

# RUM VIOLATORS' CHANCES BETTER THAN OFFICERS'

Thirty to One Bootleggers Go Free in Philadelphia, Butler Says.

Editor's Note—This is the nineteenth installment of General Butler's story of his work as head of Philadelphia's police and the fight against the gangsters. The articles will appear daily. The Times owns exclusive rights to the articles in this territory.

By Smedley D. Butler

Liquor law enforcement was not popular, apparently, with Philadelphia's public officials.

The magistracy refused to do its duty. The district attorney was reluctant to proceed vigorously. Grand juries and petit juries permitted their sympathies and prejudices to interfere with their judgment. The courts, too, were often at fault.

I will prove these assertions. I have figures to show the comparative liquor law violations for the first eleven months of 1923 (the year before I came to Philadelphia), 1924 (my first year), and 1925 (my second and last year). The twelfth month is omitted because I did not finish that month in office and statisticians are not available.

In 1923, 1,413 persons were arrested on various liquor charges; in 1924 the number totaled 5,757, while in the eleven months of 1925 9,424 persons were arrested.

## What Happens in Court

What happened to these violators? In 1923, just 307 of the 1,413 prisoners, about 20 per cent, were discharged outright, or fined and discharged by the magistrates. In 1924 the number discharged leaped to 2,488, or about 45 per cent of those arrested, while in 1925, 3,895 were discharged. Bootlegging, under such conditions, is rather an ideal business.

The others were held by magistrates. What happened to those?

In 1923 grand juries inflicted 750 of the 1,100 held. In 1924 they did better, indicting virtually every prisoner. However, in 1925 they returned only 1,696 true bills out of 4,333 submitted them.

Of those finally brought to trial, 595 persons were convicted in 1923; 1,260 in 1924, and in the eleven months of 1925 only 300.

A bootlegger thus had about thirty chances for immunity to the one chance police had of conviction in that last year!

## Eighty-Nine Freed

In my last full month in office 162 persons charged with liquor law violations went to court. Of these, forty-eight pleaded guilty and were assessed small fines; twenty-five stood trial and were found guilty; and the remaining eighty-nine stood trial and were freed.

It is fitting that in this frank recital about our legal officials a word of credit should be interjected, and so I want to say that Judge Harry S. McDevitt was my "right arm" in the courts. The success of the padlocking procedure was due to his whole-hearted co-operation.

But there were judges of the opposite type, too.

Councilman Pommer, one of Boss Vare's heelers, complained to me one day that we were padlocking all the saloons of his boss.

In surprise, I asked "Does Bill Vare run saloons?"

"No," said Pommer, "but his friends do, and you padlock them, but you never padlock the saloons of O'Connor."

## Friends Protected

Pommer referred to Magistrate Francis X. O'Connor, bitter political enemy of Vare.

Again I asked, "Does O'Connor run saloons as a side line?"

Again the answer came that O'Connor did not, but his friends did.

I told Pommer I would be glad to padlock O'Connor's saloons as well as Vare's, and Pommer suggested that I take the cases to a judge other than McDevitt.

## Which Judge?" I asked.

"Well," said Pommer, "I'll see the boss (Vare) in a few minutes and I'll put it up to him." The following day Pommer informed me that I

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Two well known citizens of Corrigan, Texas, are Mr. Aaron S. Fuller and Mr. Asa M. Fuller, twin brothers.

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And Mr. Asa M. Fuller says, "I have never taken very much medicine, for I never felt I needed it. But the best of us get bilious at times and need a little something to tone us up. It was about 30 years ago that I began taking Black-Draught when I began to get bilious, and I always felt so much better after taking a few doses and cleansing my system that I just decided that Black-Draught was the medicine for me. I have never had any reason to complain when I feel the least bit bad; I take a dose or two of Black-Draught, and after it acts I feel all right again."

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should take the cases before Judge Lewis.

Anxious to have the nuisance abated I took them before that court, but Lewis did not order any padlocks.

## Lookouts Surprised

When we finally managed to surprise lookouts on guard at the St. Regis cafe (one of the most notorious hang-outs of underworld characters in the city), and smashed our way in, we arrested Jimmy Irish, gangster, who was said to be one of the proprietors.

While patrol wagons were bearing the injured to a hospital (for there was a terrific fight) and the uninjured to police stations, the telephone rang in detective headquarters and Magistrate O'Connor asked the inspector of detectives whether it couldn't be arranged not to bring Irish to city hall, for Irish was a good fellow and a good friend.

I happened to be present (and that was one of the reasons I made it a habit to be in the detective bureau for several hours each night) and

Tomorrow General Butler will continue his story of the second year of the continued war on vice and crime.

of course, refused the request. Irish was brought to a city hall cell, and O'Connor immediately released him. The same thing, to a greater or lesser degree, was true of other magistrates.

## Prosecutor Refuses Aid

The district attorney? He refused to aid the work of law enforcement. He declined to assign one of his aids to my office, "because the police were rotten."

As to grand juries—

The body of April, 1925, ignored 109 bills and returned 133 true bills in liquor cases, a record that astounded the court and police that an investigation was ordered.

We found that the dominant member of the panel, Barrett, had once been arrested for selling liquor illegally, and several times on charges of disorderly conduct and assault and battery.

Barrett admitted that once he had

been sentenced to prison for thirty days, but because of his political influence he had been let in through the front door and taken out the back door of the prison.

The May grand jury was equally lax, and when it completed its work submitted a statement declaring it did not believe the public favored prohibition, and therefore it had ignored many liquor bills.

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I could repeat instances of partiality, hypocrisy and prejudice on the part of the courts to illustrate my contention that rigorous enforcement of the dry laws was not given a fair test in Philadelphia. (Copyright, 1926, by The Bell Syndicate, Inc.)

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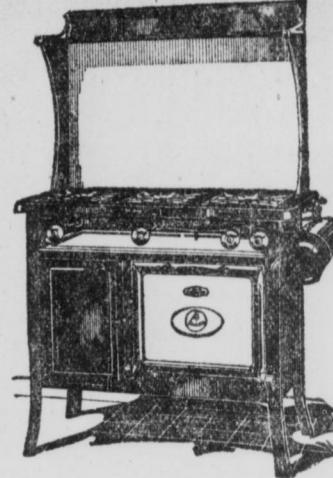
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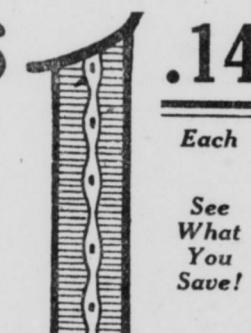
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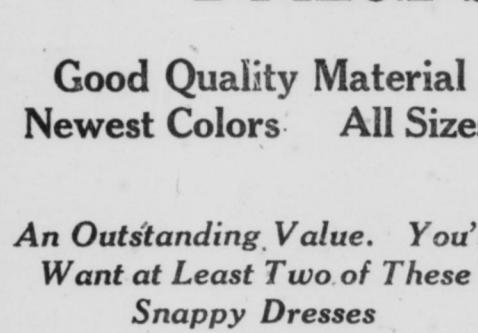
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