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"Give Light and the People Will Find Their Own Way."—Dante.

### "Revenue Agents"

The Federal prohibition authorities have adopted as a settled policy the practice of using the internal revenue laws of 1875 in enforcing prohibition. These laws were designed to give the Federal Government supervision of the manufacture and sale of beer, whisky and other liquors, all of which were heavily taxed, and for the handling of which Government licenses were required.

The laws were regarded as necessary, although their penalties were severe, and they permitted agents without warrants to enter places where liquor was being manufactured or sold to inspect licenses. The laws also permitted confiscation and destruction of property without the usual processes, under certain conditions.

Revenue agents were charged with enforcement of these laws. A revenue agent was just what his title implied, a representative of the Government, whose business it was to see that those who made and purveyed liquor paid their proper taxes—revenue—into the Federal Government.

Now every prohibition agent has become a revenue agent. One can understand readily why these agents should have the right to inspect breweries and distilleries remaining in operation. They are under Federal supervision, and require licenses, even though they manufacture nothing more than non-alcoholic malt beverages.

If the prohibition authorities should use the laws for this purpose, and stop there, the procedure properly could not be questioned. This is not their purpose, however.

They are using the laws to gain entrance to clubs and other places suspected of selling liquor. Their object, of course, has nothing whatever to do with carrying out the intent of the revenue laws of 1875.

They are simply avoiding the necessity of obtaining search warrants. In some instances they have gone so far as to destroy property forcibly, without observing any legal processes. So far the provisions of the revenue laws have not been invoked against private homes, but there is no reason why they should not, except that this might be more than the public would stand.

The fourth amendment is supposed to provide guarantees against this sort of thing. It forbids unreasonable searches and seizures, and stipulates that no search warrant shall be issued "except on probable cause, supported by oath or affirmation, and particularly describing the place to be searched."

This new policy might be all right if every dry agent were capable of acting as judge, jury and executioner. Unfortunately, they have not shown themselves to be.

### The S-4 Report

If anything were needed to show that not all the criticisms of our naval establishment have been amiss, the curious findings of the naval court of inquiry charged with probing the S-4 disaster would provide it.

A great deal seems to have been the matter. That the lost submarine was blameworthy; that the coast guard destroyer Paulding which sank it was negligent; that Rear Admiral Brumby, in charge of rescue and salvage operations, was incompetent, and that some of the elementary principles of navigation were violated, resulting in collision—all are indicated in the report.

But the report is not altogether convincing. No sooner had it made its appearance than it was assailed by high naval and civil officials, on the ground that its conclusions were not supported always by the evidence submitted. So the whole case has been shunted back to the court for further light upon some of its phases.

In spots the findings appear inconsistent and contradictory. For instance, the court paid high tribute to the rescue and salvage efforts. Nothing that could have been done was left undone, the report said.

Yet it recommends that Rear Admiral Brumby be detached from his command because he "failed to contribute to superior intelligent guidance, force and sound judgment expected from an officer of his length of service, experience and position."

We submit that if the first is true, the second is a bit unfair. If Rear Admiral Brumby found himself in charge of the work of rescuing the surviving members of the crew entombed alive in the S-4, it was because the naval hierarchy put him there. If he knew nothing about such work, and his assistants did, he is to be congratulated for having had the good sense to stand aside and let them carry on.

Transfer him, by all means, but if a public rebuke is deserved in his connection it should go to those responsible for his appointment to that particular post. To rebuke Brumby, under the circumstances, looks like making him the goat for bureaucracy's pet mistake of putting square pegs in round holes.

The criticism that a tender displaying a warning flag should have been stationed near the course where the S-4 was undergoing trials was dismissed by saying this "was neither desirable nor necessary," because submarine efficiency is now such that warning flags have been cast into the discard.

The layman's answer to this would seem to be that the practice had been cast into the discard a bit too soon, since that simple precaution would have saved both the S-4 and her crew.

That Lieutenant Commander Jones of the S-4 personally was jointly responsible for the collision is held by the chief of the Navy Bureau of Navigation as not proved, and exception has been taken to this finding.

Secretary Mellon, to whose department the Paulding belongs, has filed similar objections to the blame the court attached to Lieutenant Commander Baylis, the Paulding's skipper, because, Mellon said, the destroyer was not only being properly navigated, but the Navy had not taken the pains to let Baylis know a submarine was undergoing trials in the vicinity.

The report, however, contains one constructive recommendation at least—that a technical board be appointed to study the subject of rescue and salvage fittings, safety devices and equipment and recommend such changes in, or modifications of, tenders and rescue vessels as may be deemed desirable. This should help.

But, all in all, the report is likely to prove unsatisfactory. In fact, the indications are that the storm originally raised by the death of the forty-one officers and men of the S-4, far from being calmed, now may rise to a new pitch.

### Keeping the Law Lawful

Two outstanding decisions that a lawful act can not be done in an unlawful manner have just been made in Colorado—long one of the nation's battlegrounds in issues involving human rights guaranteed by the Constitution.

Four strike leaders, arrested by militiamen without warrants and held for weeks without bail, without charges and without the privilege of seeing counsel, have been ordered released under bail by Federal Judge J. Foster Symes of Denver.

At the same time, a jury sitting at Cripple Creek, Colo., returned a verdict of voluntary manslaughter against a deputy sheriff, who shot to death a young man suspected of running liquor, simply because the lad did not heed shouts to stop his car.

The convicted deputy, it developed during testimony, had so nervous a trigger finger that, on the same day he killed this boy, he also fired on another liquor suspect.

Two other officers, tried with him, were freed on the grounds that it was not their bullets which inflicted the fatal wounds.

The case of the four strikers was fought out on the contention that the Governor of Colorado, by issuing an insurrection order, could place the militia above all civil authorities. This contention was based on a ruling by the Supreme Court of Colorado during a strike more than twenty years ago, and had several times been upheld by State courts during the present Colorado strike.

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If Mr. Jackson wanted to prove to the people of Indiana that he was innocent, why did he not go ahead and prove that the accusations were false, instead of hiding behind the statute of limitations?

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