloon League was \$18,800 less \$4,400, deducted from it in accordance with terms of the contract creating an obligation, which is an obligation under the law of this state. And he did that.

#### The League's Books

Now, gentlemen, there are three different books. There is the journal. I don't suppose that I need not tell you men what the journal is. You probably have had more experience with the journal than I have. It is the daily almanac, so to speak, the daily record, so to speak, of what is being done and should be done that day, so to speak, using the popular term journal. And it is charged that there are three entries there, and that those entries in that journal are fraudulent.

Now, gentlemen, there is no charge that the entry in the ledger is fraudulent or that it is a forgery. There is no charge that the entry in the subsidiary ledger is a forgery. It is not. It is the truth. There is no charge that the return of the Anti-Saloon League to the Federal Government is a forgery, although that is the only thing under their charge that could have been in any way wrong if the forgery is true. It was



not wrong. There is no charge that the return of the Anti-Saloon League to the state government was a forgery. There is no charge that the report of Mr. Anderson or of Mr. Phillips was fraudulent. The only charge in this indictment is that the journal entry was a forgery. Why, it is almost too laughable to seriously consider,—I will show it to you in a moment,—that by the terms of that entry a fraud was committed or that by the entry the person entering it in accordance with the direction of the person directing the entry intended to commit fraud. For the Lord's sake on whom?

Now, gentlemen of the jury, the purpose of this statute, the only reason that the Legislature of the state of New York has legislated against forgery under this section, the only reason—the only object of the statute is to protect corporation, association, partnership or individual owning the books from being defrauded by means of false entries or alterations therein.

#### No Fraud Possible

The United States Government could not have been defrauded by the reports returned by Mr. Phillips because that report was true. It was what he received. The papers of this city have been full of this thing for a year. Has there been any demand from the Federal Government upon any of these people to come down and correct their returns? No. Why? Because the report is true. The only purpose of that statute is to protect the Anti-Saloon League from its own employees, or any other corporation that is keeping books from its own employees. I say that there isn't any word or suggestion of evidence that the United States Government was or could have been defrauded by these entries. It doesn't make any difference, however, whether it was or not. The only purpose of that statute is to protect the corporation whose books are being kept. Unless there was an intention to defraud, unless it can be shown that that corporation was defrauded, or it was the intention of Anderson to defraud the League, unless Anderson was trying to cheat the League whose money to the extent of two million dollars he had been expending for ten years in a cause which he believes a holy cause, unless Anderson was trying to rob Doctor Burrell and these other ministers who were here, and Mr. Fancher, who was here, and the fifty-four representatives of the Churches of God throughout this state, unless he was trying to rob them, there isn't any case at all even for the jury to consider.

I am not inveighing against the public authorities at all. It isn't strange that there should be a suggestion that this man has been trying to cheat the government somewhere. Did you hear Mr. Pecora say in answer to the Court in his opening? The Court asked, "Whom do you claim was defrauded and could have been defrauded, Mr. Pecora?" Why, he says, "There was a possibility that the Anti-Saloon League or the state of New York or the United States government might have been defrauded."

A possibility. Well, gentlemen, we don't convict people on possibilities. There is a possibility that a million things might have happened.

#### Must Prove Intent

It is up to the District Attorney of this county to show you by irrefutable evidence that it was the intention of this man to steal or cheat or defraud his own organization out of thirty or forty-four hundred dollars or whatever the amount is. Otherwise, there is nothing for you to pass upon.

What was it? Well, Mr. Phillips, as near as I can recall his testimony, and I am not going to bore you by reading it,—I bore you otherwise I presume,—that he didn't propose to pay income tax on \$18,800 which the return given him by Miss Hill showed. He complained about it and very naturally,—I would too. He spoke to Anderson about it and Anderson said "Why certainly, I will take care of that, that is what you did receive." Is there anything astounding about that? Is there anything wicked about that? Is there an evil purpose in that? For if there was any evil purpose, there was the time it was manifested,—when he first said that he would fix that, that he would change it, or he would see to that. There was the time. There was the time this terrible felony was conceived and initiated. "I will fix that,"—why, for what purpose,—to show what your taxable income was. Now we are meeting this squarely, gentlemen. These entries or fictitious entries, these entries—erroneous entries, they are not the kind of entries even to accomplish the thing they set out to accomplish, even as far as that is concerned. These entries are rather in the naive language of Mr. Morse, these entries are statistical, these entries might be regarded as a memorandum if you please, that \$4,400 was an expense of Mr. Phillips'. It is bunglingly done, it is foolishly done, it is laughable in its simplicity. It doesn't accomplish anything but the purpose is clear anyway and we are willing to stand by the purpose. We are willing to say "Yes, we did direct those entries for that purpose and we would do it again." There is nothing wrong about it. There is nothing criminal about it. Why it is childish, it is silly, it is foolish, it would have been better to enter right in the book \$4,400 deducted and paid as a portion of his commissions. Quite possibly Mr. Anderson didn't want it entered in the book. There is no obligation that it should be. Why didn't they have it spread on the record? There is no reason why it should be, but it is all right if it wasn't. To conceal Anderson's income? Nonsense. What difference does

it make, and how could it be entered on the books of the Anti-Saloon League as Anderson's income? It wasn't an obligation of the Anti-Saloon League to Anderson at all. It was the obligation of Phillips to Anderson and unquestionably the wiser way,—unquestionably the better way would have been for Mr. Phillips to enter on his income tax \$18,800 and deduct the \$4,400 on his income tax return. It would be the better way, there is no question about that, but gentlemen, anyone of them is the legal way. All that the law requires is that you show a return to the United States Government of your taxable income, and forms are given for your convenience, for your aid and assistance, but if you have examined as many clients as I have and have gone over returns made three or four or five years ago as I have, you will think that is a pretty accurate return, compared with those made by a good many business men in the early days of the income tax law.

#### The Order to Transfer the Four Thousand

Anderson was requested by Phillips, as I have told you, and he said he would attend to it. He wrote a memorandum, a very brief one, "Transfer from Phillips' salary account to Phillips' expense account." There is nothing about hotels, there is nothing about traveling, it is expense. In other words, let the books show that Phillips had that expense; well, he did have it. This is the journal entry that Mr. Potter made "O. B. Phillips Salary Account, Accounts Payable, \$4,400. O. B. Phillips Expense Account, Accounts Payable, \$4,400, to adjust amounts credited to O. B. Phillips' Salary Account through voucher register in error, \$4,400," and then is repeated "in error \$4,400." Anderson is charged with the alleged \$4,400 and he hasn't asked him to enter anything in error. He hasn't asked him to take anything from voucher register or the bills payable register, or any other entries, he hasn't directed that it appear that this be entered under expenses, or hotels or railroads and whatever it may be, he hasn't directed that it shall appear on these records that there was an error, or that it should be entered in error. He has suggested that the records show that there was a transfer from the salary to Phillips' expense because Phillips himself incurred that expense, and that is what was done. I don't maintain it was good bookkeeping, it was mighty poor bookkeeping. It is, if I may use the expression as it is sometimes called and was called the other day, bungle. There is no question about it. Those were readjustment entries, there is no question about that, but it is a far cry from poor bookkeeping from superfluous entries, from inaccurate records, from the statement transfer salary account to expense account,—it is a very far cry from that to the crime of forgery for which a man is convicted, if the wisdom of the Court should think proper, may mean to a State's Prison for five years. It is an awfully long distance from that kind of a bookkeeping entry to the crime of forgery.

A banking corporation is obliged under the law to keep a certain kind of books. The law provides how those books shall be kept. The Superintendent of Banks or his representative inspects these books sometimes as often as once a month, as you know, if you are bankers,—and sometimes once in six months. These must be kept in a certain way. The law provides how a trust company shall keep its books, and failure to keep books in that way is a violation. The law provides how an insurance company shall keep its books, and books shall be kept in that form. There is no law requiring this League to keep its books at all. There is no law compelling you to keep books of your own house or budget of expenses. You can keep books of your family expenses if you want to, but if you do you can make entries in Chinese, if you want to, and it is just as legal. You can enter money paid for meat under money paid for bread, if you want to. You can make any entry there you want. It is yours. But if my secretary keeps my books and my secretary enters, after I paid my meat bill, say of \$50 for this month, and enters under the head of Bread \$50, showing on the other side that I haven't paid the meat bill, and thereby when I am sued by my butcher I don't show and I am deceived myself into the position of not having paid what I have paid, then I am defrauded,—nobody else, nobody else could be defrauded by these books except the Anti-Saloon League itself, and that is the purpose of that law. There would be no fraud and there would be no forgery, and there would be no wrong, because the Anti-Saloon League itself couldn't cheat itself by making its own entries, and there isn't even an allegation anywhere that the Anti-Saloon League lost a dollar.

#### How Could the League Loose Anything

Why, gentlemen, they couldn't loose a dollar. How could they? The books show that Mr. Phillips had a taxable income,—had an income of \$18,800, if that is the amount during the year 1920. The books show that he was paid that amount during the year 1920 and no possibility of any obligation to Mr. Phillips or anybody else could be created by it, and the Anti-Saloon League couldn't have lost by it, but the suggestion has been that possibly, I don't know how,—I am free to confess I don't know, and I don't mean any reflection upon anybody,—that possibly a claim might be left somewhere, somehow, as against the Anti-Saloon League, on Phillips' part.

Did you ever hear anything so funny as that,—absolutely as ridiculous as that? Listen: here are the checks, every one

# THE AMERICAN ISSUE

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of them [indicating], and a receipt signed by Mr. Phillips, together with the receipt for the \$2,500 check signed by Mr. Phillips in full for all indebtedness for 1920. Here is his release, releasing everybody under the vaulted dome of heaven,—you remember that release, on Mr. Phillips' part. Here are the books, these balance to a dollar, gentlemen,—proving that every cent that was owing Mr. Phillips has been paid Mr. Phillips. How could there be a claim on Mr. Phillips' part, or anybody's else against the Anti-Saloon League as a result of these entries? And it stands, undenied, the testimony on that stand, from witness after witness after witness, and Mr. Potter himself, the only man testifying on behalf of the People that knew anything about bookkeeping, gentlemen, didn't even suggest that these records left a claim on the part of anyone against the Anti-Saloon League.

## We Have Accounting Expert's Word; Where Is District Attorney's Expert?

It is testified by as competent an accountant as there is in America,—we tried to get the best, God knows,—a man who has been retained by the Federal government when Wilson was President and when Harding was President; who was employed by the state Government when Smith was governor and when I was governor; employed by institutions here in the city that are above question, over and over again,—and his testimony is unshaken, that the Anti-Saloon League by no possibility could have been defrauded by these entries; no, it stands uncontradicted and undenied.

Where is the District Attorney's accountant of any standing? He hasn't had any one of any position in the business world, or the accounting world, who will come here and swear that there is the slightest suggestion left there of any obligation of anybody, particularly the League,—none,—and you are bound, I respectfully submit, by the evidence submitted here to find,—you must find there isn't a word of contradiction against it, of the testimony of a man recognized throughout this country,—that these entries couldn't justify or lay the basis or foundation for a claim against anybody, particularly the Anti-Saloon League.

As I told you before, the three entries, which I assume are the entries relied upon, the first two entries as you will see,—adjustment of O. B. Phillips' account as per the two journal entries previous to this. Now those two journal entries are the entries that are transferred to the subsidiary account, the \$4,400 on the debit side and \$4,400 on the credit side of the expense account and \$4,400 on the debit side and \$4,400 on the credit side of the salary account, leaving that account,—that is the only Phillips' account, you understand me,—on the general ledger, Phillips' name doesn't appear,—this is the general expense of the League, and it was made in accordance with this journal entry referring to this, so that these other two entries,—these three journal entries refer directly to the subsidiary entry, warning anyone investigating, that that is the record which shows Phillips' salary, his taxable income or otherwise, and that record and all the testimony is unimpeached, uncontradicted and undenied, shows today as it showed when the entry was made that Mr. Phillips during the year 1920 received or had a right to have credited to him as income from the Anti-Saloon League, whatever his expenses were, the amount therein set forth, and it hasn't been changed a particle.

## Didn't Ask Their Own Witness

Did the People ask Potter if that entry added anything to the expense account, if that did represent any damage, or could have represented any damage to the Anti-Saloon League? —Mr. Potter was their own witness, the only witness that they had from whom they could have brought that out,—asking him if that in any way suggested the intention to defraud anybody,—no; was Potter himself asked if these entries changed

the status of Phillips, relative to his indebtedness, or the indebtedness of the League to him one particle? He wasn't even asked the question. Of course, the defense is not supposed to ask him the question,—he is the People's witness. The People have expert after expert ready to testify. There isn't one single word before you of any competent accountant which even suggests that there is anything wrong with any one of these entries, and don't you suppose that if any reputable accountant could have been found that would have contradicted in the slightest particular anything that Mr. Morse said, or that Mr. McLaughlin said, that he would have been produced here?

Bookkeepers,—as men having had experience with that kind of work, in your own business, I appeal to you, that for the purpose possibly of assistance, possibly allowing to appear what this man did receive for the purpose of assisting him, not Anderson, to make an honest return,—and Phillips has sworn that his return was honest,—this entry was made, and for no other reason whatever, and it is that which it was intended to accomplish, and it is all it could have accomplished,—in my opinion it didn't accomplish that, but the return of Phillips was made and it was made as an honest return.

Now these books were audited. Did Anderson hire the auditors? Were the auditors under any obligation to Anderson to make any kind of a return or any kind of a report? Did he have any control over them? Was any report even made to him? No. A man, one of the leading financiers of this city, and of this country, the first vice-president of a great bank in New York, a man who has had charge of the finances of great institutions, a man who has been chairman of the Bankers' Division of the Red Cross of America, and has handled its funds,—a man who is managing funds of a great church today,—its Bureau of Ministerial Support,—he hires Messrs. Hurdman & Cranston, who have gone over his books and over the Red Cross books and over the Congregational Ministerial Support books and over the Anti-Saloon League books,—he hires them himself to take these books and go through them and audit them and return them within a few weeks after these entries were made,—Hurdman & Cranston—a firm perhaps as well known and as competent as any of the similar institution downtown, younger perhaps than the Morse concern, and they report and they find the books all right, and they find that they balance perfectly, and they find that there is nothing due, that isn't represented there, and that every dollar that was owed by the Anti-Saloon League as of the date of their examination was paid by the Anti-Saloon League, as of the date of their examination. Is there any fraud about that? Could the Anti-Saloon League be defrauded after that report? Did Anderson get Mr. McLaughlin or Hardman & Cranston to make that report, to cover up the fact that he had consented to the entry to save poor Phillips \$300 or less? Gentlemen, it is inconceivable to me, that this man with a record which is known all over America, with a record as a lawyer, with a record as a fighter, with a record as you have heard from that stand as a reformer, if you please; as a man who has gone into a movement which millions believe to be a great movement, that he is going to run the risk of going to jail possibly for five years to save Phillips \$300 or less, or to save himself?

## Don't Make a Mistake

This man hasn't committed forgery and it is silly to suggest that for the mere purpose of helping somebody out for \$300, even himself, with the millions that he has handled, and the position that he holds, and the work that he has done, and the friends that he had made—lawyer as he is—is going to run the risk of state's prison for that. In the name of common decency,—I don't care, gentlemen, whether you are prohibitionists or not,—you may not like prohibition or you may; I may not like it or I may; His Honor may not like it or he may; Pecora may not like it,—but, gentlemen, it doesn't make any difference whether you do or whether you don't—I have nothing but respect for the young district attorney—I envy him his years; I wish they were mine, but, gentlemen, the only suggestion that seems to me, and I don't know now what the district attorney's claim is—the only suggestion that seems to me to be taken seriously by him is that possibly Mr. Anderson might have concealed in this way money which he ought to have reported to the government. Is it reasonable to suppose it? Is it sensible to suppose it? In the name of justice, and in the name of the cause that a great many of our people believe in, don't make a mistake. In the name of the majesty and dignity and sovereignty of the law, I ask you, gentlemen, to find that there isn't the suggestion of any possible damage or damages accruing to anybody as a result of these entries, and we believe that it has been conclusively established that the Anti-Saloon League couldn't and didn't suffer, and there couldn't have been any intention to wrong his own League, if you please, and that this man shall go forth from this trial—vindicated—I don't like to use that word; I realize that people differ in regard to things that he has done, but with the declaration that under the laws of New York he has not committed this crime, as from my very soul I believe, nay, I believe I have a right, from my own experience, gentlemen, to tell you I know he has not committed.



# THE AMERICAN ISSUE

Organ of The Anti-Saloon League  
NEW YORK EDITION

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SATURDAY, FEBRUARY 17, 1923

Number 7

## Hearing on Move to Deprive All Town, Village, City and County Officers of Power to Arrest and Prosecute Liquor Sellers February 21

Supreme Hour of Legislative Session Here; Let No Place Be Unrepresented at Albany on Wednesday; Smother Buffalo and New York City Wets With Plea From Every Community Against Repeal of Mullan-Gage Laws.

A word to the moral leaders of each community in the State of New York:

Do you want the police of your community and the sheriffs, constables, district attorney and courts of your county deprived of all authority to arrest and prosecute makers and sellers of alcoholic liquors in order to provide a liquor holiday for the wets of Buffalo and New York City? If not, you would better make prompt arrangements to have the best representation you can from your community at the Capitol Building in Albany on next Wednesday, February 21, to protest in terms of vehemence against the repeal of the Mullan-Gage Prohibition enforcement laws. The bigger that delegation is the more weight it will carry.

### THEY WOULD MAKE YOUR LOCAL OFFICIALS PERMANENTLY POWERLESS

It is vitally important that the people of every city, village and town get the facts straight in their minds. The aim of the wet propaganda is to make you think of the repeal of the Mullan-Gage State Prohibition enforcement laws as a mere gesture of refusal on the part of this state to comply with the Federal request that this state aid the Federal Government in enforcing a Federal law. There is vastly more at stake than that. The repeal of the Mullan-Gage laws will make it impossible for any community or county in the state to proceed against liquor making and liquor selling in its borders. It is not a mere refusal to shoulder a Federal burden that is being considered; it is a bald and devilishly designed scheme to render every city, village and town powerless before bootleggers and moonshiners.

Most of the rural towns of the state were dry before national Prohibition came. Let nobody living in those towns think that they can continue to have dry condition in their town, such as they had before national Prohibition, if the Mullan-Gage laws are repealed. Every one of them will be wet—riotously and helplessly wet. No arrests can be made, no trials held, and no convictions secured. Liquor making and liquor selling will at once cease to be offenses against any law in this state.

Twenty New York cities were dry by their own vote before national Prohibition came. The repeal of the Mullan-Gage laws will not mean that these cities can then fall back on their own local vote in 1918 and continue through their own police officers to enforce Prohibition locally. Regardless of the fact that these cities voted dry in 1918 no policemen in any of them would have any authority to arrest any liquor maker or liquor seller after repeal of the Mullan-Gage laws. Each one of these twenty cities will be rendered powerless before the bootleggers and moonshiners.

Under the laws which existed before national Prohibition came every city in the state outside of New York City and every rural town in the state had the right, if it so desired, to vote against every form of liquor selling within itself and to prosecute such selling. That right, however, was repealed by the Legislature of 1921. No matter how much your own city or town would like to be dry now, it cannot do anything against local makers and sellers of liquor if the Mullan-Gage Prohibition enforcement laws are repealed.

### PROPOSE TO MURDER LOCAL SELF-GOVERNMENT THROUGHOUT THE STATE.

It is clear, therefore, that the move to repeal the Mullan-Gage acts is not a move to return to the conditions which

existed in this state prior to 1920. Then there were laws upon the statute books giving every community which wanted to forbid liquor selling and prosecute liquor sellers the power to do so. Now there are no such laws and for every community in the state the alternative is the retention of the Mullan-Gage laws or utter helplessness in the face of complete liquor anarchy. All the long struggle for the right of communities in this state to make liquor selling a crime and prosecute individuals for it will be gone the moment the repeal of the Mullan-Gage acts goes into effect, and this entire state of ten million people will by that one stroke have been deprived of all right or power to determine what the conditions in their several communities shall be as respects liquor selling. They will be turned over to the hellish mercies of the horde of men who will make and sell liquor so soon as no one but the little handful of Federal officers will have any power to interfere with them in this state.

Government in America began on the town meeting plan. By that plan the people in local communities had the right by community action to protect themselves against the lawless. That idea was carried on through the years in the local option legislation wrested from liquor-controlled legislators by the people, determined on their own self-protection. For twenty-four years the people of the rural towns of this state had the right by ballot to protect themselves against liquor selling. After years of expensive struggle the people of all the cities outside of New York City acquired that same right. And now comes the present legislature and threatens by a majority vote TO THRUST ILLEGAL LIQUOR SELLING INTO EVERY HAMLET, VILLAGE AND CITY IN THE STATE regardless of the views of the people dwelling in these communities, and to render their police, sheriffs and district attorneys unable to lift a finger to stop any who want to make and sell.

This includes your community—every community in the state. This means that nobody in your community will or can have any authority to interfere with the piratical moonshiner and the cut-throat bootlegger.

Governor Smith went into office on a plea for more “humanizing” of the State Administration in New York, and here comes stalking down the road toward every collection of homes and every family dwelling this monstrous inhuman threat against peace, order, welfare, happiness and life.

### IT IS YOUR POWER THEY ARE DESTROYING: YOU ONLY CAN SAVE IT

This is no slap at the Anti-Saloon League or any organized Prohibition movement. It is a blow aimed directly at the communities and homes of this state. Legislators still have ears; they still know their constituents when they see them. They still are subject to wild perturbations when those constituents move en masse upon the Capital to express their feelings about pending legislation. The sheriffs whom this legislature wishes to render helpless before bootleggers do not belong to the Anti-Saloon League. They belong to you, the people, in your several counties. The District Attorneys and the courts whom these legislative liquor conspirators seek to paralyze, so far as any efforts against liquor makers and liquor sellers are concerned, do not belong to the Eighteenth Amendment or Andrew Volstead. They belong to you, the people of the several counties of the State of New York. The mayors and village presidents and police-

## DON'T FAIL TO READ

Dr. Burrell's statement, including a committee report, answering the charges against Superintendent Anderson; Superintendent Anderson's statement about Rockefeller contributions and the personal efforts of Mr. Fosdick, the Rockefeller representative, to oust Mr. Anderson before ever the Phillips charges were made; and other important matter bearing on the charges, in this number of the American Issue.

men whom the wet legislators now conspire to make mere flesh-colored dummies upon your streets so far as doing anything against liquor selling is concerned, do not even belong to the legislature. They belong to you, the people in the several communities who tax yourselves to support them and ought to have the right to make them deal effectively against every violator of law.

There never was so gigantic a conspiracy to rob the people of a great state of the power to proceed locally against crime. The repeal of the Mullan-Gage Prohibition enforcement laws will be a blow struck at the very essentials of local self-government as those essentials have been understood and practiced by people in the communities of this state from its early days down. **THIS IS AN ISSUE VASTLY GREATER EVEN THAN THE PROHIBITION ISSUE.** Can the legislature in the greatest state in the Union FORCE the people of the communities throughout its borders to connive at, condone and endure rampant daily crime? Can it deprive the communities of the state of the power to protect themselves? Can it steal from the people their rights of self-defense? That is the issue. That is the thing proposed, and whether it shall be done or not depends upon the extent to which each community in the state makes its voice heard at Albany on February 21.

#### PROVE IT IS OF THE PEOPLE

We have naturally put the broad aspects of this momentous issue first. As respects the Prohibition phases of

it, the time has come to make the politicians and the newspapers understand that the Prohibition movement in the State of New York is something immeasurably greater than a one-man affair. The wet newspapers throughout the state are seeking to persuade the legislature and the public that while Superintendent Anderson of the Anti-Saloon League is occupied with the personal assaults upon him, nobody much is caring what happens at Albany or is interested in activity there against the conspiracy to turn the state over without let or hindrance to the bootleggers. February 21 offers a superlative opportunity to demonstrate to these purblind newspapers and purblind wet legislators something of the scope and fervor of popular conviction on the Prohibition issue and the deep determination of law-abiding citizens to do everything possible to keep the Mullan-Gage Prohibition enforcement laws upon the statute books of the state. We believe that the moral leaders in every community and the rank and file of the supporters of Prohibition everywhere in the state will welcome this opportunity to demonstrate their purpose to see the struggle against the remnants of the liquor traffic through to the finish.

The hearing will be held in the Assembly Chamber at Albany following the closing of the morning session of the Assembly. That body usually adjourns its work about one o'clock. We think we have said enough to convince every intelligent citizen of the state who believes in the protection of his own community and family that HE ought to be at Albany to give the legislature his views on February 21.

## BURRELL ENDORSES ANDERSON'S ACT

Directors Must Share Guilt, if Any, Says Anti-Saloon League Head; Lays Charges to Wets; Makes Public Report Giving Dates of Anderson's Outlay; Pecora Marks Time

(Heading and article from the New York Times of February 10)

The Rev. Dr. David James Burrell, pastor of the Marble Collegiate Reformed church, New York City, who is president of the Anti-Saloon League of New York, yesterday afternoon gave his first interview on the William H. Anderson issue. The interview took place at the home of Dr. Burrell, at Madison, N. J. Dr. Burrell has been in bad health for a month. Throughout the interview Dr. Burrell defended Mr. Anderson.

"Do you believe Mr. Anderson to be innocent?" Dr. Burrell was asked.

"Absolutely," he replied.

"Do you know the circumstances of the case?"

"Thoroughly."

"Has Mr. Anderson ever appropriated any Anti-Saloon League money to his own uses?"

"Not a penny, except with the approval of the Board of Directors of the League as given to him."

"Is Mr. Anderson's salary \$15,000?"

"It is not."

#### Started in at \$5,000

"What was Mr. Anderson's salary when he came to New York?"

"It was \$5,000."

"Was that intended to be permanent?"

"It was not; we proposed to make it \$10,000 as soon as our income would warrant it."

"Meanwhile, how was the League's income to be increased?"

"That was Mr. Anderson's particular business."

"And who was to determine when the \$10,000 salary should begin?"

"That was the board's business."

"How long did it take?"

"We settled it when our income was nearly quadrupled."

"What was the board's income before Mr. Anderson came to New York?"

"Somewhere about \$30,000; that's why we sent for him. He is the only man that ever put Prohibition across in this state. The wets are doing the cleverest thing in the world in trying to drive him out."

"Will he go?"

#### "He'd Make Sing Sing Dry?"

"Go where? To Sing Sing? The members of our board would have to go along with him; for we are all precisely as innocent as he. And anyway it wouldn't be safe; he'd make Sing Sing dry in a fortnight. No, I suppose we'll have to keep him here, somehow."

"But how about that \$24,700? How did Mr. Anderson spend it?" was asked.

"For publicity," Dr. Burrell replied. "As to details, ask any similar corporation. That is the board's business, not the enemy's."

"When and how was it reported to the board?"

"It came to my knowledge as chairman of the board that Mr. Anderson had been spending out of his own pocket to put the Anti-Saloon League 'on the map,' and that in so doing he had mortgaged his home. I then suggested two things to the board, first, that his salary should be raised to \$10,000, and, second, that he should be reimbursed for every

penny that had been spent distinctly and exclusively in our service."

"Did you call for a report from Mr. Anderson?"

"We did; and he specified the amounts expended at various dates. He no doubt would have given us further information; but in view of our implicit confidence in his wisdom and rectitude we preferred to have him withhold it."

"How could you pay him \$24,700 out of your resources without crippling the League?"

#### Tells of Commission Plan

"The board saw the difficulty and decided that while the money could not be paid in a lump sum it must be paid sooner or later, somehow. A committee was appointed to confer on the matter. The result, after a year or more of delay was a resolution approving the authorizing of any member of the League's staff not engaged exclusively in collecting funds to add to his salary by personal solicitation on a 5 per cent basis outside the League's regular channels of income from the churches."

"Was this for Mr. Anderson's benefit?"

"It was chiefly to increase our income, but partly in the hope that Mr. Anderson would thus be enabled to reimburse himself in the course of time without crippling the League?"

"Was Mr. Anderson agreeable?" was asked.

"Quite so," was the answer.

"Where did Mr. Phillips come in?"

This question had reference to O. Bertsall Phillips, former chief financial agent of the League.

"Mr. Phillips, without being advised of the arrangement, came to Mr. Anderson with a proposal to make collections and divide commissions with Mr. Anderson."

"But Mr. Phillips says Mr. Anderson made that proposal to him?"

"Unfortunately for Mr. Phillips' statement, one of the staff was listening in."

"Did Mr. Anderson profit by that arrangement?"

#### Thinks Anderson Half Repaid

"He did. (This statement should be construed in connection with the other statements of Dr. Burrell showing that this money was accounted for in the League books and charged to Mr. Anderson's account.—Editor American Issue.) Mr. Phillips paid him at various times between \$3,000 and \$4,000. Meanwhile about the same amount was contributed by the League itself, so that I think nearly one-half of our obligation to Mr. Anderson has been paid."

"Had Mr. Phillips' services been satisfactory up to the time when the League parted with him?"

"Not for about a year, I should say. He had apparently lost interest, wanted Mr. Anderson to go with him to solicit, etc. I don't know why; but Mr. Phillips seemed to be desperately hard up."

"Why do you think so?"

"Partly because he kept coming to me for a hypothetical 'bonus' which he insisted the League owed him; also because of his persistent efforts to borrow money. However, I would prefer to say nothing more on that point. I was sorry for him."

"Wasn't it quite as proper for Mr. Phillips as for Mr. Anderson to collect money on a 5 per cent basis?"



"Read the resolution of the board again and you will see why not."

"Was the income of Mr. Anderson from percentages on his extra-church collections applied toward the cancellation of the \$24,700 which the League owed him?"

#### Money From Phillips

"So far as I know, Mr. Anderson never received any, except through Mr. Phillips, and every penny of that was applied in that way."

"Was this finally reported to the board by Mr. Anderson?"

"Not until about the time we parted with Mr. Phillips. The board did not expect such a report. We knew in general terms how things were going on."

"Is it your opinion then that there is nothing whatever in the charges against Mr. Anderson?" then was asked.

"Certainly; not a thing," replied Dr. Burrell.

"Why then, should they be pressed so vigorously?"

"That's easy. If the wets could drive Anderson out of the state they would knock the bottom out of the Anti-Saloon League. The League was an impotent dummy before he took charge of it. I congratulate the wets on knowing how to attack the League, the churches that support it and the cause of Prohibition by using the discharged and disgruntled employees in precisely this way."

"Suppose Mr. Anderson should be indicted?"

"Mr. Anderson would be cleared in any court or before any jury without the shadow of a doubt. But the enemies of Prohibition in New York would reasonably look for a suspension of operations for a while."

"If Mr. Anderson were indicted where would it leave you and the members of your board?"

#### Calls Case Laughable

"That's what I can't quite see. There isn't a thing he has done which has not been authorized or unanimously ratified by the board. Nevertheless, it is insisted that the charges are not directed at the cause of Prohibition or at the Anti-Saloon League or at the churches of the state, which are its main support, or at its official board, but simply and solely at this 'crooked' man. It is to laugh."

"How do you yourself feel about it?"

"Let me tell you a little story. Forty-odd years ago, when I was a minister in Iowa, the churches tried to put Prohibition across, and after three years of prodigious effort had about given up hope—when something happened. The wets waylaid a Methodist minister, George Haddock, on his way home from a temperance meeting in Sioux City and killed him. That woke up the decent people of the state and they put Prohibition across at the next election with a majority of 57,000."

"They have nearly worried the life out of this man Anderson, but fortunately he has more lives than all the cats of Kilkenny, and such tactful, persistent and unconquerable courage as I have never known in any other man. The time will come when you and every other honest and respectable citizen will blush to remember that once you joined the gang and threw things at him."

#### Committee Report on Fund

Dr. Burrell also gave out the report of the committee which took up the question in 1918 of the Anti-Saloon League's indebtedness to Mr. Anderson. In part it follows:

"To the Board of Directors of the Anti-Saloon League of New York:

"Your committee, to which by resolution of the Board of Directors on March 28, 1918, was referred a communication from Mr. William H. Anderson, the Superintendent of the League, with reference to reorganization expenses of the League, do respectfully report:

"Mr. Anderson came before the Board of Directors on Dec. 22, 1912, and Mr. Anderson presented a proposition in writing, under the terms of which he would accept the superintendency of the New York League. He was then Superintendent of the Maryland League, and stipulated that he should remain there as long as he was needed in Maryland, but not later than May 1, 1914. He offered to attend our board meetings in the meantime and to confer with the Acting Superintendent and officers of the New York League from time to time and to aid in possible financial campaigns."

"He also orally offered to conduct on behalf of the League a publicity campaign in the press of New York City and state, which he would finance at his own risk of its success; that is, if it did not succeed the expense of it was to be his loss; but if successful and the League should receive sufficient income to repay such expenses over and above its running expenses, he should be reimbursed, but not otherwise. The board, in executive session, approved Mr. Anderson's offer generally, but referred the same to the committee of the board on superintendents and field workers."

"This committee reported to the board at a special meeting held Jan. 6, 1913, recommending the appointment of Mr. Anderson as Superintendent, his salary to be \$5,000 per annum, and 'that our next superintendent should be clearly advised that the problem of financing the League work rests upon him.' Action upon the report of the committee was postponed till the next meeting."

"At the meeting of Jan. 31, 1913, the report was taken up for consideration, and the board approved the selection of Mr. Anderson as State Superintendent at the salary mentioned. The other propositions by Mr. Anderson were referred to a special committee. This committee reported to the board on March 10, 1913, approving his propositions, and recommending that the carrying out of the same should be in the hands of the Rev. Dr. Bagnelle, the then President of the League, and Mr. Anderson."

#### Begins Publicity Campaign

"Mr. Anderson began his publicity campaign immediately. He conferred with the Board on Nov. 8, 1913. President Bagnelle reported many things as favorable to the League but that the lack of a legislative superintendent was alarming. The Board resolved to call Mr. Anderson to take up the Superintendency on Jan. 1, 1914, which he did."

"Mr. Anderson arrived in New York on New Year's afternoon, 1914, at about 3 o'clock, and at 6 o'clock that evening the representatives of six leading New York dailies were in his room at the same time, and the next

morning these papers each had a column account of the interview. The Baltimore Sun, a bitter opponent of Prohibition, the same afternoon said: 'The Hon. William H. Anderson arrived in New York the middle of yesterday afternoon, carrying a toothbrush, a copy of Baxter's 'Saints' Rest' and a change of medicated flannels. This morning he had six columns in the leading New York newspapers. Such is science.' Cuts of his photographs were distributed to newspapers lavishly, and special articles written by him were published where they would do good and attract attention to the work."

"One other instance may be given. The Skull and Crossbones Label bill was developed by him and sprung upon the Legislature. The Secretary of the United States Brewing Association told Mr. Hendrick of the staff of the World's Work magazine that the Skull and Crossbones idea was the best publicity stunt ever put over on them."

"Your committee is happy to say that the League is now in a position to begin to fulfill its part of its publicity agreement with Mr. Anderson. He has fulfilled his part by using his own funds for League publicity and borrowing on mortgage and on his life insurance policy and from friends on his personal note. The League has not been made liable in any respect to any other person. What amount he expended in this work we have not known until now that he seems to have fully complied with the above-mentioned report of the committee adopted by the board in January, 1913, that the financing of publicity would be at his own risk. He took the risk of failure and has won out. By his affidavit now presented his total expenses for publicity during 1913 and 1914 amount to \$24,700."

#### Gives Dates of Payments

"Mr. Anderson itemizes the sums advanced him for publicity, which are all naturally in round figures, which cover compensation and disbursements to and by other persons in that behalf. Nearly all names and objects were wholly confidential and many of those who loaned him money, Mr. Anderson says, would not have done so had they known the object of the loans. These expenses, itemized by months, are as follows:

1913		1914	
March .....	\$1,000	January .....	\$3,350
April .....	750	February .....	2,350
May .....	1,250	March .....	1,900
June .....	1,100	October .....	1,800
July .....	900	November .....	1,100
August .....	850	December .....	600
September .....	1,100		
October .....	1,350		
November .....	2,300		
December .....	3,000		
Total .....	\$24,700		

"Your committee therefore respectfully reports that, in our opinion, the financial status of the Anti-Saloon League of New York warrants the present consideration and ascertainment of Mr. Anderson's claim, and we are of the opinion that Mr. Anderson has a true and valid contingent claim against the Anti-Saloon League of New York, and that it is contingently and justly indebted to him for said moneys advanced by him for the League for publicity during the years 1913 and 1914, pursuant to the agreement made by the League with him by the resolutions above referred to, amounting to the sum of \$24,700, together with interest thereon at 6 per cent per annum for the date of the said monthly totals respectively to the date of repayment by the League, such contingency being the continuance of sufficient finances of the League in the future, payments to begin upon the cancellation of the League's present indebtedness."

"We also report that in our opinion it will be just and proper to have said indebtedness to Mr. Anderson considered to be and made a lien, contingent as aforesaid, upon the proportion coming to the Anti-Saloon League of New York from subscriptions to the National Anti-Saloon League after the payment of our League's present indebtedness; but the indebtedness to Mr. Anderson is not to be confined to reimbursement out of said fund."

"The indebtedness to Mr. Anderson has, of course, not appeared on the books of the League, it being wholly contingent upon the sufficient financing of the League and continuing to be so contingent until it can be paid. The payment should be entered as indebtedness upon the books of the League only to the extent that the contingency is from time to time satisfied."

"All of which is respectfully submitted."

"TRUMAN H. BALDWIN,

"DAVID J. BURRELL,

"GEORGE CALEB MOOR."

"New York, April 29, 1918."

Mr. Burrell received on Thursday a letter from his physician, saying he was "in no condition to be under any mental strain at present."

#### Pecora Gives Brackett Time

Acting District Attorney Ferdinand Pecora said yesterday that he would mark time in the Anderson inquiry pending an answer from ex-Senator Edgar T. Brackett to the letter he sent on Thursday regarding Mr. Brackett's refusal to permit Mr. Anderson to answer questions concerning the publicity fund of \$24,700. Asked how long he would wait before taking further steps that possibly would lead to action based on the results of the investigation, Mr. Pecora replied that he felt Mr. Brackett should have reasonable time in which to frame a reply.

Assemblyman Cuvillier, who sponsored a resolution calling for a legislative investigation of the Anti-Saloon League of New York held a conference with Mr. Pecora. Following the visit Mr. Pecora said a decision had been reached which would delay the bringing up of the resolution for a final vote until Feb. 19. Mr. Cuvillier had expected to press the resolution on Monday, but it was said he had changed his plan as a result of a request from the District Attorney.

In a statement issued yesterday Mr. Pecora said:

"There were forwarded to me yesterday by Senator Brackett three letters written respectively by the following Directors of the Anti-Saloon League of New York; the Rev. William A. Spicer, pastor of the First Presbyterian Church of Gloversville, N. Y.; the Rev. Wilbur E. Schoonhoven, pastor of the Methodist Episcopal Church of Patchogue, L. I., and the Rev. C. Arthur Lincoln, Executive Secretary of the Federation of Churches, Passaic, N. J."

"In these letters these gentlemen in effect expressed their confidence in the acts of Mr. Anderson as Superintendent of the League and upheld his present attitude of declining to reveal the sources from which he obtained \$24,700 involved in the inquiry and the person or persons through whom he expended the same on the so-called publicity work."

"These gentlemen, however, appear to be without knowledge of the details of those expenditures. Their continued confidence in Mr. Anderson, which is probably based on a recognition of the effectiveness of his services to the League, may be justified and even regarded as commendable as an evidence of their friendship for Mr. Anderson and their loyalty to him."

"The district attorney, however, is concerned especially with the allegations which bring into question the truth of the representations of Mr. Anderson that he had actually expended out of his personal means that sum of money for the League in 1913 and 1914. Upon this question no point can be made in Mr. Anderson's behalf of the effectiveness of his services as Superintendent."

"I think that if the Board of Directors of the League were to make the kind of inquiry into that alleged expenditure that elementary business principles would seem to require, they would be discharging their full duty to all those persons who have contributed money to the support of the League and the furtherance of its cause. In their capacity as Directors of the League they are in reality the trustees of the funds so contributed."

# THE AMERICAN ISSUE

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## If They Had Him

We can't help wondering if the anti-Prohibition folk wouldn't be glad to get a man of Anderson's ability to put things over—and consider him cheap at \$15,000 a year.—New York Morning Telegraph, January 30, 1923.

## Pertinent, But Not Impertinent

"It is reported," says the New York World, "that the Rockefellers have broken with the Anti-Saloon League." Reported by whom?—N. Y. Morning Telegraph, Feb. 5, 1923.

## Will be Protected When They Can't be Prosecuted

The Democrats at Albany have decided to repeal the Mulan-Gage Act. Why stop there? Better issue licenses to bootleggers and put them under protection of law.—Syracuse Post-Standard, January 19, 1923.

## To the Pastors, "Allied Citizens" Officials and Local Dry Leaders Generally

By the State Superintendent

I have asked the editor of the American Issue to discuss fully all phases of the attacks by the wets at Albany and to see that the make-up of the paper recognizes that as the all-important thing. For publication in this Issue I have discussed some phases of the charges against myself and made a statement respecting the Rockefeller support and the alleged withdrawal of it, but in this note I simply wish to emphasize again that the paramount and all-important thing is for the constituency of the League and its natural leadership, the pastors and "ALLIED CITIZENS" officials, to make good. My defense will be taken care of and it will be complete, but this will be done outside of the regular work of the League, except in so far as, within proper limits, facts are set out answering questions that legitimately come up in the minds of the League constituency as a result of general newspaper publicity, much of it misleading, and to enable them to answer the questions and misstatements of others.

The League has been misrepresented so much and its leadership has been shot at so much and so often, and the discriminating have seen so many things that did not look good on the face of the situation in this particular matter that organization and constituency have become so seasoned that the League organization is not missing a beat in the steady progress of the work. Dates are being made and filled in the churches as usual; subscriptions are being received as usual and in most cases in larger amount than heretofore from the same churches; collections are absolutely normal; and there has been less disturbance than has been incident to any one of a number of attacks which have been made upon the League in the past.

Now the supremely important thing is for this to keep on, for letters and telegrams to be sent to local senators and assemblymen and from everywhere in the state to the Speaker, H. Edmond Machold, and to Senate Minority Leader Clayton R. Lusk. Senator Lusk is standing openly and courageously for intelligent, honest action in behalf of enforcement. There are a large number of honest, sincere dry enforcement members of the Senate and Assembly. They are entitled to receive the utmost of encouragement and support from their constituents. Furthermore, those who are doubtful and even those who are wet should hear from the dry constituency in

their districts in order that they may understand that it is not all one way.

A lot of these wet politicians have cherished the practically insane delusion that the Anti-Saloon League is a one-man concern and that if they could get rid of the superintendent the whole thing would crumble. I should hate to think that my work of education and organization was no more substantial. Proof that there is a League constituency and that it intends to see this thing through will settle a lot of incidental questions.

## No Refusal to Open League Books

(By the State Superintendent)

Many of the newspapers played up the proposition that there was refusal or reluctance to let the District Attorney examine the League books. This is a mere sample of the atmosphere that has been created by the press of New York City, which undoubtedly many times misrepresented Mr. Pecora, the Acting District Attorney, or gave twists to his utterances that were not legitimate. From the very beginning the League offered to open its books. It did desire to have counsel present during the examination of the book-keeper. The wisdom of that was abundantly justified. But the question as to whether there was any effort to cover up the books is answered fully by the fact that not only did the League bring down the books and furnish the book-keeper to explain and identify entries, but left the books with the District Attorney's office in the personal custody of Mr. Pecora for any examination that he saw fit to make, for a period covering more than a week in order that he might examine them as a basis for any questions that he desired to ask.

One New York newspaper, either viciously or through stupidity that is inexcusable, quoted the Assistant District Attorney as stating that erasures had been found in the books, which is utterly false and which was emphatically denied by him.

The false "mystery" about my "illness" when I consulted a doctor for precautionary reasons instead of going to the District Attorney's office when not needed is another sample.

## That Anderson Inquiry

(Editorial in the Highland Post, February 2, 1923)

We have watched the prosecution of that inquiry into the finances of the Anti-Saloon League of New York, which has been the subject of news articles in the New York dailies, with keenest interest. And we have waited for the latest possible developments before discussing it on the eve of putting this edition of the Post to press.

Frankly it disgusts us more thoroughly than ever with the ethics and general moral fibre of some of the supposedly decent and reputable journals. Their editorial opinion is their own privilege. We could not argue with that right even though we might differ with its moral perception—or lack of it. But their treatment of the news of the case invites the term "contemptible". And when they tamper with the news so as to distort the true aspect of the case they are robbing the public of its rights. They do not sell what they agree to sell when they color news so as to permit the forming of wrong opinions by the public. And when they adroitly and craftily fashion their news reports so as to persuade wrong opinions on the part of otherwise uninformed readers of their journals, they are betraying the honor of a profession that ought to deal fairly with the public—yes, betraying it in a way that almost makes bootlegging look honorable.

William H. Anderson of the Anti-Saloon League is a man of vigor and vision. That is why the mighty efforts have been made in the past to "break" him. We no more believe that even those at the very bottom of this matter think him anything but straight than we believe that a meadow mole could shaze a bull terrier out of a hay field. Those egging on this whole business don't care in regard to his probity; they want to break him. They fear him. They have reason to. He has been dangerous to the powers of evil. He has tackled the political aspects of the question with grasp, grit and get-there attributes that no wet leader could muster for the fray. That they should engineer a frame-up against him, covering several years of subtle planning would not surprise us in the least. If they should have even worked to get somebody into the employ of the Anti-Saloon League who would lay adroit plans to "get" this militant champion of Prohibition we should have no great jar of astonishment. We put nothing that is wily and weasel-like past the sordid bunch who are of the inner circle of the wet warriors "for revenue only".

But we blush with professional shame for the newspapers that will betray the trust to their readers for such a clique.

The board of directors of the Anti-Saloon League have given Mr. Anderson a prompt vote of confidence. They said in effect that back of this "investigation" was a league of "the



world, the flesh and the devil". We would take their word quicker than we would articles in New York papers which in many instances claim to properly present the case. For these reportorial stunts—some of them—call to the mind that line from Kipling's immortal poem "IF", in which something is said about "words twisted by knaves to make a trap for fools."

We do not believe that this inquiry is proving any detrimental irregularity in Anti-Saloon League financial matters. It would take something other than Manhattan Journalism to put that over with us. We do not believe the enemies of Prohibition hope for it to start something that may open

a way to eliminate Mr. Anderson as well as stop a big lot of contributions toward the very effective work of the League. The Prohibition forces will be wise to keep a solid front in the face of any such effort to create distrust and consequent division of effort.

We would not be surprised if it is discovered that the officials burdened with the responsibility of conducting this "inquiry" had been victimized by an astute "frame-up" on the part of the ancient and onerous order of the Wetters of Whistles. But if this is proved to be the case how can we get the genuine facts through New York City mediums of publicity?

## Some Facts About Rockefeller Support of the Anti-Saloon League of New York and Mr. Raymond B. Fosdick

Do Not Give More Than Quarter of Amount Published as Withdrawn—Their Representative Publicly on Record Against Program of League and Churches—Had Previously Tried to Eliminate League Superintendent

Statement by the State Superintendent

Since the statement was generally published, apparently exploited—(1) to create a hostile background, (2) to stampede the supporters of the League generally, and (3) adroitly to give the impression, without saying so, that they are behind the inquiry by the District Attorney's office—that the Messrs. Rockefeller had withdrawn their support from the Anti-Saloon League of New York; and since the false statement was widely published that their contributions amounted to \$100,000 a year, thus giving the impression that almost half the League support had been pulled out in one lump; and since there was further false statement that the League revenue is decreasing generally when in fact it is larger for the first three quarters of this fiscal year than for the same period of the preceding year, a statement from the League is called for on the general question of Rockefeller support. I am carefully leaving out any reference to anything connected with the pending inquiry by the District Attorney.

The Anti-Saloon League has no official notice that Mr. John D. Rockefeller and Mr. John D. Rockefeller, Jr., have withdrawn their support of the League in New York until there is a new Superintendent.

The officials of the League are very grateful to the Messrs. Rockefeller for generous contributions which made possible much educational and organization work without which ratification for New York could not have been achieved, particularly as there were no strings to their contributions and not the slightest effort on their part to control the League policy.

If because of technical disapproval of some perfectly legal and honest things that were done in achieving dry gains the Messrs. Rockefeller desire to withhold support from the League, they have a right to do it. If, as Mr. Raymond B. Fosdick, their representative, has said in substance, the antagonism that exists against Prohibition makes their support of it a menace to the most successful administration of their other philanthropies, nobody questions their right to refuse to contribute to the Anti-Saloon League.

### No "Commission" From Rockefeller Money

The reports, published without naming any authority, attribute to the "payment of commissions" the alleged withdrawal of Rockefeller support from the League in New York. The facts are the amount paid Phillips out of funds received from the Messrs. Rockefeller and all other persons who had been previously, or who have since continued to be contributors, averaged less than \$5,000 a year, or less than the basic flat salary fixed in his signed salary contract, approved by the Board to cover all other services and for which, in addition, he had to raise a minimum of \$50,000 in cash or good subscriptions. Everything else paid to him was covered by casual, incidental large subscriptions from persons who never had helped before and who have not helped for a long time. Therefore, whatever technical hairsplitting there is about whether Phillips was paid commissions at all, instead of a proportionate salary as the League claims, he positively was not paid either commissions or proportionate salary out of any money contributed by the Messrs. Rockefeller.

The publication of Mr. Raymond B. Fosdick's name in connection with the published statement of the withdrawal of Rockefeller support calls for statement of some facts about Mr. Fosdick's relation to the League.

### Mr. Fosdick's Opposition To League Program

In January 1921, Mr. Fosdick publicly attacked the policy of Governor Miller to put through a state enforcement code and hold police commissioners responsible for its enforcement, which was the issue upon which the friends of Prohibition and law and order had supported Governor Miller in the election pursuant to his public statement of his intention. What he attacked was the program of the churches federated in the League. I made a reply to this which was not published by the New York papers, but to which Mr. Fosdick replied

in an open letter which was featured by the papers. In this Mr. Fosdick used the identical sort of argument that is even now being used by the wets.

According to the New York Times, in his first statement on the question of Prohibition enforcement, made before the City Club of New York, January 24, 1921, Mr. Fosdick said:

"One condition which renders police administration exceedingly difficult is our habit of passing laws which do not have behind them the force of public approval. If you use a police department to enforce standards of conduct or to regulate the private habits of a population contrary to its wishes you run the risk of demoralizing the department. For this reason Governor Miller's announcement that he will hold the police commissioners responsible for enforcement of the Prohibition law is particularly unfortunate. Their business is protecting the lives and property of citizens, and this task should not be jeopardized."

Just as though Prohibition was not "protecting life and property" and the enforcement of it was not a vital contribution to that end!

In his open letter, promptly featured by the newspapers which had ignored or practically suppressed my reply to his first statement, Mr. Fosdick said, as published, caps ours:

IT. The illegality of gratifying this desire will be used by

"THERE ARE THOUSANDS OF CITIZENS WHO WANT A DRINK AND ARE DETERMINED TO HAVE the police as an instrument of corruption. The fact that federal agents now employed in enforcing the National Prohibition Act are succumbing to temptation is proof of the point, if proof were necessary to support the lesson of history."

"ANY ATTEMPT TO ENFORCE IN A GIVEN COMMUNITY A STANDARD OF CONDUCT WIDELY DISAPPROVED WILL INEVITABLY LEAD TO ABUSE AND DEMORALIZATION. For that reason I have little hope for the integrity of the agents of any government body whose task is the enforcement of Prohibition in our crowded cities. However, the law is on the books. Let us do the best we can with it. Only in trying to enforce it, let us be sure that we do not break down the morals of our local police forces."

While it is true Mr. Fosdick here proposed an intangible general enforcement of Prohibition, he threw the weight of his influence with those wets who opposed any honest effort by the State to discharge its duty through a State law, and placed himself with the enemies of the only kind of enforcement that is practical unless the Federal Government is to build up a duplicate of State and local police establishments. The first sentence in each of the above paragraphs is the kind of thing that the wets have always said and are still saying. The police also made the regulatory law, for example, Sunday closing, an instrument of corruption.

### Objected At First Interview To My Having Antagonized So Many People

On February 2, 1921, I replied to Mr. Fosdick publicly in a general address on the question of Prohibition delivered at the Forum of the Protestant Episcopal Church of the Ascension, New York City, in which I said:

"He has made no move to take up my challenge to produce a single fact or record or bit of tangible evidence or authentic data of any kind proving that a city police force has ever been corrupted or swamped when the powers that control the police force honestly undertook to use it to stamp out the liquor traffic completely."

A few months afterwards, on the death of Mr. Staff J. Murphy, Mr. Fosdick was selected to represent the Messrs. Rockefeller in consideration of the application of the Anti-Saloon League for support. And although Mr. Fosdick assured me that our disagreement made no difference whatever,

which at times I fully believed, yet at the very first interview I had with him respecting a contribution from the Messrs. Rockefeller, although he knew little or nothing about League problems or administration and had never shown the slightest friendly interest in the New York work, he told me bluntly that he thought I was not the man for Superintendent of the Anti-Saloon League BECAUSE I HAD ANTAGONIZED SO MANY PEOPLE.

#### Rockefellers Never Gave \$100,000 In Any Year

The statement that the Messrs. Rockefeller ever contributed \$100,000 to the Anti-Saloon League of New York in any year is untrue. Immediately following Mr. Fosdick's taking charge to investigate and recommend, their contribution, considerably less than \$100,000, was cut without warning, in the summer time, with hard times coming on, to a trifle over one-third of what it had been for each of the preceding three years.

#### Refused To Change Policy To Satisfy Fosdick

Later, during that first League fiscal year in which Mr. Fosdick represented the Messrs. Rockefeller he criticized very strongly, even bitterly, some of the things I did in carrying on the League work, which I felt to be undue pressure, and which was a new experience to me for no other Rockefeller representative ever tried it. But I refused to yield my convictions of duty, although I made every possible, legitimate effort to satisfy Mr. Fosdick that the League policy was right. The record is conclusive proof that I refused to tone down either actively or utterance in order to obtain Rockefeller money through Mr. Fosdick. We wanted and needed their money if we could get it without compromise, which is the way I believe the Messrs. Rockefeller as sincere friends of Prohibition, wanted us to have it. I did not believe in trying to placate the prominent and wealthy wet financiers, club men and social leaders Mr. Fosdick came in contact with while many of them were in open rebellion against the law. I did not believe in toning this work down to the New York City level and refused to budge in that direction.

Toward the latter part of the fiscal year, in March or April, 1922, AND BEFORE HE KNEW OF THE PHILLIPS "CHARGES" against me, Mr. Fosdick said to Phillips, as reported by Phillips to other members of the League staff, and finally on their insistence direct to me, and substantially confirmed direct to me by Mr. Fosdick himself, that he thought the time had come for my elimination as superintendent and also, in material substance, that it was a question whether the Anti-Saloon League itself had not outlived its usefulness. He said in substance that I had aroused such bitter antagonism by my drastic methods that support could not be secured from wealthy persons generally, and said there ought to be a new organization formed to take the place of the League. He admitted that most if not all of the persons who were criticising had never supported the League, and that a new organization could not be created and set to going soon enough, although on this particular point there are some very interesting things to be said.

#### League Board Refused To Recognize Fosdick Dictation

A report of this attitude on the part of Mr. Fosdick respecting the elimination of myself and even the question of the future existence of the League, at a time before he knew of any of these charges made by Phillips, was made to the League Board of Directors at a meeting last April. The Board declined to recognize the validity of any interference on the part of Mr. Fosdick in the discharge of its responsibility to the constituency it represents, and addressed a letter direct to Mr. Rockefeller, Jr., which brought, in due time, for the present fiscal year the contribution from his father and himself, of a sum less than that of the preceding year, the total not exceeding one quarter of the \$100,000 which has been falsely published as the amount of the annual contribution from this source.

I learned some little time ago that "some representative" of the Rockefellers had let it be known in political circles that their contribution to the League had been radically cut. Interesting?

The nimble witted will find a number of things between the lines above and much basis for reasonable conjecture.

## The Kind of Letters That Come to Superintendent Anderson

FROM A NEW YORK CITY PASTOR

Feb. 8, 1923.

My dear Brother Anderson,—

I want you to understand that I am one of a crowd of men who believe in you to my soul's core. I am watching this fight to pull you down with the absolute certainty that you will win out. You are a hard hitter, and don't mince your words. People of the cooing dove type cannot appreciate you. I class you with fighters of the type of Theodore Roosevelt. I am glad you have such bitter enemies among the men who are really the enemies of our social order. I liked what your lawyer said about you, as I read it in the NEW YORK TIMES this morning, but I did not like the headlines used by the editor of the TIMES. Those headlines misrepresented your counsel's sentiments regarding you. I take great pleasure in expressing myself as one who believes in you, and the cause for which you have put up such a magnificent fight. I know you will not weary in well doing, and that you cannot be frightened from the field. The kind of men you are compelled to fight can and do understand the language you use concerning them. Milder terms would not be appreciated by them.

As ever,

Your friend,

#### "ASSURE YOU OF MY CONFIDENCE"

Dear Brother:

Partly because of the enemies' talk of the dishonest &c., use of the Anti-Saloon League money and in the face of it, I want to send this very small contribution (extra) to help along in your noble and self-sacrificing work. I feel ashamed to say that I want to assure you of my absolute confidence in your Christian character and honor, so unnecessary should it be in view of what you have been and done.

It is a great shame and discredit to us Christian men and ministers that you should be so hampered and hindered in your efforts at this critical hour by lack of funds from friends of Prohibition. The enclosed five dollars would be, I believe, one hundred dollars if I were not a poor country minister.

#### "WHERE I HAVE GIVEN ONE DOLLAR I SHALL GIVE TEN"

Dear Brother Anderson:

In many of your addresses and letters lately you have dealt with the wet papers, such as The World and The New York Times, in no delicate way. You have viewed their work as a positive menace to the Prohibition cause. Generally speaking you have been right in your indictment beyond doubt. However, as a matter of encouragement, I wish to say that there are some benefits to accrue from the work of the wet press.

I am a subscriber of the daily New York Times. I have

been a reader of it for years. I want to bear testimony here and now that there is nothing like it to stir up my fighting spirit. The American Issue, New York Edition, keeps me well informed of many phases of the fight. Its appeals are very persuasive. I always endeavor to read carefully the official organ of the W. C. T. U. It has an encouraging word for those engaged in the cause of Prohibition. So it is with other "dry" publications.

But every little while the New York Times does a vastly different work for me. Along comes one of their asinine editorials, with beer oozing out of it, or one of their biased news articles leaning against a lamp-post of light wine, and as I finish reading it I am ready for a fight to the finish. Bootleggers and law breakers and drunken men and Prohibition oratory cannot stir me as the wet stuff in the Times and other wet papers, does.

And just now after their treatment of your case and the Times editorial, "The State Dry Law," in yesterday's issue I am in the finest fighting mood that I have been in for a long time.

While I trust I have been no slacker in the cause up to the present time, I am writing to pledge redoubled effort. Where I have spoken once, I shall speak thrice. Where I have given one dollar I shall give ten. Where I have presented the cause in a sort of dignified and chaste speech, I shall drop all glittering generalities, and hand that bunch of rummies of every stripe and pattern some language that they will not have to have interpreted.

I trust that you will not let up anywhere along the line. Let us take up that good old slogan "We Have Just Begun To Fight." We are young. The battle is young. Hosts of our fighters are young. The old rum gang is aging fast. Their wind is getting poor. The undertaker is helping us day by day, in every way. Every one that he carts away is a distinct gain for the cause. The present generation of wet hounds can never be replaced. So time works for us.

With all good wishes to you in your courageous battle, and standing ready to help in any way I can, I am,

Very Cordially,

REV. JOHN HAYNES HOLMES, D.D., TO DEBATE  
COL. GILLET MARCH 2, AT LEXINGTON THE-  
ATRE, NEW YORK CITY.

Tickets May Be Obtained From Anti-Saloon League of New  
York, Association Against the Prohibition Amend-  
ment, and Community Church.

Rev. John Haynes Holmes, D.D., Minister of the Com-  
munity Church at the corner of Park Avenue and Thirty-  
Fourth Street, New York City, one of the most widely known



pastors of the city, is to debate Col. Ransome H. Gillett, head of the New York State Division of the Association Against the Prohibition Amendment, in the Lexington Theatre, Fifty-first Street and Lexington Avenue, New York City, at eight p. m., March 2.

The debate is open to the public and to defray expenses tickets are being sold at from fifty cents to two dollars with no war tax in addition.

To aid those who may wish to attend the Anti-Saloon League has agreed to make a block of tickets available to

its constituents and they may be obtained at the League office, 906 Broadway, at the corner of 20th Street.

The question to be debated is: "Should the Eighteenth Amendment Be Repealed?" The affirmative side of this question will be taken by Mr. Gillett, General Counsel of the Association Against the Prohibition Amendment; the negative side by Rev. John Haynes Holmes, D.D., minister of the Community Church. The chairman of the meeting will be the Hon. Henry Morgenthau, former United States Ambassador to Turkey.

## A Statement Respecting Senator Brackett's Letter

By the State Superintendent

Senator Edgar Truman Brackett, counsel for the Anti-Saloon League and the Superintendent, has written a letter touching the question of violation of confidence respecting the \$24,000 fund.

The newspapers, some of them more pronouncedly than others, jumped on the statement of the Senator that the Superintendent had been "indiscreet and very likely unjust." **ACCORDING TO THE STANDARDS OF OTHERS.** That is nothing new. Many of the best friends of Prohibition have felt that some political matters were indiscreet, that some utterances were indiscreet, that some strictures upon men in public life whom we believed to be doing the work of the wets were unjust. We see no reason for flinching from the Senator's statement. Most New York papers gave a twist to the Senator's statement that is not justified by the context, as pointed out by the letter of a pastor published in this issue. Now that is admitted and out of the way and the question is not whether there was anything unwise in this particular transaction, but whether there was anything wrong.

### FULL TEXT OF SENATOR BRACKETT'S LETTER

Feb. 7, 1923.

Dear Mr. Pecora:

I was out of the city yesterday, and upon my return Mr. Anderson advises me that, at your interview with him yesterday, you requested that he give to you the names of the persons to whom he personally paid the money that aggregated the indebtedness of some \$24,000, due to him from the League, and that you most courteously gave him opportunity to consult counsel before deciding whether to do so or not.

He has submitted the question to me. It is with not a little reluctance—a reluctance that exists, however, solely because my decision involves a refusal of your request—that I have advised that he can not, in good faith, comply.

The matters called for all occurred more than eight years ago. No prosecution could be had for acts then done, no matter how evil (save only murder), and while Mr. Anderson does not and never will invoke the statute of limitations as to any of his acts, the lapse of such time is, something that you, officially, may not ignore.

The one thing that might render such a list relevant would be to establish the fact that Mr. Anderson personally made such payments, and that, therefore, the League became indebted to him. But that indebtedness is incontestably established by the minutes of the Board of Directors of the League, minutes that you have, entries made long ago, before, and without, any thought that there would be or could be any inquiry into the matter. It was a mutually acknowledged indebtedness, recognized both by debtor and by creditor through the years. Interest thereon has been paid. How can it now be challenged, whether in civil or in criminal proceedings?

Given the existence of that indebtedness from the League to Mr. Anderson, it draws all his other contentions with it. The League owing him that money, the net proceeds of whatever sums Phillips paid over out of his compensation was applied by Mr. Anderson upon such indebtedness—the League has had the benefit of every penny of it.

I do not, therefore, see the usefulness of any disclosure of the names to whom the items constituting this \$24,000 were paid. The payments were made for proper League purposes. Not a dollar of League funds has ever been spent for any corrupt or improper purpose. The payments were made under a pledge by Mr. Anderson that the names of the recipients would never be disclosed. That pledge holds good today. Mr. Anderson can not decently violate it.

It must be remembered that in those early days the work of the League had to be done secretly to be at all effective. The body had not reached the popularity and power that it possesses today, a popularity and a power largely due to the work of the superintendent. I recognize that there have been times when he has not acted discreetly, very likely unjustly, by your standards and mine, but no great cause was ever brought to power without such indiscretions and injustices. They should never be remembered a moment.

I am not unmindful that in declining this disclosure I am failing to gratify a curiosity that is, probably, the greatest concerning any feature of the whole inquiry, but I regard it as wholly insignificant to any real question in the case.

If I have overlooked any phase of the matter that should be considered in making this decision, it will be a genuine pleasure to discuss it with you, at your convenience.

I can not refrain from again expressing to you my admiration for the courtesy and the dignity and the decency with which you have conducted your inquiries.

Yours truly,

EDGAR T. BRACKETT.

The Honorable Ferdinand Pecora,  
Acting District Attorney, Criminal Courts Bldg., N. Y. City.

## No Need to Feel Disturbed Even if There Is an Indictment

(By the State Superintendent).

Since Dr. Burrell, State President of the Anti-Saloon League of New York, in an interview given by him to the New York Times republished in this issue, discusses the question of indictment and since it is current report that the Mail had "assurance" of an indictment before it started its initial publicity, and since the star reporter of the Mail who worked up the story of the charges against the League Superintendent said to a member of the League staff whom he expected to enlist in the effort to discredit the Superintendent with such positiveness as to indicate belief in absolute "assurance" that the Superintendent "will be indicted," it is proper to discuss this point generally. Nothing here said in any way relates to the inquiry of the District Attorney nor is there any intimation that the District Attorney's office is responsible for the "assurance" which is claimed.

The League constituency should bear in mind, as pointed out by Dr. Burrell, that no indictment can be returned against me in this matter that does not reflect upon the intelligence and good faith of the Board, which officially represents the churches of which the Anti-Saloon League is the agency.

Comment on the District Attorney's official inquiry is one thing; comment on the statements for publication by Mr. Pecora, the Acting District Attorney, is another thing. In the statements published Saturday morning, February 10, he is quoted as saying:

"I think that if the Board of Directors were to make an inquiry into that alleged expenditure that elementary business principles would seem to require, they would be discharging their full duty to all those persons who had contributed money to the support of the League in furtherance of its cause. In their capacity as Directors of the League, they are in reality the trustees of the funds so contributed."

The thing that Mr. Pecora evidently overlooks, although it is made clear in the original report of the sub-committee of the Board of Directors, which is in his possession, copy of which was given the Times by Dr. Burrell, and reprinted in this paper, is that the Board, through its committee, two of the three members having been members of the Board at the time negotiations were entered into, had **POSITIVE**

**DIRECT KNOWLEDGE AT THE TIME** of the fact as set out in that report that I had proposed, before any expenditures were made, to finance a publicity campaign at my own risk and also had knowledge that the work had been done, the results accomplished, and that the League had received the benefit and had been put on the map in a publicity sense.

We believe that there can be but one result if any effort is seriously made to attack the good faith, or attack the intelligence and due diligence to such an extent as to amount to an attack upon their good faith, of the Board which represents the federated churches of this state.

In justice to the District Attorney's office we are ready to assume until it appears otherwise that its representatives did not intend what his published statement seems to imply.

If this inquiry results in an indictment then that phase of the question will be handled in a manner entirely different from the handling of this informal inquiry and the League constituency need not be disturbed as to the outcome; that is to say, the **LEAGUE** interests will be fully protected and the interests of the League Superintendent will be fully protected.

### GROCERY STORE IN PLACE OF SALOON

(Headline and editorial in the Newburgh Daily News.)

On a certain prominent street corner outside the main business section where a combined saloon and "hotel" had been located for many years, the blinds were taken down, the bar removed, large plate glass installed on both street fronts, and a grocery opened. It is a corner which women and children used to shun. From the inside came the noise of revelry, rough discussion, swearing, loud laughter and ribald conversation. Men with their minds befuddled by drink held forth in what was called "The poor man's club," spending their money for something which injured them physically and mentally and deprived their wives and children of necessities of life. The writer has often walked past this corner, in the old days and since Prohibition. The change which has taken place seems to us symbolic of a new and better era—symbolic of what has taken

place generally through our city and through all cities as a result of Prohibition. The grocery which has been established is one of the biggest in the city. Obviously it is doing a very large business. As men, women and children enter the store to purchase foods, one cannot help but wonder how much of the money they pay over, if Prohibition had not come, would have gone into the saloonist's till in the same room. And it is not the grocery alone which has benefitted from the displacement of the saloon referred to and the closing of other nearby saloons. The money saved from drink is used in making pur-

chases in a large number of stores not only in the neighborhood, but along Broadway and in Colden and Water Streets. Families of one-time drinking men are able to purchase the things they need; aye, they are able even to obtain comforts and luxuries. They are better clothed and fed and they have more conveniences and enjoyments than ever before. Business men who are indifferent to Prohibition, if they are not actually hostile to it, would do well to give some thought to the economic side of the matter. And as good citizens they should also give thought to the moral side.

## No Commissions Paid by the Anti-Saloon League

**A Few Comments by the State Superintendent Respecting Direct and Indirect Misrepresentation by the Press**

Dr. Burrell's interview given the New York Times, reprinted direct from that paper in this number of the New York Edition of the American Issue, covers most of the points that have been obscured by the press, either directly, through publication of false statements by other persons, or indirectly, through context and inference, etc. This is just slightly to supplement certain points with a trifle more explicitness.

No commission, direct or indirect, was ever paid by the Anti-Saloon League on any subscription or subscriptions taken at a church service or any kind of a public meeting.

No commission is paid to League workers. Every member of the staff gets a flat salary.

The 5 per cent proposition referred to by Dr. Burrell, adopted years ago, was pursuant to years of discussion of some method that would recognize the efforts of staff workers who, at no additional cost for salary, supervision and general overhead and travelling expenses, would make a special effort to augment the revenues or subscriptions received from the church subscriptions by personal solicitation of persons who are willing to help if the matter is brought to their attention, but who cannot be reached at the churches for the good and sufficient reason that they do not attend. This action was providing for a temporary and conditional increase of salary not to exceed 5 per cent of the proceeds of said personally solicited subscriptions. The soundness of it as a business proposition is beyond the possibility of intelligent question by any fair-minded person.

This explicitly specified that it was exclusive of subscrip-

tions at churches and public meetings. Further, to the best of my knowledge and recollection NOT A CENT WAS EVER CLAIMED BY OR PAID TO ANY STAFF MEMBER DIRECT FROM THE TREASURY OF THE LEAGUE UNDER THAT ACTION.

I did and do consider that that action, which would have authorized additional salary from the League treasury, was ample assurance of even the technical regularity of the Phillips transaction which has been finally approved and ratified by the Board, pending final report respecting money which I am able to establish it was my intention all the time to report to the League.

Phillips received a **SALARY** under a contract approved by the Board. By making it conditional above a certain fixed minimum the League was protected. This will be set out in greater detail if worth while, when there is less demand on space in the American Issue. In the statement respecting the Rockefeller contribution is an interesting fact about the moderate amount of money received as salary by Phillips from the proceeds of even large subscriptions by persons who had been previously or have since continued to be regular contributors to the League. He never received a cent based on any church subscription.

The extent to which I befriended this man and kept him about one jump ahead of the loan sharks out of his own money which he admitted I had earned, before I turned the net balance over to the League, in addition to having loaned him money out of my personal funds as my checks show, is an interesting story that there is not space for in this number of the paper.

## The Proposed Legislative Investigation at Albany

**By the State Superintendent**

Reports from Albany are mixed and fluctuating. The first report was that there would be an investigation of the Anti-Saloon League; the second report was that it was definitely decided that there would not be; the third report, after the introduction of the enabling triplets, was, and within twenty-four hours, that there would be, and the fourth report, within less than twenty-four hours, that it was held up.

Some things may be said respecting an investigation if there is one. I do not believe that any member of the Legislature believes that a single thing can be found that is wrong or discreditable. Everything that ingenuity, inflamed by desire for revenge, could dig up with the assistance of a former bookkeeper who had had access to all the books, has been thrown to the public, distorted, perverted and magnified, in endeavoring to create a background of hostile public sentiment for the inquiry of the District Attorney's office, it being hereby explicitly set out that no charge is made that the District Attorneys office is in any respect responsible for this. All that has been turned up was (1) an unusual arrangement with a man who finally turned out to be an attempted extortionist, of which arrangement the League received all of the net benefit; and (2) the \$24,700 transaction, wherein my risking of practically everything I had in the world to save and start the League in New York State is sought to be perverted into a basis for a charge of swindling the League.

There is not anything else that would give even a New York City wet newspaper an excuse for even a yelp, let alone a "charge".

The only possible object to be sought by a Legislative investigation will be to get the names of the contributors and publish them, in an effort to intimidate them and scare them away, and to further the effort to have the League branded as a political committee and compelled to allow the general public, including its enemies, free access to the books of this agency of the federated churches.

It can not only assure the constituency of the League that every thing which could possibly be distorted has been dragged out and distorted, but that in my judgment the carrying through of a political attempt will result in a reaction that will tremendously advance the cause of dry enforcement and tremendously strengthen the influence of the Anti-Saloon League. When the Legislature drags out, if it attempts to drag out, all of the facts, including details that are none of the business of the general public, the whole series of transactions will be found so straight that the entire proceeding will be a boomerang to such extent as even to pay for the loss of time involved.

Further, when such an investigation discloses, as it will, if held, that there is nothing wrong or improper, that the League has in fact simply educated and organized public sentiment, that it is in truth the agency of the militant moral forces which stand for dry enforcement, then it will be utterly impossible for the Legislature and all those responsible for the investigation to escape the inevitable conclusion by the public that the whole thing was not in good faith but that it was carried on for the deliberate purpose of creating a situation where it would be safe to put through a wet resolution memorializing Congress, a wet referendum, an attempted rescission of ratification, and the repeal of the State enforcement code, or one or more of them. And the reaction will be sure to help the League.

The wets realize they have no hope of breaking down Prohibition unless they break down the Anti-Saloon League, and the people may be trusted to realize the extent to which their representatives give aid and comfort to any such aims.

### NORTH RIVER PRESBYTERY AND NEWBURGH MINISTERIAL ASSOCIATION ADOPT RESOLUTION BACKING THE LEAGUE

Newburgh, N. Y.

Anti-Saloon League,

New York City.

Dear Sirs:

You will be glad to learn that this week both the North River Presbytery, in session at Calvary Church, Newburgh, N. Y., on Monday went on record as recognizing the benefits already accruing from the adoption of the Eighteenth Amendment and commending the work of the Anti-Saloon League and kindred organizations, looking toward the work of Law and Enforcement and Order, to the thirty Churches of the Presbytery.

and The Ministerial Association of Newburgh and Vicinity, also went on record to the same effect.

We are with you,

All good wishes and earnest prayer for progress in 1923.

Fraternally yours,

(Signed) J. W. BABBITT.

January 9th, 1923.  
257 Liberty Street.



# THE AMERICAN ISSUE

Organ of The Anti-Saloon League  
NEW YORK EDITION

Volume XIX

SATURDAY, MARCH 17, 1923

Number 11

## Sentiment from Over the State Putting the Legislature Through the Dry Wringer

Both Republican and Democratic Wet Leaders Feeling Pressure Against Prohibition Repeal—Trying to Sidestep Gracefully; Assembly Committee by Vote of Ten to Two Kills Resolution for Investigating Anti-Saloon League.

The growing heat and vigor with which Prohibition sentiment is concentrated against the repeal of the State Prohibition laws continues to upset the calculations made by the liquor forces when the legislative session began. Then they regarded repeal of the State enforcement laws as already accomplished save for a few formalities. The mental bunting had been lavishly hung and the celebration—somewhat previous to be sure—of the passing away of enforcement in the State of New York was already on. Everybody in the wet "know" had no doubt about it, for every such individual had acknowledge of all the trains of powder that had been laid for the purpose of blowing the Anti-Saloon League out of existence in the State—the Anderson investigation train, the Albany court procedure train, the New York Evening Mail gossip—monging train and the Legislative investigation train. There was shortly to be no Anti-Saloon League, no organized Prohibition sentiment and not a remaining shred of State Prohibition enforcement law. Life for a wet in the Empire State was to become livable again, and, through free and general irrigation here, courage and inventive genius for effectively framing an assault upon federal Prohibition were forthwith to flourish.

What a difference the last 70 days have made in wet hopes! The Anti-Saloon League is still here. It still has a superintendent. Its constituency of ministers and church members is wider awake and more aggressive than ever. The grand larceny charges are said by the New York World not to have a hopeful outlook, and the dearest legislative plans of the liquor forces are sinking dismally with all hands on board. It is a truly pathetic situation for a wet with a heart—let alone a wet with a stomach and a new stein bought especially to celebrate "der tag" with some of the foaming wash of the Rhine. There should be a public commission created to condole properly with those enthusiastic voters who dropped a ballot in the slot in November and expected to get back a half-barrel with a spigot in it in April, along with the sight of crepe on the Anti-Saloon League office door. When there is so much laceration of the gastric feelings it is awful.

Yes, they thought all the Prohibition sentiment there was in the State was wrapped up in a man or two—were just like the simpleton who thought hornets were monogamous but found they were gregarious, or something which amounted to that. The wet swaggerers at Albany who thought that Prohibitionists were scarce now discover that they are amazingly plentiful in the State and as capable of self-expression as a hornet. The proposal to repeal the State Prohibition enforcement laws has started the buzzing of swarms of them wet legislators did not know existed. And if the buzzing and other expressions are kept up with the same effectiveness till the session is over the

people, whose Prohibition laws were threatened, will score a Prohibition victory that will be historic. It will mark the defeat of the most that the liquor traffic could do by way of a "comeback" in the wettest State of the Union, following what they interpreted to be a wet victory without limits at the polls, and aided by all the varieties of attack upon the organized temperance front in the State that devilish ingenuity put to its utmost test could conceive. So far the people in their home districts have done valiantly and the ultimate legislative victory which, though it will depend upon continued vigorous interest on the part of the people, now seems reasonably assured, will be a memorable triumph. The mere gesture involved in the resolution asking Congress to change the federal law is as nothing in the face of the possible and apparently probable defeat of the repeal of the State enforcement laws.

Last week we reported the defeat in committee of the bill to repeal the penalty clauses in the Prohibition enforcement laws. And now comes a set of happenings and inferences, discussed as follows in a special dispatch from Albany to the New York Times under date of March 7th:

**Dry League Inquiry Defeated at Albany**  
**Assembly Ways and Means Committee Rejects the Resolution**  
**By a Vote of 10 to 2**

Albany, March 7.—Wets suffered a new defeat today, when the Assembly Committee on Ways and Means, by a vote of 10 to 2, refused to report favorably the Cuvillier resolution calling for an investigation of the Anti-Saloon League and its Superintendent, William H. Anderson, by the judiciary Committee.

Every Republican member who attended the executive meeting of the Ways and Means Committee voted against reporting the resolution. The two votes in its favor were cast by Assemblymen Leininger of Queens and Kernan of Oneida, Democrats. Two Democrats—Hamill of New York, who represents Governor Smith's Assembly district, and McDonald of the Bronx—were absent. One wet Republican—Seelbach of Erie—stayed away from the meeting.

Mr. Cuvillier, whose anti-Prohibition legislation appears to be haunted by evil fortune, said he would move to have the resolution taken away from the Ways and Means Committee when the Assembly meets on Tuesday. He will try at the Monday night session to recall from the Committee on Excise his bill to repeal the Mullan-Gage law.

The wets in the Assembly admit that the outlook is not good. Letters were sent out tonight by Mr. Cuvillier calling on all friends of the wet cause to be sure to attend the session Monday night, but as Speaker Machold has not taken steps to enforce a "closed call," which requires the presence of all members unless excused for some good reason, it is predicted that there will be many absentees, even on the Democratic side, to the peril of the Anderson resolution and the Mullan-Gage repeal bill.

Republicans and Democrats in the leading positions are quite content to permit both measures to remain buried in committee.

In the Democratic Senate the bill introduced by Senator Dunnigan of the Bronx, which calls for repeal of the Mullan-Gage law, still is held in the Committee on Codes, with no one, apparently, enough interested in the measure to make an

effort to get it on the Senate calendar, where it can be debated and disposed of in the open.

That "big Bertha," the people, seems still able to do effective shooting, and the wide gaps in the liquor defences at Albany bear eloquent testimony to the effectiveness of its firing since January 1.

The thing which has defeated the whole collection of wet plots is what the measure of Prohibition already achieved has proved to masses of the population who did not have faith in it when it came.

#### How Committee Members Voted on the Resolution to Investigate the Anti-Saloon League.

According to the Albany correspondent of the New York Herald the votes in Committee on the question of investigating the Anti-Saloon League was as follows:

The two members of the Ways and Means Committee who voted to pass out the Cuvillier resolution are Leininger

of Queens and Kernan of Oneida, both Democrats. The absentees were Seelbach, Republican, of Erie, and Hamill and McDonald, both Democrats of New York. The Republicans who voted to kill the resolution were Messrs. McGinnis, MacWhinney, Hutchinson, Yale, Steinberg, Moore, Duke, Dobson, Clayton and Porter.

In its story about the outcome the Herald also said:

The Legislature has closed the books for the year as far as tinkering with the liquor laws of the state is concerned. The Assembly Ways and Means Committee today by a vote of ten to two killed the Cuvillier resolution calling for an investigation of the Anti-Saloon League and its administration at the hands of William H. Anderson.

The politics of the Assembly has been adjusted to shut off any further attempts to force out wet bills. Tammany has agreed that as many Democratic Senators as desire may be absent next week when Assemblyman Cuvillier makes his motion to discharge the Excise Committee from further consideration of his bill to repeal the Mullan-Gage law. Mr. Cuvillier will go through with the fight just the same.

## Personal Statement from Dr. Burrell, State President

I have wanted all along to certify as to facts known to me with reference to the charges made against Mr. Anderson; and as I am now obliged to leave here for an indefinite time I must speak out—

#### AS TO WHAT I KNOW

**First**—I know that Mr. Anderson was selected as Superintendent of the Anti-Saloon League of New York on the recommendation of Dr. Baker, the Superintendent of the National Anti-Saloon League; at a meeting on December 27th, 1912.

**Second**—I know that Mr. Anderson at that meeting agreed to take charge of our affairs on condition that he might remain in Baltimore to close up his Maryland work, not later than May 1st, 1914.

**Third**—I know that at the same meeting the Board agreed without dissent that Mr. Anderson should have authority from the date of his appointment to conduct a publicity campaign for the League which was to be financed at his own risk;—the outlay to be ultimately repaid providing it could be done so as not to interfere with the running expenses of the League.

**Fourth**—I know that the proposed publicity campaign did begin immediately after Mr. Anderson's selection and was carried on effectively thereafter continuously by him. This was manifest by the following facts:—

- (a) Publicity given in the press.
- (b) Results at Albany—and
- (c) Constantly increasing income of the League.

**Fifth**—I knew as the Board knew, and have known all along, that this campaign was not being carried on without personal supervision and money.

**Sixth**—I knew that none of the League money was being spent for this purpose and the only person who could possibly be behind the campaign was William H. Anderson; moreover that the money was being secured and spent by him at his own personal risk, with the understanding that it would ultimately be repaid, providing the finances of the League would allow it.

**Seventh**—I know that (in pursuance of my personal urgency) Mr. Anderson presented his claim of \$24,700 to the Board, that his statement was placed in the hands of a special Committee, (of which I was personally a member,) and that the Committee reported five years ago (April 29th, 1918) that in its opinion Mr. Anderson's statement presented a "true and valid contingent claim against the Anti-Saloon League of New York", and further that this claim should be paid under the terms of the original agreement as the finances of the League would permit without the crippling of its work.

#### NOW AS TO WHAT I DO NOT KNOW

**First**—I do not know where Mr. Anderson secured the \$24,700 and I have never asked him.

**Second**—I do not know how he spent that money nor have I ever asked him. In selecting him as our Superintendent we so distinctly emphasized our personal confidence in him that neither I, nor, so far as I am aware, any other members of the Board has ever presumed to question his methods in a personal matter which he undertook by our authority and at his personal risk.

**Third**—I do not know, but imagine that the money was secured from persons who did not wish their personality disclosed, and that it was spent for securing publicity through the press and at Albany, matters which men of experience and common sense would scarcely regard as open to the inspection of enemies of the cause. (This is my own suggestion: If I were in Mr. Anderson's place I would keep my own counsel, as he is bravely doing, rather than comply

with the prying curiosity of the wets which has been going on continuously for some years.)

**Fourth**—I do not know a particle of evidence against the absolute honesty and Christian integrity of William H. Anderson, either in this matter of the \$24,700 or any other—in his superintendence of the League affairs or anywhere else. If I did, I would not be standing by him.

**Fifth**—I do not know why I should assume that Mr. Anderson (or anybody else) is guilty or anything whatever so long as I have nothing in evidence to show for it. The fact that Mr. Anderson is unpopular with the wets is distinctly in his favor—I love him for the enemies he has made. Inasmuch as there is no truth back of what they have been saying against him, their prolonged and unscrupulous hostility merely strengthens my confidence in him.

**Sixth**—I do not know why a man either in Court or out of Court, should be required to prove his own innocence. For weeks this man has been under fire, questioned and cross-questioned, with the avowed purpose of having him prove his own innocence of charges that have been recklessly made against him.

**Seventh**—I do not know when a certain axiom that has prevailed in Courts of justice from time immemorial was abolished, to wit, that "A man must be regarded as innocent until proven guilty".

#### AND I ALSO KNOW

**Eighth**—I know, as the reading public must know by this time, that the charges against Mr. Anderson are not really aimed at him but at the Board, (which holds itself responsible for everything that he as its agent has done) and through that Board at the Churches of the State which stand behind it, and (back of everything else) at the general cause of Prohibition.

**Ninth**—I know that the right-thinking people of the State of New York are not fools. There may be some timid people among them, and others who are taken up in the lips of talkers; but the vast majority know precisely what is going on. The League will undoubtedly lose some of its supporters; but for every one lost there will be a gain of ten to the support of the righteous cause.

I look for such an uprising among the friends of law and order in the near future as will prove that the wets have "leapt the saddle in trying to mount the horse". Ask me a year from now what I think of this case against William H. Anderson and I will refer you with a smile to the Financial Report of the Anti-Saloon League of New York for the year 1923.

(Signed) DAVID JAS. BURRELL.

Madison, New Jersey.

March 5, 1923.

**Footnote**—I refer to the report of the Committee dated New York, April 29th, 1918.

#### ELMIRA DISTRICT RESOLUTIONS

We the Methodist Ministers of the Elmira District, assembled in monthly meeting at Hedding M. E. Church, Elmira, N. Y., March 6th, desire to assure you of our confidence in your integrity and our belief that the results of the present investigation will warrant the continued and enthusiastic support of our churches.

Very respectfully

(Signed) Rev. G. M. Whitting, Sec.



## Will There Be An Indictment? And if So, Then What?

By the State Superintendent.

[NOTE: Since this was written on Friday, March 9th, the Saturday morning papers indicate an intention on the part of the Acting District Attorney to take up the charges made by Phillips which it had been definitely said, and even publication to that general effect made, would not be taken up. In the light of the situation disclosed by the article in the World comment, in addition to being perhaps improper, is unnecessary. These charges likewise have been passed upon by the Board and it has been definitely made clear that there is no truth in them whatsoever as they stand and that everything done by the League Superintendent has been approved and fully ratified by the Board. Specifically, every cent of money received by the Superintendent in any other way than as a fixed compensation was turned over to and accounted for to the League.]

It is necessary, our paper being printed at the National plant in Ohio, to send material a week ahead so that except for long articles sent the first of the week, for which the paper is held up, or telegraphed short material, the American Issue is prepared a week in advance of its date. Even at that, most of the League constituency wait for it for the facts about charges that have been made in preference to believing the wet daily press.

By the time this paper reaches its readers the question as to whether there is to be an indictment may or may not have been settled. Matters already have been running over six weeks. There has been such departures from ordinary procedure and, in some quarters, such utter disregard of the fundamentals of American liberty and the presumption that any man is entitled to, that there is no basis for the expression of opinion.

The New York World story reprinted in this number of the American Issue is illuminating. An editorial note in "The Town in Review" Department of Beau Broadway, on the front page of the Morning Telegraph, the day this is written, says: "Grand Jury Case Against Anderson Lacks Needed Link."—Headline. I suspected something of this kind or rather the absence of something of this kind from the start. And much illuminating comment flows into the Anti-Saloon League office.

Entirely apart from any possible desire on the part of the District Attorney's office as a matter of pride, (and on this I express no opinion) to go through with this thing to the extent of trying to force an indictment no matter what happens to it, it may be taken for granted by the friends of the Anti-Saloon League and supporters of its amangement that every power that can be brought to bear by those involved in the unofficial conspiracy to destroy the League Superintendent in advance, will be exerted to bring about an indictment.

No suggestion is here made as to the extent to which those interested in this conspiracy have any influence with the District Attorney's office, though it is no reflection upon the propriety of motive of that office to say that it is entirely possible that the District Attorney's office has been imposed upon and deceived. There is every reason to believe that the District Attorney was assured that the bulk of the support of the League was demanding an inquiry and really in effect making charges, although not willing to risk publicly doing so, and that there was a clear case.

No one who knows the extent to which the Evening Mail has gone in vindictive, mendacious, disreputable activity, trying to intimidate women employees of the League into disloyalty, which it has not denied; scouring the whole East with a muck-rake for former disgruntled employees and lack of fairness to print favorable statements from some of those on whom it burned its fingers; the cunning distortion of facts; the exhibition of animus even in its initial story;

its clumsy attempt at a pose of fairness; its attempted frame-up to get me out of my position and at a disadvantage during the progress of the investigation; its efforts to mislead national officials of the League into some statement which it could distort for its own purpose, can doubt for a minute that it would move heaven if it had any jurisdiction in that quarter and likewise hell with which it seems to be on familiar terms, to get an indictment as seeming partial justification of its course even though the whole proceeding falls by the wayside afterwards.

Nobody who knows the assiduity extending toward the point of mendacity with which Raymond B. Fosdick, Rockefeller representative, attempted by stealthy, discreditable means to eliminate me as Superintendent, and later has furnished assistance to those trying to blacken my reputation and destroy me in advance, can doubt for a moment that every wire that he can pull will be pulled to bring about an indictment in order to save his face.

It has been suggested that my exposure of Mr. Fosdick's violation of confidence and the assistance, undenied by him, rendered by him to the Mail in its blackening efforts would simply make him the more determined. However, it was abundantly apparent that everything in the world that he could do was being done anyhow and it is fundamental League tactics to smoke hidden enemies out into the open and put a label on them and then turn on the light; and our friends believe it was tactically wise to have this material out in advance of an indictment, if one is returned, as tending to answer some questions which the general public, under no such restrictions as are imposed upon me, is asking in a very pointed way.

With the venom exhibited by the Mail, which the record proves to have been in touch with the District Attorney's office before he began his inquiry, and the lengths resorted to and depths descended to by Mr. Fosdick, the delay thus far in the return of an indictment is telling volumes to the general public as to the "strength" of the "case." Further light has been shed by the propaganda effort to drive me into assuming the burden of proving my own innocence.

Aside from the Albany proceeding to declare the League a political committee, and matters in the Legislature, I have been up against two different propositions growing out of the New York inquiry. First, the purely legal aspects of the matter involving my personal rights as an individual, which proposition has had to be handled in one way. Then in the second place I have been up against the public sentiment phase of the question with the proof that the conspiracy to destroy me, apart from official action growing out of activity of the District Attorney's office had been carefully framed over a period of months of time and in its last phase worked up for a period of weeks and exploded with the aid of a press generally hostile. It was necessary to allow the fury of the attacks to spend themselves to some extent in order that constructive matters of defense might have a fair chance to be printed, read and considered. When the purely legal phases of this matter are disposed of, there are some other things that can be said for the benefit of the League constituency which, however, has generally manifested that it sees through the whole thing and has no intention of joining the wet clamor to gratify any curiosity of its own.

In my judgment the corner has been turned safely so far as public sentiment is concerned. I happen to know that official representatives of the wets are now seriously disturbed over the fact that proceedings in New York City have continued at such length and

(Continued on page 87)

# THE AMERICAN ISSUE

AN ADVOCATE OF CHRISTIAN PATRIOTISM



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## The First Ever

Mr. Anderson may go into history as the first person ever "tried" by a Grand Jury.—N. Y. Morning Telegraph, March 1, 1923.

## An Acknowledgment to the Pastors of New York State

**Fairness and Sportsmanship Shown by Practically All, Even of Those Who Do Not Approve of Some Phases of Anti-Saloon League Policy.**

### By the State Superintendent.

The pastors of the State of New York are again proving what a level-headed, fair-minded, discriminating, sportsmanlike group of men they are and giving new evidence of their qualifications as a whole to serve as the moral leaders of their people.

The overwhelming majority of the churches of denominations committed to law enforcement are open to the Anti-Saloon League in New York. Almost all of the pastors of these churches are loyally behind the League movement and accept, under the principle of representative government, the policy of the League as determined by the Board representing the churches. There are very few pastors who open their churches who are out of harmony with the general policy of the League. Those who do not approve of something but still make no effort to keep those churches closed proved their breadth of mind and liberality of spirit.

There are, at a rough guess, out of about four thousand, possibly two hundred churches in the State of denominations committed to support of Prohibition and its enforcement and for that matter, to the Anti-Saloon League as an agency, that are not open. Among these are a few wealthy churches in New York City with at least some official members who are wet politically or personally or both, that never have been open and never contributed anything toward the practical work for Prohibition. There are a few in other larger cities of the State. In most of these there is no active hostility,—no criticism;—just indifference and refusal to recognize the obligation to help co-operative effort.

Most of the remaining group of possibly one hundred pastors who are not co-operating range from those like the delectable Freeman who helped the liquor interests three years ago after apparently having been planted in the League office to get information, up to those who are sore because, for example, an official member was opposed by the League in a primary or election. There are others who just on general principles do not like a fight and a few (about enough to be counted on the fingers of one hand) who have told us they believe in preaching nothing but the "simple Gospel"—whatever that means.

It should be said to the credit of those who have not been satisfied in some phase of the management of the League,—who felt that the Superintendent was too aggressive,—that only one has been found in the State so far to rush into print and make himself a part of the conspiracy to "get" the Superintendent entirely apart from the operations of the District Attorney's office in New York City.

One other pastor in another large city up-State has been doing a good deal of talking, not for publication so far.

It is due the constituency of the movement if they happen to get echoes of this sort of thing, to know that these two men referred to, the one who made a grab for front page space, for almost anybody can get front page in almost any paper in New York by attacking the Anti-Saloon League management today, and the other one are both partisans of the dismissed Robert G. Davey, who has been completely discredited in the columns of this paper for most unsavory transactions, although we have not mused up this paper with all of the details that we have sent to the preachers.

It is due the constituency of the League and the loyal pastors, and also those pastors who, while not entirely satisfied, refused to join with the kind of a conspiracy that has been on foot, that they should know that we have information that has been communicated to us by persons who have received it from different members of the Board of the New York State Lord's Day Alliance which Mr. Davey was using as a means of getting an entree into the churches in order to carry on his personal schemes after the Anti-Saloon League threw him out, solemnly determined sometime ago to "get" the Superintendent of the Anti-Saloon League because of his exposure of Mr. Davey.

This State Lord's Day Alliance which made a specialty for a time of discards from the Anti-Saloon League, among them being the Rev. Andrew B. Wood who joined with the New York Evening Mail and Davey and two other discharged employees and then suddenly ducked out of sight when certain facts were mentioned, has been more or less of a thorn in the flesh of the national organization of that movement. According to our information the incorporation was brought about by Davey who chose a Board of Directors he thought he could control.

Notwithstanding Davey's hand-picked Board, which he thought would stand without hitching, the facts which we gave respecting Davey after he had openly attacked the program of the churches working through the Anti-Saloon League, following months of secret efforts in the direction of stabbing in the back, gross misrepresentation, etc., were such that his own Board was forced to compel his resignation; or at least so it has been stated from within that Board.

Davey, however, insisted that if he had to be "sacrificed" the Anti-Saloon League Superintendent must also be eliminated. And with heads as soft as their hearts, if not more so, according to our information, this Board agreed solemnly and more or less secretly that this must be done.

The logic of this is very beautiful. Davey while with the League did, unknown to the League management, certain indefensible things. Allowed to resign and given a chance to go off and behave himself, he undertook to kill off the League, being engaged with a traitor still on the League payroll (reference is to Phillips), both of them evidently "in cahoots" with Raymond B. Fosdick, hostile Rockefeller representative. The League, after tolerating the situation for many months, purely as a matter of self-defense and also to clear itself in the event these things should later come out, gave the public and the pastors of the State some facts to show Mr. Davey's ethical standards.

This is the same Davey who peddled false charges



## FREEDOM FUND FOR ANTI-SALOON LEAGUE

The Anti-Saloon League announces the inauguration of a movement for a "FREEDOM FUND" of \$100,000 a year to keep the League effectively and permanently independent of the hostile hired men of philanthropically inclined friends of law and order.

This "FREEDOM FUND" will be in four sections of \$25,000 each. Each section will be in units of \$25 each, and each unite sub-divided into fractional units of \$6.00 and \$12.00 each. The first section is to take the place of the \$25,000 which the Anti-Saloon League has received from the Messrs. Rockefeller during its fiscal year expiring April 30, 1923, and which Raymond B. Fosdick, their representative, has apparently assured the press will be cut off.

The next two sections of \$25,000 each are to take the place of the approximately \$50,000 cut in the contributions of the Messrs. Rockefeller nearly two years ago and immediately after Mr. Fosdick was selected by them to supervise their gifts to the Anti-Saloon League only a few months after his public attack upon the enforcement program of the Churches and the League.

The fourth section will be the mythical last \$25,000 of the \$100,000 a year which Mr. Fosdick allowed the papers to mislead the public into thinking was contributed by the Messrs. Rockefeller, but which in fact, although needed, was never given.

The appeal will be made in the name of an untrammelled righteousness and a free Americanism, to friends of law and order and of fair play, who stand for the freedom of agencies which serve as the exponent of moral conviction, from the domination of institutional wealth.

The plan is not only to make up what contributions may be lost, but to make the movement stronger than ever by reliance for necessary existence expenses upon the aggregate of a large number of small subscriptions, each of which represents a vital sympathetic personality behind it.

In addition to such new methods as may be employed, and the new constituencies that may be appealed to, at the thousands of church services available to the League each year, persons who have not heretofore contributed will be asked to join the ranks and those who dropped out because they thought the fight was over will be asked to re-enlist, to make up whatever may be lost by refusal to allow any representative of large financial interests to control the policy and management of the Anti-Saloon League and betray the moral convictions of its church constituency by making its activities conform to the wishes of the wealthy beer and wine wets of New York City.

(Signed) WILLIAM H. ANDERSON  
March 10, 1923. State Superintendent.

against the State Superintendent direct to the wets and does not dare to deny in the face of confirmation by those papers that he peddled these same things to wet newspapers in New York City for Phillips, (and possibly for himself) bargaining for a price. He was turned down by the wets and turned down by these wet newspapers. Finally an alleged dry newspaper was found, whose present reputed owner loaned his name to the representatives or aides of the Imperial German Government during the war time. It was enlisted evidently with the aid of Fosdick, it being established and undenied that Fosdick furnished it certain material which nobody had except himself.

These "charges" which even the wets and the wet newspapers like the New York World refused to buy, were peddled by Davey to this New York State Lord's Day Alliance Board and they swallowed them and took this action referred to, although whether it appears on the minutes I am not advised.

Therefore it will be well for friends of the League to scrutinize very carefully any relation or connection with this Lord's Day Alliance Board or connection direct with Davey or some other willing tool of this vicious conspiracy, of any pastor who rushes to the front in such manner or at such time as in fact to give aid to what is now coming to be generally recognized as being the most unscrupulous far-reaching "frame-up" ever attempted to be put over on a man engaged in Prohibition work.

I am sorry I was ever deceived into allowing a man like Davey to get into the Anti-Saloon League work, but I am at least entitled to credit for the fact that I failed to take the hint to go in with him on his dirty schemes and instead got rid of him, my only mistake being in giving him time and allowing him to resign, (although it has always been my policy if possible to give a man another chance) instead of kicking Davey right out and advertising promptly at the time that he had been thrown out.

I am also entitled to credit for the fact that for more than half a year I refused myself or to permit the League to pay blackmail to the Davey-Phillips combination. Even in the face of the probability that this combination was abetted by the eminently respectable Mr. Raymond B. Fosdick, I preferred to fight it out, and matters have progressed already at this writing to the point that it seems certain that no

matter what may be the specific outcome of the Grand Jury investigation, the dry cause will be tremendously advanced and the League Superintendent strengthened.

Under the circumstances I must be excused from engaging in any personal controversy with any preacher who makes common cause with this kind of a bunch.

Having expressed our appreciation of the genuine manliness and practical exemplification of Christian graces manifested by the comparatively small proportion of pastors who are not in hearty accord with the League policy, I desire to express my heart-felt gratitude to the host of pastors who are pouring in their letters beyond any possibility of our printing all of them, and are sending in resolutions from their congregations and from group or district meetings of pastors, making clear that they understand what is behind the movement to discredit the League and its leadership, and giving assurance that they intend to stand by to the limit. All we can print is some of the letters that seem typical and not all of those from pastors, because some perfectly splendid letters come in from the constituency of the churches as well as from its leaders.

### ANDERSON NOT REQUIRED TO PROVE INNOCENCE, COUNSEL REMINDS

Former Senator Edgar Truman Brackett, counsel for William H. Anderson, on Saturday evening, March 3rd, released the following statement:—

"The press contrives Mr. Pecora's reply to the Anti-Saloon League Board of Directors as a demand that Mr. Anderson prove his innocence. The law puts no such burden upon him. The prosecution must prove guilt. Mr. Anderson would be under no obligation to undertake to prove his innocence even if the necessity of violation of confidence were not involved.

"As pointed out in the action of the Board of Directors, there is no variance in Mr. Anderson's statements, notwithstanding a loose general use of words in certain of the documents. The records of the League establish conclusively that the lawyer member of the committee which made up the report adopted by the Board authorizing the repayment of the \$24,700 was advised in writing by Mr. Anderson before the report was made up of the facts exactly in material substance as Mr. Anderson gave them to the District Attorney. The fact that after the receipt of such explicit information the report was worded as it is, clearly shows that the Board considered it immaterial whether Mr. Anderson borrowed to do League work in the first place or whether he spent his own money for League work and was then compelled to borrow for his personal use."

## FROM THE STREAM OF LETTERS

### WITH AN ADDITIONAL CONTRIBUTION

I am enclosing my payment for the last quarter and to it I am adding an additional amount. I want to assure you not only of my fullest confidence but of my hearty support in the work which you are doing. It is a great thing to know when you are fighting in the right and I am sure that the rank and file of those who have been following you in your great task are with you heart and soul.

Praying God to very richly bless you, believe me, as ever,

### FROM A BUSINESS MAN

Your courage in your manly defense of the imperilled cause of Prohibition comes to the lethargic churches like a northwest wind in dog days.

There are three successive attitudes taken toward every great reformer by a hostile public. First, he and his cause are as a reed shaken by the wind, a weak thing that, like a nine days wonder, will soon pass away. Nobody thinks the Prohibition cause or its efficient leaders in the Anti-Saloon League are any longer under such public ridicule. The second stage is that the promoters are clothed in purple and fine linen. They are in the business for the money they can make out of it. They are doing it for their own personal profit. The wet forces are too late in trying to take advantage of public sentiment to show you up in that light, for you have already reached the third stage in which the righteous public are saying, "Behold a prophet in whom there is no guile."

The animus of this attack on you is not a new and strange thing to the student of progressing civilization. It is as old as Socrates, Luther, Wesley, Garrison and Wendell Phillips. You have back of you the conscience, brain and heart of a great majority of American citizens, and I am sure the financial backing of the churches will be adequately supplemented by that of many not allied with the churches, who will be awakened by this villainous attack upon your personal integrity.

I have recently renewed my subscription to your cause and will give you my utmost moral support.

### FROM A PASTOR

This is just a note to say that if my prayers or good wishes will make you victorious in this big fight you are sure to win.

Keep cheerful, pray much and keep hitting hard.

Last Sunday morning I took the time of the usual service to tell of your fight.

God bless you.

### ENCLOSING TEN DOLLARS FOR THE LEAGUE

I am sending you this small contribution for the work of the League on behalf of myself and wife. Being only a humble Methodist Pastor it means some measure of sacrifice but nothing compared to the great sacrifice you are making.

The Issue for February 24, 1923, is a good one, and will doubtless produce good results.

May God bless and sustain you and those dear to you during these trying days. Like hundreds of others we are praying for you and hasten to assure you of our utmost confidence and support.

P. S.—Please find enclosed check for Ten Dollars (\$10); wish I could make it more.

### FROM A MOUNTAIN PASTOR WHO PAYS HIS SUBSCRIPTION AND SENDS AN EXTRA

Permit me to say that there are people still in the "woods" and the "mountings" that believe in Prohibition and that it ought, can and must be enforced and that here on the direct line from New York City to Montreal by auto conditions are better in every way than under license. And that in spite of bootleggers passing through, drunkenness is the exception. Here also are still found folks who believe in William H. Anderson and are with him in the fight.

### ANOTHER WHO PRAYS

This is to let you know that at yesterday morning's service our church unanimously voted to inform you of their

fullest confidence and belief in your integrity, and to congratulate you upon your unfailing fearlessness of the whole DAMNABLE OUTLAWED WHISKY GANG.

What we express to you we extend, through you, to the entire organization of The New York State Anti-Saloon League.

Personally, you have the assurance of my earnest prayer that this DASTARDLY attack shall prove to be the GREATEST VICTORY FOR THE CAUSE that has yet been won.

"Now we know that FOR THOSE WHO LOVE God ALL THINGS are WORKING TOGETHER FOR GOOD—for those, I mean, whom with DELIBERATE PURPOSE HE HAS CALLED." (Weymouth Romans 8:28.)

Sincerely,

Norris G. Wood,

Pastor First Baptist Church,  
Lebanon Springs, New York.

### FROM AN UP-STATE CITY

At the monthly Official Board meeting of the First Methodist Episcopal Church, Herkimer, N. Y., March 1, 1923, the following resolution was presented by H. M. Quackenbush, manufacturer, seconded by former Senator F. W. Christman, and unanimously carried:—

"In recognition of the strategic and successful leadership of the Anti-Saloon League of New York State, we desire to place this Church of 800 members on record as heartily approving of its present management.

"We assure its Superintendent, W. H. Anderson, of our utmost financial and moral support. This Church will stand by to the finish."

Personally I wish to assure you of my prayerful and sympathetic support and co-operation at this critical time. I have such confidence in you as to believe this whole attack will react to your own personal credit and to the advancement of the cause for which you are giving your life.

W. M. Hydon, Pastor.

### A SHORT-ARM JAB FROM UP-STATE

I see by the press reports that the Rockefellers believe there should be no secrets in the Anti-Saloon League.

Please ask these models (?) of industry how long have they been issuing reports to stockholders on their vast industries? Any broker can inform you.

There is no doubt but that you are in the clutches of this wet element and I am enclosing Five dollars that a little more weight might be added to your big stick.

### FROM OHIO

These are trying days for you, days when your many friends will be praying for you, and will be still unshaken in their loyalty to you. When I was Superintendent in . . . and you in Maryland the hounds were ever snarling and showing their fangs at you. But your record was clean, and you enjoyed the confidence and esteem of the friends of righteousness.

I just want to add my very best wishes for victory and vindication. You have my prayers. Anything I can do will be gladly done.

Utica, N. Y., March 4, 1923.

Mr. William H. Anderson,  
906 Broadway,  
New York City.

My Dear Sir:

This is to inform you, and to assure you that the members and friends of Dryer Memorial M. E. Church of this city stand ready to back you in your valorous fight for your good name, your honor, and the cause of right and justice, and may I add decency. It was by unanimous vote of the members and friends present at yesterday's service that I was authorized to acquaint you of their action. I am enclosing a check for an additional \$5.00. I wish I had much more to give.

Very sincerely yours,

(Signed) B. G. Miller, Pastor.  
1221 Whitesboro St.

### EXTRACT FROM RABBI WISE'S ADDRESS LENTEN SERVICE AT KEITH'S THEATRE

(Syracuse Journal, February 6, 1923)

I am not informed nor does anyone else seem to be, with respect to the charges laid at the door of Superintendent William H. Anderson, of the Anti-Saloon League. Incidentally I may observe that a case such as this ought to be tried before a jury rather than in the newspapers. One can hardly help regretting that something of the zeal expended on the real or mythical Anderson case could be devoted to the prosecution of law breakers in respect to the Eighteenth Amendment.

I have ventured to put it that the district attorney's office in New York appears to be more perturbed about a transaction in the office of the Anti-Saloon League than most state and government officials are about the carnival of lawlessness which obtains throughout the land in relation to Prohibition.



## Stirring Meeting of Four Hundred Ministers and Church Representatives in Syracuse Hears State Superintendent Anderson and Adopts Resolutions of Confidence and Solid Support

"High Pitch of Enthusiasm" Said the Syracuse Post-Standard.

On Monday, March 5, the annual meeting of the ministers of central New York under the auspices of the Anti-Saloon League was held at the Syracuse Y. M. C. A. Besides State Superintendent Anderson there were present to address the meeting "Pussyfoot" Johnson, Dr. Ernest H. Cherrington, General Manager of the American Issue Publishing Company and executive secretary of the World League Against Alcoholism, Revs. L. P. Rucker, D. D., George A. Fowler and Samuel L. Hamilton, Superintendents respectively of the Central, Western and Metropolitan Districts of the Anti-Saloon League of New York and Mrs. Kate E. Rowley, Acting State Superintendent of the Allied Citizens.

We published a week ago what Superintendent Anderson had to say there. The Syracuse Post-Standard of March 6, said that "four hundred ministers and other church representatives" were at the meeting, that when Mr. Anderson was introduced "he was given a rousing ovation," that the gathering was "raised to a high pitch by Mr. Anderson's defiant declarations" and that "at the end of the session he was given complete and emphatic endorsement in resolutions." The following is the full text of the resolutions unanimously adopted:

### Adopted Resolutions Unanimously.

Whereas, the wet forces of the state have made a direct attack through the legislature upon the character and standing of the Anti-Saloon League of New York, and the District Attorney's office of New York City, has sought to secure indictment by the Grand Jury, of Mr. William H. Anderson, the League's superintendent, on charges of personal wrong doing in his handling of League finances, and,

Whereas, this attack, coming as it does during the legislative session, is doubtless intended to disturb popular confidence in the League, check financial support among its friends in the churches, divert attention from the vital issues at stake in the legislature, and create prejudice against the Prohibition cause when it needs the militant backing of all its friends, and,

### WILL THERE BE AN INDICTMENT?—AND IF SO, THEN WHAT?

(Concluded from page 83)

taken such turn that some wets are coming out on the dry side, and that the Association Against the Prohibition Amendment is losing friends and supporters, especially potential friends and supporters.

I admit frankly that personally I am not anxious to be indicted even when there is no justification for it, and when, as the Board officially said, it would be "wholly wrong." Nevertheless I am convinced beyond the possibility of doubt that if there is an indictment it will but serve to make the general public realize the more clearly the fundamental facts involved and arouse friends of Prohibition as nothing else could have done and in the last analysis will prove beneficial to the cause, to the League as its exponent, and, aside from the personal feelings of myself and those near to me, of ultimate benefit even to the executive officer of the League.

That being the case I see no reason why, after 23 years of this kind of work during all of which I have been accused by the wets of being a mercenary and even a grafter, and during all of which I have been ready to lay down my life for this work, I should feel unduly disturbed over some further sacrifice for the cause that is dearer to me than life itself.

No friend of the Anti-Saloon League movement

Whereas, the Board of Directors of the League has officially endorsed Mr. Anderson's management of its affairs in all particulars, and has expressed its unqualified satisfaction with his methods and achievements,

Resolved, that we, the ministers and representatives of the churches of Central New York, in conference assembled, do hereby express in the most emphatic manner our unabated confidence in the management of the Anti-Saloon League of New York, as to its financial integrity, political ability, and general efficiency as a masterful leader of the churches in their fight to uphold the Prohibition laws and finish the destruction of the liquor traffic. We have complete confidence in its Board of Directors, and in their ability to judge what is right and proper in their employed officials, and we accord to them our congratulations on the fidelity and success with which they have conducted the League's affairs.

Resolved, that we especially extend to Mr. William H. Anderson our entire confidence as to his honesty in the handling of the League's finances, and as to his ability in directing its work in the Legislature. We congratulate him on having put the fear of God into the hearts of the law-breaking forces in the state to such an extent that they have honored him with their malicious opposition. We pledge to him our loyal support now as in the past, in the faith that when all has been said and done by his foes, his name will have been cleared of all suspicion of wrong doing.

Resolved, that we call upon all supporters of the League to reserve judgment upon questions at stake and not prejudge their merits on the basis of unsupported and unsympathetic newspaper comment. It is the basest sort of disloyalty to abandon leadership with an unbroken record of conscientious and able service merely because of suspicion, and that deliberately created either by malice of an implacable foe or the treachery of discredited friends. It is for us to stand by the League now as never before, with our financial support, our co-operation in the legislature, and with encouragement and prayer for its honored leader.

Resolved, finally, that we earnestly urge all friends of Prohibition not to allow their attention to be diverted from the main task of making that law effective by any circumstance or event that may concern any person or organization; but that with undeviating purpose and untiring energy we press the fight at every point, in the community, the Church, the legislature, the courts, the nation, and also the world, until the liquor traffic shall be outlawed and uprooted from the face of the earth, and the judgment of impartial history shall accord due honor to those who have served and sacrificed and suffered in the long and bitter conflict.

and no friend of mine need be unduly disturbed in the event of an indictment, which I think probably the League constituency have already discounted, especially in the light of the action of the Board serving notice of its intention to stand by in any event. Truth and justice will ultimately prevail regardless of what happens in the meantime. Righteous causes have gone most rapidly under the impetus of persecution.

If friends of the cause of dry enforcement who are now supporting the League will stand and perhaps make extra efforts, those who dropped out before the fight was over will rally again and those who have not taken a stand will come out and back up this agency of the federated churches, the cause of righteousness will be vindicated and suffer no setback, and every collateral issue such as justice to a representative of the cause, will the more surely and the more speedily be worked out to a satisfactory conclusion.

### ST. LAWRENCE DISTRICT RESOLUTIONS

The St. Lawrence District Conference of the Methodist Episcopal Church in session at Canton, N. Y., March 6, 1923, instructed me to convey to you its absolute faith in your integrity and to assure to you its prayers and continued support. You have our confidence and we are back of you in your fight for a complete annihilation of the liquor crowd.

Sincerely yours,

(Signed) W. G. Clark, District Secretary.

## Grand Jury Case Against Anderson Lacks Needed Link

**Pecora Has Reached a Blank Wall and Indictment Is  
Now Unlikely, Belief of Observers.**

### FORMER DRY BOOKKEEPER HAS NOT YET LEFT TEXAS

**Question Raised as to Value of Potter's Testimony—  
Denied He Knew About the \$24,700.**

(Headings and article from the New York World of March 7)

Doubt that William H. Anderson, State Superintendent of the Anti-Saloon League, ever will be indicted and belief that the case Acting District Attorney Pecora has been presenting to the Grand Jury has reached an impasse were expressed yesterday in both wet and dry circles, following developments centering about William M. Potter, former bookkeeper and assistant treasurer of the League.

Mr. Potter's name achieved sudden publicity last Saturday when Mr. Pecora announced he regarded him as an important witness and was tracing his whereabouts. A few days later he said he had located Mr. Potter at McAllen, Tex. He wanted him to testify, he said, concerning the \$24,700 transaction which forms the basis of Mr. Pecora's case for an indictment charging grand larceny.

It was then announced that Mr. Potter had agreed to come to New York and would be here by the latter part of this week. However, The World learned yesterday that Mr. Potter was still in McAllen. If he has any intention of coming to New York he declined to reveal it.

#### Value of Testimony Questioned

Further investigation disclosed facts that raised a question as to the value of Mr. Potter's testimony. The transactions involving the \$24,700 took place in 1913 and 1914. Mr. Potter was then not in the employ of the League. He did not become the League's bookkeeper until the summer of 1920. He left the League in January of this year.

In a signed statement he made before leaving New York for Texas he said his first knowledge of "an alleged League indebtedness to Mr. Anderson of \$24,700 was on February 3, 1921."

At that time Miss Maude M. Odell, Mr. Anderson's personal secretary, told him, he said, that Mr. Anderson had advanced in reorganizing the New York State League \$24,700 and that the interest due on the sum was \$3,128.14 to Dec. 31, 1920. There was no record of the indebtedness in the books, he said.

Miss Odell also told him the Board of Directors "knew all about it." Mr. Anderson in fact, as quoted from the report published in The World, had informed the Board in a general way of the \$24,700 in March of 1918.

#### Pecora Waits for Word

Mr. Pecora was asked last night just what information he expected to obtain from Mr. Potter. He said he did not care to say.

"Do you think he will come to New York?"

"I have not heard from him lately."

"Assuming Mr. Potter does not come here, how will that affect your case?"

"It will make considerable difference as to my course of action."

Asked to explain what he meant, Mr. Pecora declined. He said he was resting his case pending definite word from Mr. Potter. He said he had one other witness he expected to summon, but he would not divulge his name.

So far as can be ascertained no progress has been made in the District Attorney's office with the case against Mr. Anderson, since Tuesday, Feb. 27. No witnesses have been examined and Mr. Pecora's only apparent activity has had to do with statements issued to the press replying to those of Mr. Anderson.

### Some Comment on the \$24,700

(By the State Superintendent)

The publication of part of my statement of how some of the \$24,700 was spent and some of the reasons for confidence, following the action of the League Board to the effect that the Board knew the results and that it was not reasonably possible they could have been secured for an expenditure of less than \$24,700, implies recognition and admission that I did spend the money, which of course I could not have done unless I had it, on which I may say something latter.

Nothing is ever accomplished in New York against mere inertia, to say nothing of active hostility, without work and money, either a large amount of the latter or an incredible amount of the former.

The sum of \$24,700 which is being talked about as though it were the contents of the Sub-Treasury, amounts to less than one-quarter of one cent per head for the population of New York State to cover two years work of this sort. A veteran publicity man when these charges began to focus on this proposition, said: "All I can say is that the League got a helluva lot for its money."

I leave it to a fair-minded, intelligent public whether anybody ever came into New York City, did more business, got further, made more disturbance, and accomplished greater results against greater odds for less money.

There isn't a publicity organization in the world that would guarantee in writing, with provision for penalties and forfeiture, to accomplish what was accomplished by and for the Anti-Saloon League for ten times \$24,700.

If I could come into New York City single-handed with nothing behind me except, if properly marshalled, the irresponsible power of a moral issue, and in the use of this righteous cause match my wits against a wet press, taking advantage of the fact that in its cynical sophistication such press had no comprehension of the potential dynamic of a moral issue and the reaction of a moral constituency to ridicule and antagonism when carried to the point of persecution, and could thus capitalize for the advancement of the cause of the churches that I represented, the very efforts made to belittle the cause and destroy the movement which was its exponent, it would be the poorest sort of sportsmanship for them to complain and try to penalize me now.

There is nothing in my testimony as given out, or in the part not given out, or in the facts, to justify the slightest inference that any newspaper man was employed to or actually did betray or put anything over on any employer of his.

What newspaper man in 1913 and 1914 in New York City did not work for a wet newspaper? Can it be seriously contended that when men gave to newspapers the service they were paid for that those newspapers also owned their souls and their consciences and the time for which they were not employed? Whoever seriously proposed that a special writer on newspapers is not free to do any other work that he sees fit to do?

The fact that no newspaper in New York ever commended the Anti-Saloon League, or me, in 1913 and 1914, or for that matter since that date, ought to be fairly conclusive proof that nothing was ever put over on any paper.

The sum of \$24,700 would be laughably inadequate for the crude kind of publicity that is done by main strength and awkwardness. The reason why the expenditure of so little money was successful in laying a foundation and creating an atmosphere which resulted in putting the Anti-Saloon League in the news and on the map, was because the very alertness of New York newspapers, ever on guard against the clever efforts to work them out, made it possible to employ the simplest methods conceivable, based on knowledge of public psychology respecting moral movements, which was an utterly unexplored field for the New York newspapers.

Obviously the success of this kind of a campaign which involved leading the newspapers on to kick this movement up-hill, depended upon the newspapers believing that they were having a lot of fun killing off something they did not like, and upon their not knowing at the time that we had geared this movement in such shape that in gratifying their feelings they were furnishing power in the form of free publicity worth anywhere from a quarter of a million to a million dollars a year.

There are no facts in the record and there are no facts in existence, and my instructions on this were explicit, that justify the slightest suspicion that there was anything that is wrong in what was done, or anything secret beyond withholding from enemies of the cause the fact that, and how, their very hostility was being used to help it.

### THE PIRATES OF PILSNER

(Editorial, The Walden Citizen Herald, Thurs., Mar. 1, 1923)

The "investigation" of Supt. Anderson approaches the nature of comic opera. Mr. Anderson says he has nothing to fear. His superior officers and associates are perfectly satisfied with his accounts; they have given him a unanimous and hearty vote of confidence.

For that matter they all allege that if there are any legal blots on the Anti-Saloon League's escutcheon they are equally involved and if Anderson is guilty they'll all have to go to jail with him.

The contributors of this money are perfectly satisfied. It seems the only ones dissatisfied are the wretches who didn't cough up a penny of their own kale and who wish to see Anderson keel-hauled, ham-strung and blown to everlasting perdition.

We have now reached the part in the comic opera where the pirate king will sing: "Let Him Be Taken to His Dungeon Cell!"



# THE AMERICAN ISSUE

Organ of The Anti-Saloon League  
NEW YORK EDITION

Volume XX

SATURDAY, APRIL 5, 1924

Number 14

## DEATH LAYS ITS HAND ON GENERAL SUPERINTENDENT P. A. BAKER

Great Leader Dies in Harness, After Long Period of Ill Health, His Death Ending a Career Almost Co-extensive With That of League Itself; In Command and Direction of Prohibition Fight for More Than Score of Years; Flaming Sword of Gospel of Civic and Personal Righteousness; A Preacher and Leader in the Church; Man of Vision, Force, Vigor and Foresight

Purley Albert Baker is dead.

The great fighting leader of the moral reform forces of the United States, the general superintendent of the Anti-Saloon League for a score of years, the flaming sword of the gospel of civic and personal righteousness passed away Sunday afternoon, March 30, at 5:30, at his home in Westerville, O. His death ended months of ill health and suffering. It came peacefully and quietly, and with his consciousness retained almost to his last breath.

As American Issue goes to press funeral arrangements are in the making. Definite details are lacking, except the plan for a funeral at the home Wednesday morning, April 2, with officials of the League among those in participation.

Dr. Baker died in the harness. But, because of his continued and serious ill health, and, perhaps realizing that his dissolution might come soon, he had written his resignation, to be submitted to the board of directors at its meeting in Indianapolis April 9.

The text of the resignation is as follows:

"March 12, 1924.

"To the Board of Directors of the Anti-Saloon League of America.

"Dear Brethren: On the advice of my physician, and because of increasing illness, I hand back to you the commission you committed to my hands more than twenty years ago. I hope it remains clean and stronger than when I received it. It has been the most glorious fellowship any man ever enjoyed. I hope my successor may find as much joy in the service of the organization as I have.

"With the blessings of God the Father, Son, and Holy Ghost upon you all, I bid you a cheerful adieu.

"P. A. BAKER.

"General Superintendent the Anti-Saloon League of America."

Dr. Baker was one of the first men whom Dr. Howard H. Russell, founder of the Anti-Saloon League, discovered and attached to the working staff of the organization. In fact, his service with the League is almost coextensive with the length of life of the League, for it was in 1893, the year of the League's founding, that he became superintendent of the Cleveland district. His work there was of such a high and notable character that after a little more than two years he became, in 1896, superintendent of the Anti-Saloon League of Ohio.

Dr. Baker lived to see service as general superintendent of the Anti-Saloon League of America for more than twenty

years. As the League developed its energies and grew in strength, it came to be recognized as the real agency through which the church was to direct its fight against the liquor traffic, and that fight gradually assumed the character of a political, as well as moral and scientific contest.

In 1903, with all this in mind, and because of personal and home demands, and aggressive work which he deemed to be needed in New York, Dr. Russell resigned his position as general superintendent, and the place properly went to Dr. Baker. He has been re-elected without a rival contestant biennially ever since, his last election being in January of 1924.

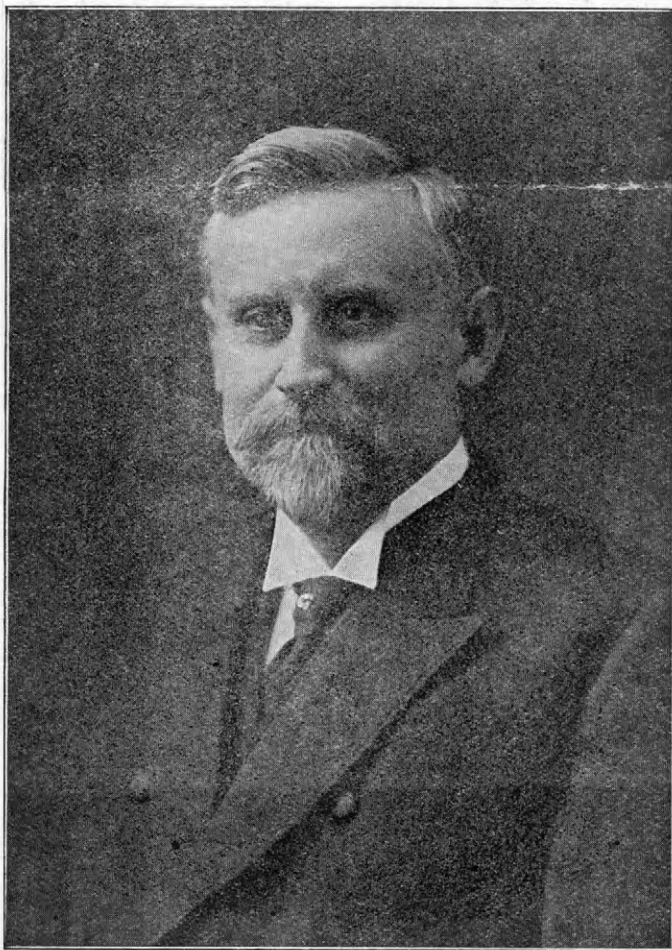
Just so sure as Dr. Russell was the founder of the mighty Anti-Saloon League movement and successfully carried it through its period of early organization, so sure also is it that the one man whose leadership is most largely responsible for making the League a real national political power for civic righteousness was Dr. Baker. Had he decided early in life to go into politics, instead of the ministry, it is probable that few names of statesmen would be written higher on the scroll of political fame than his.

In fact, while giving all other workers and friends of prohibition due credit, it must be remarked that the victories at the ballot box and in the halls of state legislatures and Congress, as well as those recorded as the result of executive action or judicial pronouncement, have come in America principally in those years during which Dr. Baker has been at the helm of the Anti-Saloon League of America.

Nor has his work been wholly executive and directional, for he was at the time of his death, not only the general superintendent of the League, but also a member of its committee on financial management, its committee on foreign relations, and a member of the board of trustees of the American Issue Publishing Company. He was, also, a member of the executive committee of the National Temperance Council, and of the board of directors of the Scientific Temperance Federation.

When the World League Against Alcoholism was organized in Washington in 1919, Dr. Baker became one of its vice presidents, and a member of its executive committee, permanent international committee and general council.

As a temperance worker he spoke in every state in the Union many, many times, and outside the United States as well. He was a power for civic righteousness in his own denominational councils, those of the Methodist Episcopal church,



DR. PURLEY ALBERT BAKER

and he had officially represented his conference in the General Conference.

Throughout his residence in Westerville which covers a period of about 15 years, Dr. Baker was a member of the quarterly conference of the local Methodist Episcopal Church, and, so far as his time and strength permitted, took active interest in the affairs of the church locally, as, indeed, he took in his own conference, the Ohio, and in the general prosperity of the denomination. He never forgot that he was, first of all, a Methodist preacher, called particularly to the work of preaching the gospel of civic righteousness and social betterment.

It was while he was pastor of Third Street Methodist Episcopal Church, in Columbus, Ohio, that Dr. Baker answered the call to go into Anti-Saloon League work, he had then been an itinerant in the Ohio conference since 1883.

His first appointment was to the circuit of Jasper, where he had six preaching places, which number he increased to ten during his second year. His subsequent pastorates were at Racine, 1884-88, Gallipolis, 1888-93, and Third Street, Columbus, 1893-95.

Coincidental with his entrance into the ministry Dr. Baker began his public and vigorous attack on the liquor traffic, which he regarded as the chief foe of the church. At Jasper he converted the saloonkeeper, who joined the Methodist church. At Gallipolis, therefore, his coming was awaited with some interest by the wets, who sought an early opportunity to "get him."

His tacking of some printed notices on a telegraph pole was the occasion of their having him arrested on the charge of violating a city ordinance. They expected to put him at once into jail. But a Christian lawyer heard of the attempt, rallied the good citizens, and with them attended the trial. Disappointedly the persecutors of the preacher heard the pronouncement of the evidence that the ordinance was no longer in force, and that even some of his accusers had themselves tacked printed or written notices on telegraph and telephone poles.

Dr. Baker's pastoral appointments showed the steady progress that should attend the career of a young preacher.

From the rural circuit in Pike county he was promoted to a somewhat larger circuit. Then he went to a county seat, where he was appointed to a station. He finally was named for a city church, and was in the very meridian of his success as a pastor when Dr. Russell laid his hands on him for the temperance work. Just what Dr. Baker might have become in pulpit efficiency and pastoral work must ever remain unknown. One may predicate, however, that if he had remained a pastor, the same executive ability and sagacity which he displayed in the Anti-Saloon League undoubtedly would have helped to elevate him to a bishopric in his denomination.

Ohio Wesleyan University conferred on him the honorary degree of doctor of divinity.

He was a member of Blendon Lodge, No. 339, Free and Accepted Masons, at Westerville.

Purley Albert Baker was born on a hill farm in Jackson county, Ohio, April 10, 1858; he was educated in the local and normal schools of Jackson and Greene counties, and taught in the Pickaway county schools for two years. It was while he was teaching and at the same time reading law that he was licensed to preach. In 1883 he was admitted into the Ohio conference as a probationer.

In 1884 he married Lillie I. Greene of Washington C. H., who entered at once sympathetically, whole-heartedly and intelligently into his work as a pastor, and later as an Anti-Saloon League worker. Mrs. Baker has always been not only a wife, but a real partner in every sense, and, in fact, has filled for her husband, the role of a little mother, for no man ever became so old, so tall, so wise or so distinguished as to pass from the need of mothering, and after his own mother has passed to her reward, happy is he if her mantle shall fall upon the shoulders of that other woman he calls wife.

Other immediate survivors are two half-sisters, Miss Emily Harper of Columbus, and Mrs. R. K. Cremens of Jackson, and four half-brothers, Orin B. Harper and Lee A. Harper, Pt. Pleasant, W. Va.; Joseph L. Harper of Columbus, and M. A. Harper of Wellston.

## \*Health and Morals Under Prohibition

Howard A. Kelly, M.D., Baltimore, Md.

The weakness and utter collapse of the liquor case is admirably bared in an article entitled "Health and Morals vs. The Volstead Act," in the January issue of *Health*, by its own doughty champion, Dr. S. Dana Hubbard, of New York, who, in an artistic concession to prohibition, first paints a lurid picture of intoxicants which he declares to be "the cause of a long record of crimes, poverty, disease, ruined hopes, wrecked ambitions, broken homes, destroyed families, orphaned children, besotted intellect, warped judgment, perverted moral faculties, ravaged physiques, and riot with reason." His indictment of alcohol is faultless. But, with a curious lack of logic, he almost in the same breath hints darkly at "animus, prejudice, bad reasoning and deliberate falsehood and villification" talks of elucidating the problem "in all its peregrinations," and then asserts as a climax to his argument (sic) "Prohibitory laws (and here we include all kinds) are unwise and their adoption will be opposed and it is a settled fact that legislation cannot perfectly extirpate the use of intoxicating liquors as a beverage." What a farrago! Who can digest it, and what follows?

### The Personal Liberty Gag

Without a blush this alcoholic protagonist goes on to voice for the nth time in histrionic basso profundo the sorry, ancient gag about the dangerous precedent of "interference with personal liberty," as though, in a civilized state, in any organized social body, any sane man really wants such an incommensurable, stupid thing as personal liberty, liberty for every man to follow the lead of his selfish desires and his passions. The man who marries, has children, engages in business, acquires property, and seeks protection in the enjoyment of these privileges and rights, ages ago, with the making of the very first laws, recognized his status as a social being and abjured his personal liberty as an evil encumbrance, fit for the savage and not conformable with civilized life. Personal liberty forsooth; it is the veriest claptrap and befuddlement of the demagogue playing on weak minds. I pause to deal somewhat fully with this folly, often cited as a potent argument against prohibition. Let our wily doctor who blows hot and cold with the same breath, and all his ilk, learn that at the foundation of all law is the principle laconically expressed in four words, "Les suprema salus populi." Be it known that it lies within the purview of the state to enact any law whatsoever, a law commanding citizens to abstain from eating or from drinking or from doing anything by which the law-making body, representing a majority of the citizens, judges that the public weal is jeopardized. Read here Eli F. Ritter's "Civil Law and Moral Law, One and the Same Thing." I notice incidentally that while he steps on the forte fortissimo pedal when discussing personal liquor, as a liquor apologist he poses pionissimo and with averted face, when we inquire whether the con-

trol of the sale of narcotics is not obnoxious to his personal liberty and whether or not these cases are parallel.

\* \* \* \* \*

### A Wet Ditch

In senses, perhaps not obvious to the writer, this anti-prohibition article is a gem in our controversial literature, and I hope it will be widely circulated as one of the strongest arguments for our great cause with the superscription "He made a pit and digged it and is fallen into the ditch which he made." How often has this proven true in the lives of the liquor men, in their sons and daughters and in all that makes life worth living; all sacrificed to the alcoholic demon just to grasp wealth.

Let me here cite for Dr. Hubbard and for all who care for facts, some dogmatic statements for their better instruction, that he may run that reads.

### Prohibition Achievements

No other social policy formulated in legislation has ever produced such immediate and beneficial results affecting the health, prosperity and morals of a nation as the ratification of the Eighteenth Amendment and the passage of the Volstead Act. Its record of achievement in four years would be incredible, if it were not that it is plainly written in the official figures of the Census Bureau, the health boards of the various states, the records of insurance companies, the published reports of police chiefs, and in the mass of economic data issued regularly by national trade organizations.

Former opponents of prohibition, including members of the famous Committee of Fifty, such as President Eliot of Harvard University, and Prof. Henry W. Farnum of Yale University, are today among its ardent advocates, won by the results achieved in spite of the organized opposition of the traffic.

### Effect on Mortality

From a physician's standpoint, the most interesting change is the decreased mortality; the crude death rates, issued by the Bureau of Census, are for the years named:

1913	1914	1915	1916	1917	1918	1919	1920	1921	1922
14.1	13.6	13.6	14.	14.3	18.1	12.9	13.1	11.6	11.8

1923 is not yet stated officially. Reports from 65 cities, received each week during 1922 and 1923, show a death rate of 13.0 for 52 weeks of 1923 as compared with 12.5 for the same period in 1922. On the basis of the ratio between the death rate of these cities and the nation in 1922, the death rate for 1923 may be estimated at 12.2 per 1,000 population. The average annual death rate from 1913 to 1917 was 13.92 per 1,000. Since the influenza epidemic made the 1918 rate abnormal, it may be ignored, although the greater mortality among the users of alcohol definitely increased the toll of death. Had the average rate of the five wet years prevailed in the years of pro-

\*Reprint from "Health," Feb., 1924.



hibition, 873,975 more deaths would have been recorded. Prohibition did not save all of these lives, but no other single factor affecting the entire people did so much to reduce mortality.

The decrease in the death rate from tuberculosis of all forms is significant. This was between 140 and 150 per 100,000 in the years before prohibition, the lowest figure recorded in the wet years being 14.2 in 1916. The following figures, as issued by the Bureau of the Census, show the continuous decrease since alcohol was outlawed as a beverage:

1919	1920	1921	1922
125.9	114.2	99.4	97

One might quote like decreases in the death rate in other diseases in which the use of alcohol depresses vitality and breaks protective barriers.

The decrease in deaths from alcoholism under prohibition appears in the following figures:

Alcoholism death rates per 100,000 policy holders in the Metropolitan Life Insurance Company, Industrial Department:	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922
	5.3	5.2	4.7	4.1	5.1	4.9	1.8	1.4	.6	.9	2.1

#### Alcoholism Death Rate—United States Census Bureau

	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922
	5.3	5.9	4.9	4.4	5.8	5.2	2.7	1.6	1.0	1.8	2.6

The increase for 1922 is marked, due probably to the propaganda of opponents of prohibition, but is still far below the lowest record for the license era. This is the more significant, since the intoxicants obtainable are usually poisonous. If any considerable fraction of the former quantities of liquor was now being used, the dangerous beverages of the bootlegger would send the alcoholism death rates soaring. That these rates continue to fall is good evidence of the effectiveness of prohibition in greatly decreasing liquor consumption.

#### Effect on Criminality

These gains in health are echoed in better law observance and morals. While it may not be possible to make a people moral by statute, it is possible to remove the world's greatest incentive to immorality and lawlessness by prohibiting the sale of intoxicants. The United States Census Bureau declares that "The comparable ratios of prisoners to 100,000 population for July 1, 1922, and July 1, 1917, are 137.2 respectively." This decrease of 5.4 per 100,000 means, on the Census Bureau's estimate of 109,248,393 population in 1922, 5,986 fewer prisoners for the year 1922 as compared with the year 1917.

Judge Gemmill of Chicago, eminent authority on criminology and criminal statistics in America, declares that the decrease in the ratio of drunkenness arrests in 1922, as compared with the pre-prohibition rate, is equivalent to 500,000. The daily evidence lies patent to any observer, however prejudiced, that an intoxicated man is today a rare sight on our streets, where they were seen by scores four years ago.

#### Liquor and Venereal Disease

With this decrease in drunkenness has faded the brothel and with it much venereal disease. Sober men were not often patrons of the bagnio in the past nor are they today. We record our venereal cases today with more care, and the reporting of cases is in many states compulsory. Where comparable figures exist, they demonstrate a decrease since prohibition banned both the saloon and its foster child, the house of prostitution.

#### Economic Gains

The national economic gains of prohibition are the natural result of the diversion of the former drink bill, totalling billions of dollars into the channels of legitimate business. The increased efficiency of the worker, the reduction of production costs through elimination of costly industrial accidents, the transfer of thousands who are charges upon society because of destitution or crime caused by drink, into producers of wealth, the larger buying power of former saloon patrons, have contributed in no small degree to stimulate the healthiest as well as the greatest period of prosperity we have ever known.

The addition of billions of dollars to savings accounts, the purchase of a billion dollars in life insurance monthly, the almost incredible increase in home building, in retail trade, in purchase of luxury goods as well as the necessities of life, the countless millions spent upon radio, theatres, automobiles, and other forms of recreation and entertainment which cater to the former patrons of the saloon as well as to the general public, testify to an unparalleled prosperity. When we emptied the saloons we depleted jails, poor houses, inebriate asylums and alcoholic wards; and in their stead we now support churches, schools, banks, stores, factories, theatres and playgrounds.

\* \* \* \* \*

#### Liquor, Pauperism and Crime

The economic sub-committee of the Committee of Fifty, made a detailed study of the relation of liquor to pauperism and crime, through a case study of 56,000 individuals. It found pauperism directly attributable to liquor in 25 per cent of the cases in charity organizations, in 37 per cent of the paupers in almshouses, and in 46 per cent of the children becoming public charges. It found that the liquor habit was a primary cause of crime in 31 per cent of the cases studied, and that it was one of the causes in 50 per cent. That these estimates were conservative is shown by the decrease in pauper-

ism, crime, and other ills, since prohibition has become our established national policy.

#### The Demand for Stricter Enforcement

Wiser public sentiment today demands stricter enforcement of the law. Aside from a little clamorous group of wets, there is no real demand for "liberalizing" and so weakening the law. Behind our prohibition legislation stand the churches of America, the wives and mothers who are now voters, the business and industrial interests, and such great labor organizations as the railroad brotherhoods and others embracing the more highly skilled trades, the health authorities, and many others. No man is made wealthier, healthier, wiser or happier by being alcoholized, while those who manufacture the poison fatten on the bodies and souls of the consumers, of their wives, their children and the public at large. Let us band all this alcoholic fraternity together, and dub them with a suitable title as the great Order of the Anthropophagae, or man eaters, veritable cannibals in our midst.

#### Medicinal Liquor

My colleague asks with alcoholic incoherency, "Is a prescription for brandy, gin, rum, or whisky for the sick, ordered in strictly medical practice and in due form, to be construed for beverage purposes?" Let me inform him that medicinal liquor is expressly excluded from the classification by the Volstead Act. Permits are issued to physicians who may prescribe liquor if deemed necessary and the needed apparatus for supplying medicinal liquor is provided by the law—but how often that confidence is abused! Not the Volstead Act but the laws in twelve states forbid prescribing intoxicating liquors, while eleven other states permit the use of pure alcohol only. The American Medical Association has gone on record as discouraging the prescribing of intoxicants. That alcohol has been used "from time immemorial, to relieve the ill, and hasten convalescence," as remarked, does not prove that it was ever really beneficial, for goose's, peacock's and cow's dung, scrapings and nails, roaches, and spiders, have been prescribed for the same purpose, while modern medical science rejects them today just as multitudes of practitioners reject alcohol.

I do not myself believe that the medical profession is conscious of any pressing need of alcohol, for it is not known as a remedy or an important or necessary adjuvant in any disease. The ailment where its use has been generally asserted to be beneficial in diabetes in an advanced stage, and here Insulin has come within a few months to supplant it.

\* \* \* \* \*

#### The Majority Demands Prohibition Enforcement

The invocation of the vanished intoxicating beverages by a handful of men who are fanatics about drink is doomed to a dismal failure, for no little group of liquor dealers or addicts can rule this vast nation. In clearest terms, the majority has spoken in terms of law. The majority has borne in patience the persistent lawless attempts to nullify its will. Today, in tones heard in every state of the Union, that majority voice is speaking ever more loudly for enforcement and yet more enforcement, for prohibition means health, wealth, morality and happiness to an entire nation of over a hundred million souls.

#### Dry Directors Retract Charges Against Banton

#### Resolutions Adopted in November Are Rescinded; Board Apologizes to Prosecutor

(Headlines and article in the New York Herald and Tribune, March 27, 1924)

The Rev. Dr. George Caleb Moor, secretary of the New York Anti-Saloon League, gave District Attorney Banton yesterday a resolution adopted by the directors of the League which retracted charges the directors had made against him last November in connection with the prosecution of William H. Anderson. Dr. Moor said that a similar resolution adopted two weeks ago had not "done full justice." The resolution read, in part:

"Whereas, On November 27, 1923, this board adopted certain resolutions asking that the Republican majority of the assembly of the State of New York investigate certain matters connected with the prosecution of the then superintendent of the Anti-Saloon League,

"Resolved, That this board rescinds and retracts the said resolution and expunges the same from its records, and, further, that the board expresses its sincere regret that the resolutions were adopted and offers its apology to Hon. Joab H. Banton, district attorney of New York county."

# THE AMERICAN ISSUE

AN ADVOCATE OF CHRISTIAN PATRIOTISM



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## THE ANTI-SALOON LEAGUE OF NEW YORK

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ARTHUR D. BATCHELOR, Editor

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### The New Editor

Rev. Arthur D. Batchelor, for the past five years Associate Superintendent of the Metropolitan District of the Anti-Saloon League, was elected New York Editor of the American Issue at a meeting of the Board of Directors March 25. For several years Mr. Batchelor has been a contributor to church periodicals such as the Western Christian Advocate of Cincinnati, Ohio, the North Western Christian Advocate of Chicago, Illinois, and the Pacific Christian Advocate of Portland, Oregon. He is author of a book entitled "The Mind of Christ" published by the Methodist Book Concern. On behalf of the League officers and constituency, the Associate State Superintendent who has been acting editor during March cordially welcomes Mr. Batchelor to his new duties which he will assume April 1, and wishes him the joy of continued successful labors for the dry cause.

### Prohibition Enforcement Legislation

The Anti-Saloon League of New York supported the Jenks bills at the legislative hearing March 25 on the ground that these bills if enacted into law would greatly improve a bad situation in the state. These bills are in large part a reproduction of the Mullan-Gage act but their provisions are not in all respects satisfactory to the League. Nevertheless the adoption

of such legislation would lay a foundation on which to build more satisfactory enforcement measures.

The League has always followed the plan of going toward its goal step by step. It has not been deceived by the political use to which the proposed enforcement legislation may be or has been put at Albany. Neither has it been hoodwinked into believing in the likelihood of the passage of a state prohibition enforcement law by this legislature, unless Senator Allen could be persuaded to truly represent his constituency and vote for the measures instead of acting at the behest of the wet leadership of his party.

The League, however, has been ready to take advantage of every opportunity for educating the people as to the necessity for such legislation and it is now in the position of pointing out with emphasis the need of electing to the legislature of 1925 enough dry assemblymen and senators to put New York state squarely and forcefully back of its own ratification of the Eighteenth Amendment.

### Wet Insincerity

A favorable charge of the wets against the advocates of prohibition is that they are all pious hypocrites. Such an accusation comes with ill grace from past masters in two-faced pretensions. The hollow insincerity of the Association Against the Prohibition Amendment in its oft repeated assertion that, while it is opposed to the Eighteenth Amendment, it stands firmly for law observance was never more clearly revealed than at the wet and dry hearing before the Codes Committee in Albany March 25. Every objection urged to the Jenks bills by Colonel Gillette was directed to eliminating features of the bill that, if enacted without them, would make it useless as an enforcement measure.

He was opposed to the definition of intoxicating beverage as that containing more than one-half of one per cent of alcohol, knowing full well that if the state law should permit a higher content of alcohol the statute would be invalid.

He objected to the search aid seizure provision although for twenty-five years this same search and seizure provision was incorporated in the "Raines Law" for the protection of the legalized liquor traffic and was not obnoxious to the wets during that period. The wets know that an enforcement law which does not authorize search and seizure is farcical and their howl about the danger of such a provision to the homes of peaceful law abiding citizens is the acme of hypocrisy.

The wet advocate was deeply concerned about the danger of citizens being twice punished for the same unlawful act. To hear Colonel Gillette one would think that double jeopardy was unheard of before the prohibition act. When his attention was called to the fact that laws on the statute books of the state involve at least forty-one cases of double jeopardy; and that counterfeiting, infractions of the Mann act and stealing from freight cars are typical instances of liability under both federal and state laws he had no apology to make for either his ignorance of the law or his attempt to mislead the Codes committee. He knows that there is only one way to avoid double jeopardy for violators of the Volstead act and that is to have no state enforcement act.

The Association Against the Prohibition Amendment is opposed to any state enforcement law for prohibition simply because it does not wish to have prohibition enforced in New York state. It should drop its pretensions of standing for the enforcement of the law and honestly state that it is for liquor anarchy until it can get the Eighteenth Amendment repealed and the saloons reestablished legally.



### How the Churches May Please the Wets

Forget the cause of prohibition and the vital issue of law enforcement; forget the evils of the old saloon and the unspeakable corruption of the legalized liquor traffic; forget the connection of alcoholic beverages and social vice, physical disease and death; forget the saloon and the poverty, misery, degradation and heart-breaking sorrow connected with it; and in that hour of forgetfulness become divided over an issue of personality. Let this issue divert the minds of good people from the slinking, skulking enemy of their children and the children of all the people. Let this issue blind them to the critical nature of the fight against world alcoholism. Let them withhold their gifts from the only agency of the church authorized to wage the fight against the saloon. Let them close the churches to the reports on the greatest fight for social reform the world has ever experienced. Let churches and good people halt in their advance and argue endlessly about what has happened in the past and all the wets in the world will laugh and work hard for the return of the saloon.

### Air Out the Room

Disgust and indignation were registered in the remarks of Judge William M. Maltbie of the Superior Court at Hartford, Conn., after the trial last week of two bootleggers. The case involved a chain of high officials and citizens many of whom as witnesses confessed violation of the prohibition law.

In deferring sentence, the judge made the following remarks as quoted in the New York Times of March 29th:

"I am not going any further with this today, for two reasons: I am in no mood to sentence these men, and in the second place, there are these other witnesses who I think are dodging subpoenas of this court, and I want them to appear. My idea is that it may stand over until 9:30 Monday morning; but I do want to say this, and I am going to stand up so I will make myself heard by those men who come here on this witness stand.

"Every one of you, with the possible exception of Mr. Mulligan, has confessed here to a part in these transactions, in breach of the laws of your country and the Constitution of these United States; and every one of you is foresworn, because every one of you when you became an elector held up your hand and swore that you would uphold the Constitution of the United States.

"And that is not all; these men here are charged, and have pleaded guilty, to breaking the laws of their country, not in any accidental way, not in any outburst of passion, but coldly and consciously, in order to get a portion of the results of an illegal traffic; and they have done it to get your money; and not only have broken the laws of their country in this respect, but the trade which they represent, as every man of you who reads the papers, knows, drags after it every manner of violence up to murder, smuggling, piracy, and worst of all, bribery and corruption, which reaches out to every man that tries to enforce these particular laws of his country; and the trail of these crimes leads right to the door of you who have come here and told that you have played your part in it.

"It is your money which causes that, and you who are supposed to represent property, respectability and social position—what are you after all but participants

in crime, instigators of crime? That's what you are; and you set yourselves up and you say, 'I will choose what laws I will obey.' Well, if you can choose what laws you will obey any other man can choose what laws he will obey; and if you do that, what becomes of your country? American citizens, some of you with creditable military records back of you, digging at the very vitals of your country. There is many a man—there's many a man who sits in that pen over there who is deserving more at the hands of the court and the public than you are.

"Take a recess, Mr. Sheriff, and air out the room."

### PROHIBITION AND DRUG ADDICTS

That the Harrison act decreased the number of drug addicts and that prohibition has made no increase in the number of addicts was asserted by Dr. Lawrence Kolb, United States public health service, Washington, in an address to the Baltimore City Medical Society.

"The amount of narcotics exported from narcotic-producing nations to countries having a population of 750,000,000 is not sufficient at the prevailing addiction dose to supply one third as many addicts as some estimators have said exist in the United States alone," said Dr. Kolb.

"They who have placed the number of addicts here at 1,000,000 are way off. I would say that the maximum is 250,000.

"Our narcotic laws and regulations are equal to or better than those of any other country and are enforced more efficiently than any law on our statute books, including the law against murder.

"Although it is shown, in a psychological analysis of cases that drunkenness and narcotic addiction spring from the same motive, prohibition would not increase the number of addicts.

"Young persons crave alcohol from love of more abundant, richer life. Opium is craved by older persons who seek rest, quiet and return to health."

### Mr. Anderson Goes to Sing Sing

Mr. William H. Anderson, former superintendent of the Anti-Saloon League of New York, on being denied a certificate of reasonable doubt by Judge Wagner of the supreme court surrendered to the sheriff of New York county March 25 and was taken to Sing Sing prison to serve a term of from one year to two years imprisonment on his conviction of forgery in the third degree. In the usual course of events unless his appeal comes speedily before the appellate division of the supreme court he will be released on parole next Christmas Eve.

This means that his full term may be served before his appeal to the next higher court can be decided. In the event of an unfavorable decision in the appellate division of the supreme court his case can be taken to the court of appeals which is the final court of jurisdiction.

### Announcement of the Board

At a meeting of the board of directors, March 25, 1924, Rev. William H. Morgan, D. D., was appointed superintendent of the Metropolitan District of the Anti-Saloon League of New York.

Rev. Arthur D. Batchelor was appointed editor of the American Issue, New York edition, effective April 1, 1924.

#### A LIFE OF SURPASSING USEFULNESS HAS ENDED!

A great leader has passed on.

Doctor Baker's clear vision, singleness of purpose, uncompromising aggressiveness and absolute loyalty to the great cause to which he furnished such able leadership mark him as one of the outstanding Americans of his day.

ARTHUR J. DAVIS.

## Wets and Drys Cross Swords on Liquor Bill

**Veteran Temperance Leaders Defend Enforcement Measure; Gillett Opposes Bill; Poland Leads Fight of Anti-Saloon League for Legislation**

(Headlines and article in the Albany Knickerbocker Press, March 26, 1924)

Politics, prohibition and prescriptions were argued, concretely and specifically, yesterday before the Assembly codes committee at the hearing on the Jenks bill to re-enact a state prohibition enforcement law.

Orville S. Poland, counsel for the Anti-Saloon League, Mrs. Ella Boole, of the Woman's Christian Temperance Union, and a host of other dry advocates who in former years fought shoulder to shoulder with William H. Anderson, ex-superintendent of the Anti-Saloon League, for the cause of prohibition, were on hand yesterday—but their former leader went unmentioned while at the very hour, he was donning prison garb at Sing Sing prison to serve a term for forgery growing out of his management of League funds.

The dry forces—and the hearing itself—yesterday lacked the wordy passages which marked other hearings at which Anderson was commander-in-chief of the dry forces. Arthur J. Davis, successor to Anderson as state superintendent of the League, was absent—due to a previous engagement, it was announced—and the brunt of the leadership of the dry forces fell upon Mr. Poland and District Attorney Guy B. Moore of Erie county, chairman of a special committee of the New York State Conference of District Attorneys which drafted the Jenks bill.

Colonel Ransom H. Gillett, counsel for the Association Opposed to the Prohibition Amendment; John T. Delaney, of Syracuse; Joseph S. Auerbach of New York City, both attorneys; Emmanuel Koveleskie, a vice-president of the State Federation of Labor; J. P. Coughlin, representing the Building Trades Council of New York City; Thomas W. Therkildsen, representing the Moderation League, and John Brechtel, representing the Workmen's Educational League, were among the chief opponents of the bill.

### Moore-Gillett Clash

Colonel Gillett and District Attorney Moore, who is a candidate for the Republican nomination for governor on a dry platform, furnished the only real combat at the hearing, just before it closed.

"Prohibition is no longer a moral question, no longer a spiritual question, no longer a religious question," said Colonel Gillett.

"It is a political question, pure and simple," thundered the Colonel.

"Prohibition is not a political question much less is law enforcement a political question," challenged District Attorney Moore.

"I was known in Erie county as favoring prohibition enforcement and had consistently prosecuted violators of the state prohibition law while it was on the statute books," continued Mr. Moore. "Yet, though Governor Smith, a Democrat, carried Erie county by 16,000 majority for governor, I carried the county by 24,000 for district attorney."

Prescriptions were brought into the discussion by Mr. Auerbach, an attorney of New York City, who holds the distinction of having won a court decision that the section of the Volstead federal prohibition act limiting the number of liquor prescriptions which a physician may dispense, is unconstitutional. The case is now on its way up in the courts, and Mr. Auerbach came to the hearing fresh from arguing the point before the United States Supreme Court.

Mr. Auerbach entered a protest against the provision of the Jenks bill which would limit to one pint of liquor every ten days the amount which a physician could dispense. Mr. Auerbach made it plain that he took no position on the bill itself, but added:

"This clause will be held unconstitutional, as a recent decision of the federal courts has held a similar provision in the Volstead law unconstitutional."

### Double Jeopardy

Colonel Gillett raised as one of the principal arguments against the Jenks bill the double jeopardy that would exist under which offenders might be punished not only under the federal law but also under the state law.

"No matter how you twist the argument," said Colonel Gillett, "or how specious the plea, that must be the result. You have no power to stop it. Even where a person has been punished under the state law, federal prosecuting attorneys, if they do their duty, must prosecute the offender again. The Volstead act in section two makes that course mandatory. And, under the provisions of this bill, state prosecutors and police officers must do exactly the same thing or law enforcement becomes a farce and a delusion."

Mrs. Boole hit at Colonel Gillett's argument, moving the spectators, who but half filled the Assembly chamber for the hearing, to one of the few outbursts.

"It has been stated that double jeopardy will exist if this bill is enacted," said Mrs. Boole.

"I know a way for people to avoid any jeopardy. Obey the law!"

Mrs. Boole, who made one of the principal dry arguments, called upon the legislature to rid New York state of a reputation of violating the Volstead law.

"It is appalling," said Mrs. Boole. "When one travels in other states one hears on every hand of New York's reputation for defying the law."

"I think we will all agree that prohibition enforcement has been less this year than last, and less last year than the year before. The impression seems to go forth that the legislature is not behind the prohibition law."

"I presume I have been coming to prohibition hearings longer than anyone here, and while I am well aware that prohibition is not under discussion, it is a significant fact that everyone who is here opposing a state enforcement law also in the past was opposed to any temperance act."

Mr. Poland argued for state enforcement from a practical standpoint of finances, illustrated by examples in Albany and Rensselaer county. Mr. Poland contended that Albany and other counties of the state might as well have the money which violators of the prohibition law pay in fines as the federal government.

Mr. Poland also contended there has been a definite increase in lawlessness since Governor Smith signed the Cuvillier repealer of the Mullan-Gage state prohibition enforcement law a year ago.

"If such situation were not unpatriotic, even anarchistic," said Mr. Poland, "the first thing which would naturally be suggested against the continuance of the situation would be its economic idiocy. Everyone who violates the prohibition law is violating the law of the land and is punishable under it by fine or imprisonment or both. Why should the federal government get all the fines, especially when conscientious state officials are aiding the federal government in enforcement? But the state gets no financial returns for the work done by these officials in the discharge of their obligation. To make the bootleggers pay for their own prosecution contemplates no financial partnership with the liquor traffic any more than it does with drug vendors or any other criminal."

"Let me illustrate: In Albany county during the last eleven and one-half months there were 171 convictions in the federal court for violations of the national prohibition act. These men were arrested by a small squad of federal officers with such aid as they were able to obtain from the state officials. Without raising any questions of remuneration or financial profit to Albany county, just let us see how much the United States government collected from these Albany county criminals—the answer is \$86,511. Is there any real good reason why Albany county, the residence of these law violators, which has had to endure their presence and has suffered by their lawlessness, should not have handled these cases and have received the \$86,500 in fines which have gone to the United States government? Would not such a sum of money go quite a ways toward paying the total expenses of the office of the district attorney of this county? I even venture to think it would pay them all and something over."

"Right across the river in Rensselaer county there was a matter of some \$35,300 went out of that county to the United States government in fines paid by bootleggers which might have comfortably fitted into the budget in Rensselaer county and relieved the taxpayers of their burden, by the amount of money derived from neighbors whose bad citizenship they had to endure. In the senatorial districts included within this capital section in the last eleven and one-half months over one-third of a million dollars was paid to the United States government by bootleggers. Is there any reason why the legislature of this state should deny that revenue to their own constituents—the taxpayers of the state of New York?"

"I have no desire to unduly emphasize the financial advantage which may be derived from the re-enactment of a state prohibition enforcement law but there is no reason why this advantage should be disregarded. The real issue involved is the issue between law and anarchy—between good citizenship and bad citizenship. The question is, will the state of New York continue to forego an exercise of its powers—will it continue to surrender its sovereignty at the behest of the bootleggers or will it join hands with the other states of the Union and in an exercise of its sovereign power move forward to an honest and complete and effective enforcement of the law and the Constitution which is the supreme law of the land?"



### Poland Denies Charge

Colonel Gillett, who had charged that the Jenks bill was not in fact the child of the district attorneys conference but rather that of the Anti-Saloon League, moved Mr. Poland to vigorous denial. He then proceeded to assail opponents of the bill.

"After all," said he, "on whose behalf can any opposition to this bill be made. Bootleggers or the patrons of bootleggers only."

"There can be but one reason, consciously or unconsciously, for opposition to this law—to make it easier to violate the prohibition law."

"An act to invade the American home and to provide writs of assistance for the police," was the title, which Mr. Delaney, the Syracuse attorney, said should be placed on the bill. He scored the search and seizure provision of the Jenks bill, which he said made the measure impossible of acceptance. He said if this feature were removed it would eliminate much of the opposition to the measure.

District Attorney Moore of Erie and District Attorney Harold W. Main of Franklin urged the enactment of the Jenks bill.

"I want to emphasize as emphatically as I can that the advocacy of this bill does not involve the question either of politics or prohibition," said District Attorney Moore. "It is purely a matter of law enforcement. The constantly growing disrespect for the law and the failure of proper enforcement constitute a grave menace to the country. When we are permitted to select the laws we favor and to disregard those we dislike, law and order will disappear to be succeeded by a condition rivaling the situation in Russia."

"At the governors' conference on law enforcement it was the unanimous sentiment of those present that the prohibition law should be enforced. The governor himself stated that the Eighteenth Amendment was sacred as any other part of the Constitution, and the Volstead law is as sacred as any other law. This because it is the law of the land."

### Defends Search Provision

District Attorney Moore defended the search and seizure provision of the Jenks bill.

"An enforcement act without a search and seizure clause would be a farce," said Mr. Moore. "The bill of rights adequately protect all citizens against unreasonable search and seizure. On that subject the scope of this act is identical and the language similar to that of the search and seizure provisions in the old liquor tax law which was upon the statute books of this state for many years prior to the adoption of the Eighteenth Amendment."

"During all of that time no one was oppressed by such search and seizure provision; no one raised any objection to the fact that such a law was upon the statute books, and it is difficult to understand now why there should be such an outcry against a provision of law which existed for so many years without injury to anyone and without protest from any individual."

"The proposed law is reasonable and just in its terms. It contains provisions that have met with judicial interpretation and that, therefore, are free from ambiguity. It will enable that state properly to enforce the provisions of the Eighteenth Amendment to the Constitution."

"I earnestly believe that a fair and just enforcement of the prohibition law will develop a public sentiment either sustaining such law or demanding its modification or repeal."

The acknowledged apathy at the hearing, which some attributed to the psychology of Mr. Anderson's incarceration at Sing Sing prison, was attributed in other quarters to the foregone conclusion that the Jenks bill is doomed to defeat before it is well on in its legislative journey. While the Assembly codes committee is virtually certain to report the measure favorably, there is some slight doubt as to whether it can be passed in the Assembly on top of the certainty that it will be beaten in the Democratic Senate.

### Wets as Bad as I. W. W., Hayward Declares

### Federal Prosecutor Says People Shield and Pay Criminals "Just to Get a Drink;" Denounces Disregard of Law

(Headlines and article in N. Y. Evening Post, March 27, 1924)  
In the opinion of Colonel William Hayward, United States attorney for the Southern District of New York, opposition to the prohibition law is merely another instance of American disregard for laws that are not taken seriously.

"I know people," he told members of the Young Folks' League of Congregation Ohab Zedek at the Hotel Ansonia last night, "who are protecting criminals, who are giving criminals immunity, who are sheltering and rewarding criminals, and who are hiring criminals to commit forgery, robbery, bribery, and perjury. And for what reason? Just to get something to drink."

He placed violators of the Volstead act in the same category with members of the I. W. W., who refuse to obey laws they dislike. He admitted many laws were distasteful, that the statute books were overburdened, and that he used to take a drink "now and then." Ninety per cent of the Americans who return from Europe smuggle articles into the country, he said, citing an example of the prevailing attitude toward some laws.

"They don't smuggle seriously or grievously," he said, "but I don't suppose there is a large percentage of our own good people who do not put one or two things over on their Uncle Sam. Because people do not obey a law is no reason for repealing it, however."

"Some of the most respectable people in our communities are accomplices of a lot of rotten criminals. The criminals may be aliens who have perhaps recently come to these shores as a haven of refuge from other lands. But they are sent on their criminal ways by American citizens—maybe a judge—Americans of high standing."

"When Americans induce these men to break a law and protect him, what kind of a citizen is he going to make? Is he going to distinguish between one law and another? Of course not. He is not going to have any more regard for any law than a wild beast."

### Rev. H. D. French Advises That Some Bootlegger be a Martyr to the Wet Cause

(Headline and article in Brooklyn Daily Eagle March 14, 1924)

"The menace declared to be facing this country now does not come from the immigrant, but from the native-born citizens of American parents, who flouts the law of the land," declared the Rev. Howard D. French, pastor of the Church of the Pilgrims, Brooklyn, yesterday afternoon in an address before the Brooklyn Colony of the National Society of New England Women, who met at Pouch Mansion, 345 Clinton avenue.

"You never hear that the Volstead act is against the common good of the people, except that the law is not being obeyed, and the ones who are saying this are the ones who are not obeying the law," continued the Rev. Mr. French.

"If you think a law is really bad, there are definite ways of going about getting it done away with," he continued. "First be absolutely certain that your own character is beyond reproach. Then deliberately announce and publish your purpose and intention to break that law. Let your disobedience be in the most public manner possible. Invite the penalty. Why don't some of these high minded bootleggers announce to the people that they think this law is rotten and announce publicly that they are going to take to the open square in front of the city hall liquor and sell it there in open violation of the law and accept the punishment that is meted out to them, instead of sneaking around as they do now?"

"Another way to show up a bad law," declared the Rev. Mr. French, "is to obey it to the literal limit and let it be seen how perfectly ridiculous it is; and another way is by agitation and education."

The law and the rule of the mob is getting so common, the speaker declared, that it is not only serious but a real danger; and it is not the foreigner who is doing the mobbing, he said, but American-born citizens.

### "DRIPPING WET" BALTIMORE GROUP ENDORSES SMITH

### Democratic Ward Organization Starts Move to Win Favor of City and State

(Headlines and article in N. Y. Tribune, March 13, 1924)

Baltimore, March 12.—Governor Alfred E. Smith of New York was endorsed tonight for the Democratic nomination for President by the Hendricks Democratic Club of the Tenth Ward, one of Baltimore's leading Democratic organizations. The Tenth Ward is regarded as "dripping wet," and in the words of Ambrose J. Kennedy, who was chairman of the committee on resolutions, "the Tenth Ward is strong for such a man as Al Smith."

"We have set the pace," Mr. Kennedy added, "and having taken the initiative we hope the movement for Smith will spread throughout the city and state."

### PROHIBITION MOTHER GOOSE

(New York Sun and Globe, February 20, 1924)

Three blind guys,

See how they run!

They all ran after the scofflaw elf,  
She gave them some rum that she'd brewed herself,  
For the rest of their lives they'll be on the shelf,  
Three blind guys.

## Slump in Liquor Sent to British West Indies

**Drys Delighted That Amount Exported Fell Off Two-Thirds**  
(Headlines and article in New York Herald, March 15, 1924)

British prohibitionists' elation over the ratification by the United States Senate of the anti-rum running treaty, which may be operative by May 1, is accentuated by the sensational decrease in the amount of liquor exported to the West Indies and the Bahamas since the first of the year, compared with last year. The big slump in January increased in February. The export figures for February now available show that in the first two months of this year the amount of liquor shipped to islands adjacent to the American coast totaled 78,197 proof gallons, compared with 228,675 for the same period of 1923.

The drys attribute this sensational drop partly to the rigorous measures taken by the United States dry navy, making it impossible to land consignments with the same freedom as some months ago, and also because the liquor exporters here, believing that the West Indian El Dorado is a thing of only transitory pecuniary possibilities, are now catering to the established trade elsewhere.

Even Canada, despite the reversion of certain provinces to the wet order, imported less liquor in January and February. The increase in exports to countries remote from America is almost as sensational as the decline in exports to the American area, totaling 642,135 proof gallons, compared with 413,022 gallons for the same two months last year.

The big shipping companies here are redoubling their vigilance to prevent smuggling such as took place on the Orduña. Some officials said today that the drastic action taken by the United States authorities is likely to keep members of crews from attempting to smuggle liquor into American ports hereafter, a strict search of every quarter will be made upon a ship's departure and again on the high seas.

George Wilson, one of the principal officials of the United Kingdom Alliance, the premier anti-liquor organization here, said today: "The treaty may not entirely end rum running from Great Britain, but it will go a long way to curtail it. Before we can be assured of victory, however, we must wait for the verdict of the Supreme Court, for the wets will undoubtedly carry the battle to that court."

The law officers of the Crown are not confident of finding any legislative means of suppressing at this end the rum smuggling on British ships and have advised the government that Great Britain by signing the anti-rum treaty has done all that is possible to help America smash the rum traffic. It depends on America's pressure on the rum runners as to how far that traffic can be broken up. Nevertheless Prime Minister MacDonald is carefully reviewing the whole situation, for the Laborites are anxious if possible to devise some means of stamping out smuggling from United Kingdom ports.

While there is no disposition in shipping quarters to discuss the seizure on Atlantic liners, it is suggested that searches should also be made on American liners, as passengers on certain American ships on landing here recently have reported that there was plenty of liquor available on the eastward trip.

## Says Labor Unions Seek Dry Australia

**Socialist Comes Here to Study Conditions Under Prohibition After Trip to Europe**

(Headlines and article in the New York Times, March 11, 1924)

The labor organizations of Australia are definitely committed to prohibition, according to W. F. Finlayson, for ten years a Socialist member of the Federal Parliament from Brisbane, who has been studying the prohibition question from the workingman's standpoint in Europe. Mr. Finlayson will study conditions under prohibition in this country and report to the labor groups in Australia.

"In the five days I have been in New York I have observed a great change since I was here thirty-one years ago," he said yesterday. "I have seen only one man intoxicated, and he, I regret to say, wore the uniform of a soldier. When I was here before things were quite different, especially along the Bowery."

"Prohibition has done a great thing for your country. If the United States can retain prohibition for the next decade it will certainly capture the markets of the world. A change in the individuals will have a consequent effect on the nation."

Mr. Finlayson was told that Samuel Gompers, president of the American Federation of Labor, opposes prohibition.

"He may speak for labor on industrial affairs, but he certainly does not on the liquor problem," Mr. Finlayson said. "I have found many union leaders who believe that the worker is better off without alcoholic stimulants."

Mr. Finlayson declared that much of the anti-American propaganda which he said existed in Australia was due in no small degree to the liquor interests, which pointed to America as the "horrible example" of nations of the world. Speaking of his observations abroad, he said he was amazed at the extent to which the temperance movement had gained ground in Germany, and expressed the belief that Scotland and Ireland would go dry before England.

## RUM SHIPS IN TRAFFIC

(Headline and editorial in the New York Evening Telegram and Mail, March 21, 1924)

Rum laden ships, like rum laden men in the stream of traffic, menace navigation. Captain A. J. Schmidt, of the Scandinavian-American liner Oscar II, reports that he narrowly missed colliding with two such vessels twenty miles off Fire Island.

The incident takes on additional color from the fact that the Oscar II once rose to world-wide but transitory fame as the Ford peace ship. Time was pilgrims gathered on its decks to perfect arrangements for getting the boys out of the trenches by Christmas. But alas! the exodus did not come off as planned. Even Mr. Ford now jovially admits in his near autobiography that he learned a good deal about war on the peace ship.

To have illegitimate traffic endangering legitimate traffic burdened with many lives and much treasure is, of course, serious. In the nature of the case, liquor ships are likely to be careless about lights and warning signals. Captain Schmidt's complaint may suggest to the government that it can proceed more drastically against rum runners outside the three mile limit for the purpose of protecting navigation.

## New York Leads Cities in Postal Savings Gain

(Headline and article in the New York World, March 14, 1924)

Postal savings deposits in New York were increased by \$555,576 last month and a total of \$42,179,720 now is on deposit here, according to figures made public yesterday by Postmaster General New.

New York led all cities in the increase in deposits. The second largest gain was \$200,710 in Butte, Mont., and Sioux City, Ia., was third with \$130,314. Billings, Mont., came fourth with \$57,990, and Chicago, with \$52,308, was fifth.

Brooklyn, classed as a separate city, maintained second place, although deposits dropped off \$7,888. The total on deposit in Brooklyn is \$11,893,436.

## Prohibition Has One Friend

(Headline and editorial in New York Times, March 20, 1924)

Dr. W. W. Keen of Philadelphia has called the attention of The Times to some remarks on prohibition in the United States made by a recent visitor, Dr. Charles Porter, Medical Officer of Health, Marleybone, and printed in the British Medical Journal.

He is enthusiastic over what he calls "the finest thing that the United States ever did," denies that bootlegging is of anything like the importance ascribed to it by other English commentators, and explains the increase of alcohol cases in our hospitals as those of people who in pre-prohibition times would have spent the night at a police station. As it is, he says, most of them are discharged the day after admission.

Everywhere here Dr. Porter found heartfelt rejoicing over the disappearance of the saloon, and many employers of labor told him of better-kept time sheets and an increase of efficiency as results of prohibition. He expressed the strong opinion that the conditions of the homes of the people had very greatly improved since prohibition came in, and as a medical officer of health it was in this sociological aspect of the question that he was chiefly interested. After studying it at first hand he felt that American prohibition was one of the most valuable experiments ever performed by any nation, and he deprecated an attitude of criticism, still more an attitude of ridicule.

## ENTIRE WEEK PASSES BY WITHOUT A MAJOR CRIME

One of General Butler's ambitions, to have a complete week without a major crime committed in Philadelphia, was realized, according to the North American of March 16, the week ending Friday, March 14, when there had not been a crime of real importance and virtually no loss of property for the entire week. The record was broken on the night of the 14th when a murder was committed in connection with a hold-up. It is reported that murders have averaged about two a week since General Butler has headed the safety department under the new administration, as compared with three a week last year.