

story building, attractive within and without, stands up with the Capitol, the Cathedral, the Auditorium, the Great Northern office building, and the St. Paul Hotel, as one of the most conspicuous structures in the city. It is also one of the most significant. It is more of a civic center than an athletic club, patronized almost as much by women as by men, and containing the offices of the St. Paul Association, one of the most broad-gauge and sensible commercial organizations of its kind. Here visiting delegations or solitary strangers are entertained, and here "Art" Nelson assembles the heaviest taxpayers and the thirty-eight organizations constituting the advisory body of his fellow-citizens to lay before them at well-served dinners the constructive reasons for his bond issues.

St. Paul has the faculty of getting to-

gether for good causes, and this faculty it has demonstrated many times in recent years. Potentially, it has the faculty of getting together with its neighboring municipality in the joint endeavors which would make of both a greater unit of influence in American life. Honest rivalry is better than any sham union, and these Twins have been scrapping for more than fifty years. But the honesty of that rivalry does not suffer when the two *arrondissements* actually do get together for their semi-annual "Twin City Market Week," and a better *rapprochement* may be foreseen in the movements toward intercity police and transportation regulations.

They used to call St. Paul "Hilltown," with a double reference to its terrain and the leonine railroad builder of the Northwest, whose great stone mansion, crown-

ing one of the seven hills at the beginning of Summit Avenue, is advertised for sale as this article is being written. In the same paper printing the advertisement appears the picture of J. J. Hill's grandson, just elected at twenty-three a director of one of the city's largest banks. "The old order changeth, giving place to new." Perhaps no greater things may be looked for from the new generation than were accomplished by their fathers and grandfathers in St. Paul. But different things may be looked for, different attitudes, broader visions. At all events, the city could have no more timely and needful slogan for the character of its future growth than that chosen by the civic association, which expressly looks beyond conventions and tourists and industrial boosting, to larger living—"St. Paul Serves."

The Balance-Sheet of Prohibition

By F. ERNEST JOHNSON

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THE situation with reference to National prohibition has apparently reached a "show-down." For one reason or another, the Federal Government has decided upon a new policy of enforcement. That policy, in the opinion of the present writer, is sincerely undertaken and wisely framed. Its implications are farther reaching, however, than is generally realized.

Until a few months ago the enforcement of prohibition was not a matter of primary interest at Washington. The Volstead Act was passed during the Administration of President Wilson, who vetoed it, and whose States'-rights heart was not in it. The Government policy on this question crystallized under President Harding, whose whole outlook and manner of life made him uncomprehending toward so strong a reform policy as the prohibition crusade had brought upon the country. It is to be said, however, that Mr. Harding reached the point before his death where the whole question of prohibition enforcement acquired a new importance in his thinking, although he did not live to carry out any newly formed purpose. President Coolidge's modest policy of "*laissez-faire*" in Government matters during the period when he was President only by an accident of history led him doubtless to withhold interference in the difficult matter of enforcing the prohibition law. In the

meantime, an Administrative policy took shape at Washington which was fairly independent of any other policy of the Administration.

A Weak Enforcement Policy

THE situation up to the present year had two main features. One was the passive—one might almost say irresponsible—attitude of higher officials in the Government with reference to enforcement of prohibition. This attitude was due apparently to a lack of sympathy, a feeble concern, and a weak conviction as to the enforceability of the law. The other main feature of the situation was the aggressive development of a programme by the Prohibition Unit that reflected chiefly a reform psychology. It became common knowledge that the Unit was under the virtual control of the Anti-Saloon League. This is not said in criticism of the League. In the absence of a strong policy on the part of responsible Government heads, the leaders of the "Dry" forces stepped in to give the Government the benefit of their experience in building up the machinery of enforcement. It was a natural thing to do, and, considering the circumstances, the constituency of the League would probably have held it accountable for a failure to take aggressive action.

But the results were not wholesome. The impression went out that prohibition

enforcement was dominated by partisan influences, and the more definitely it became identified with such influences the easier it was for Government officials to "let George do it." Attempts to interfere from above were resented by the friends of the Prohibition Unit, and not unnaturally so, because of the apparent lack of sympathy on the part of higher Treasury officials with the law itself. The word went around that prohibition must be kept in the hands of its friends.

So matters drifted on. More and more the campaign methods and psychology of the prohibition movement came to be characteristic of the Government's enforcement policy and programme. The publicity service of the Prohibition Unit has carried many of the loose, ill-considered, fragmentary, inconclusive, and often misleading statements that have been an unfortunate element in the whole effort to win favor for the prohibition régime. Too much attention has been given to petty cases, which occupy space in the newspapers, but are of little significance or value. Prohibition agents are poorly paid, and many of them have suffered moral collapse under unprecedented temptation.

All of this is said by way of interpreting the present situation in the Government. It is not a complete appraisal of the Prohibition Unit. The little group of people at Washington, both inside and

outside the Government, who have been determined to retrieve the fortunes of a course that was losing popularity, have much to their credit in sincerity, integrity, and downright heroism. From the headquarters enforcement organization down to the agents in the field, not all of whom have been corrupt by any means, most commendable service has been rendered under staggering difficulties.

But it was a losing fight, because the policy that had been slowly developed lacked efficiency and strength of leadership in the Government to repel the ravages of politics, and lacked also a broad-gauge philosophy of social progress that might have won the support of the country. The public has gained the impression of an unwillingness on the part of the Prohibition Unit to face facts and to recognize limitations and failures, a preoccupation with unimportant cases and its failure to clinch the big ones, and an over-fondness for optimistic advertising.

The New Line-Up

THE result is that in the new set-up for prohibition enforcement the influences represented in the prohibition lobby at Washington are conspicuously lacking in prominence. The law is no longer in the "hands of its friends," if by that formula the prohibition leaders at Washington mean persons committed on principle to the purposes of the Volstead Act. The theory that is to prevail from now on is that the law is to be enforced with a maximum of efficiency and a minimum of publicity and without accepting any particular responsibility for modifying the attitude of the public toward prohibition as a public policy. It has become necessary in the opinion of Administration leaders to divorce *enforcement* from *advocacy*. This should never have been necessary, but perhaps the well-known irreconcilability between the views of prohibitionists and those of the Secretary of the Treasury made it inevitable. If the psychology of the prohibition lobby has been unfortunate, the failure of the Treasury Department to develop leadership in the vital matter of law enforcement, comparable to that which it has volunteered in National finance, is without excuse. But however one apportions responsibility for the *impasse* that has developed within the Treasury Department on the prohibition issue, the fact is that we are offered now an entirely new deal. The responsible heads of the Government propose to find out whether or not prohibition can be enforced. If it can, they propose to do it by militant means, if necessary. If not, there are to be no alibis.

Fallacy of Majority Rule

IT is a serious misapprehension on the part of prohibitionists, however, to attribute entirely to faulty and inefficient enforcement the reverses that have been encountered in making prohibition effective and realizing from it the anticipated and predicted benefits. One might as well attribute the failure of the Fifteenth Amendment to the Constitution to non-enforcement of it by the Federal Government. When the people, or any very considerable portion of them, turn against a law, there is no longer any question of enforcement—what has happened, then, is nullification. "Majority government," literally construed, is just a political dogma that has no counterpart in reality. A bare majority is quite impotent to govern, and in a matter that is highly controversial and in which large economic interests are at stake only the combined support of an overwhelming majority can bring recalcitrants into line. Where this is lacking, a statute ceases to be a law.

That is what has virtually happened to prohibition in certain sections—New York City, for example. With fifteen thousand complaints concerning Volstead Act violations coming before the United States Commissioner each month, the recently appointed Federal District Attorney found it necessary to sweep his office clean of all these petty violations and confine his attention to important cases. Thus, for minor violations of the prohibition law in New York City there is now virtual immunity.

It would of course be misleading to focus attention upon New York or Massachusetts or Maryland and not to relieve the picture by less unlovely exhibits. The Atlantic seaboard is looked upon as foreign territory by prohibitionists in the Middle West. Indiana, for example, to take one of the best, presents a very different picture, and one is not surprised, after a brief inspection of conditions there, to hear it said confidently that prohibition is a closed issue in that State. In fact, there is little doubt that nearly all the States would to-day support the Volstead Act on a referendum vote. But nullification in even a small area is like a cancerous infection. The Volstead Act has given ample proof that no State liveth unto itself. A fact of prime importance for the friends of prohibition to remember is that a continuously divided Nation on this issue means defeat, both material and moral. The whole Nation must ultimately bear responsibility for the well-being of every part of it. It is all very well to say that no law is fully enforced. The uncomfortable fact is that any law that is as

flagrantly violated as is the Prohibition Law comes to be regarded as a dead letter.

Limits of Federal Power

IF the Federal Government can stop smuggling, illegal diversion of alcohol, and other large-scale violations of the law—which is all the responsibility it may properly be charged with—then it will remain to be seen how persistent is the demand for liquor on the part of the irreconcilables among our citizens. If it continues on the present scale, bringing into existence thousands of small-scale illicit operations, the standing Army would hardly be sufficient to enforce the law. Neither the Federal courts nor Federal Administrative machinery were designed to cope with such a situation, and the issue rests finally with the States and municipalities.

However ably he has grasped the administrative problems of government in the State of New York, Governor Smith is on the wrong side of the facts with reference to the co-operation of State and Federal officials in enforcing prohibition. Theoretically, the duty of a State officer is to uphold the Eighteenth Amendment, and the Volstead Act may be involved in his oath of allegiance to the Constitution. But from the practical administrative point of view co-operation is possible only in a meager way unless prohibition cases can be brought into State courts—and that requires a State enforcement law.

Moreover, there is a limit to what any kind of governmental force can do. If people will not accept a law, it is ignored and forgotten. The Anti-Saloon League of Iowa has pointed out the impending danger in a recent exposure of conditions in that State, where, the League declares, a swarm of illicit stills has appeared and lawlessness has been "increasing by leaps and bounds."

A Bad Stage-Setting

IT should not be necessary to say that the widespread tendency to discredit prohibition takes all too little account of the conditions under which it was adopted. Many of the disquieting symptoms of a falling moral tone among young people, for example, undoubtedly reflect influences that have long been operative and are wholly independent of any attempt to regulate the liquor traffic. Young people are out to get a new "kick" out of life. If the hip flask serves their purpose, it is probably more or less incidental. Certainly the joy-riding automobile is not a product of the Volstead Act!

On the whole, the stage was set badly for the coming of prohibition. How

much of this was due to the War and how much to the imponderable *Zeitgeist*, who shall say?

Some Evident Gains

BUT, ineffective as it has been, prohibition has accomplished significant results. The abolition of the saloon is an almost universally admitted social gain. One of the most impressive results of the recent survey made by the Federal Council of Churches was the negligible character of pro-saloon sentiment. The most immediate beneficiaries have been workingmen and their families. Probably no anti-prohibition sentiment is stronger than that of labor, but with the exception of the anthracite coal fields, where beer is regarded as a "specific" for coal dust in the respiratory tubes, and where the saloon was perhaps at its best as a medium of social intercourse, we found practically no friends of the saloon.

The tremendous curtailment of liquor consumption has made for improved economic status, though to what extent, of course, nobody knows. To claim, as is often done, that the increase in bank deposits during the last few years is mainly due to prohibition is absurd; yet one cannot fail to be impressed by the continued growth of savings accounts during the depression period of 1920-21. Social workers give impressive testimony that living conditions among the clients of social agencies are better than before 1920. The same is true of many other evidences of social well-being.

The Reverse Trend

ON the other hand, as every statistician knows, the significant thing in a set of data is not the *level*, but the *trend*. And the outstanding fact presented by social statistics with reference to prohibition is the reversal of the trend of improvement that prevailed from 1917-20. Whether one examines the record of deaths from alcoholic diseases, the incidence of alcoholic psychosis, the prevalence of intemperance as a factor in dependency, the number of arrests for criminal offenses in general, or specifically for drunkenness and disorderly conduct, the result is the same. In 1920, due presumably to the fact that the great psychological reaction to prohibition had not set in and the bootleg industry was in its infancy, there was an impressive falling off in all the familiar effects of the liquor traffic. But from that point, or approximately so, in the curve, a counter-tendency appears, and while for the most part conditions are better than before 1920, it is seriously questionable whether the favorable trend which had been es-

tablished during the War would not have advanced us nearly to the present point without so precipitate an outlawing of the liquor traffic. No one would be justified in putting this forward as a conclusion; one can only say that statistically we are not far enough from the general "trend line" of the last dozen years or so to establish a distinct and permanent achievement.

One fact that even a casual examination of statistics makes clear is that crime records which are commonly appealed to as a proof of the benefits of prohibition support no such conclusions. It is, to be sure, highly questionable whether there is anything approximating a "crime wave" in the country. Felonies do not appear to be increasing rapidly. The increases in offenses fall mainly in the misdemeanor class. But the total number of offenses has been growing with disquieting rapidity. Even the population of State prisons, on the basis of the most reliable data at hand, we found to have reached in 1923 almost as high a level in proportion to total population as in 1917, in spite of the drop between those years. Municipal police records show the total number of arrests to be far in excess of the number recorded in 1917. Whatever these facts may mean, crime statistics are frail reeds to lean upon for the support of prohibition.

The most hopeful element in the situation is the evidence, which is by no means slight, that we have already reached the peak of the reaction and that we may even now be again on the way to overcoming the unfavorable trend that has prevailed since 1920.

The Moral Hazard

BUT the seriousness of the problem which prohibition presents arises chiefly out of its effect on the public conscience. It is a question how long, even with admitted material and social gains, we could withstand the demoralizing influence of an illicit liquor traffic. Alcohol has too long been the "legal tender" of politics, as a high Government official recently put it, to admit of Governmental integrity so long as it retains a privileged illicit position. The present struggle of General Andrews to free his hands of political interference is disquieting evidence of the influence of the liquor traffic. What a commentary upon the corroding influence of politics that it was deemed necessary, in order to get the Volstead Act through Congress, to exempt prohibition agents from the Civil Service and turn them over to political patronage! Many sincere friends of prohibition have been led to question whether the demoralization of Federal courts, the growing contempt for a Gov-

ernment that remains "dry" in policy, but has so long neglected the task of enforcement, and the conversion of drinking into a great illicit National joke—whether all these and related deplorable consequences are not too great a price to pay for such prohibition as we have had. But there is no reason why the future may not efface this pathetic record if citizens who want prohibition to succeed will translate their faith into works.]

The churches have been sadly delinquent. They have committed prohibition to the care of a political organization which they created for the purpose and have neglected what is, first and last, the greatest task of all—education in temperate living and in the responsibilities of citizenship. If it was the duty of the churches to aid in an indispensable collective movement to rid the Nation of a social evil, it is much more their duty to further those processes of regeneration and moral rehabilitation for which legislation is a poor substitute. General Andrews disapproved the allocation of \$50,000 of the Prohibition Unit's funds for a poster campaign, and in this writer's judgment very properly so. It is the Government's business to enforce the law, not to persuade the people to accept the law.

And the people are not induced to accept a law by being threatened or commanded. Government by epithet and oratory is a weak expedient. Neither will it do to insist that all law and order stand or fall with the Volstead Act. The people know better. They must be won to prohibition on its merits as a social policy, or not at all. Reasoned observance is worth more than compulsion, and its results last longer.

Give the Law a Chance

NATIONAL prohibition is, by all appearances, about to undergo its supreme test. The occasion calls for a new measure of frankness, of honesty, of tolerance, and of co-operative citizenship. Why should not those who have misgivings about it on grounds of public policy or political theory recognize, nevertheless, that a huge and important social experiment is under way, one that deserves a chance to succeed?

Many persons will find the opinions here expressed quite unacceptable. It is difficult to write frankly on this theme without inviting criticism from friends and colleagues as well as from opponents. On one point, however, the writer hopes to avoid misapprehension. He is definitely against any "liberalizing" of the National Prohibition Act until it has had a fair trial. Such a trial it has not yet been given.

Early Footprints in California

A glance back from the jubilee of the Golden State to
the Old World calm of the Spanish Mission

Staff Correspondence by HUGH A. STUDDERT KENNEDY

IT was on the 25th of September in the year of grace 1513 that Balboa, after a toilsome journey across the isthmus, approached the summit of the mountain range, the famous peak in Darien, and, leaving his soldiers at some little distance behind and advancing alone, was the first to behold the vast unknown ocean which, from its quiet waters, he named the Pacific. Surrounded by his soldiers, so the story goes, he walked later on into its waters, carrying in his right hand a naked sword and in his left the banner of Castile, and declared that the sea of the south and all the regions whose shores it bathed belonged to the crown of Spain.

The history of the Pacific coast begins here, yet more than one hundred and fifty years had to pass before the great land to the north, the Alta California of those days and the Golden State of today, came into the picture. Balboa and Cortez and all the conquistadores had ostensibly a dual purpose in their work—the acquisition of lands, and still more lands, for Spain and the saving of souls. Wherever the conquistadores went the priest was sure to follow. And so during the sixteenth and seventeenth centuries missions were planted in all directions throughout Mexico and Lower California, but it was not until well on in the latter half of the eighteenth century that

Spain decided the time was ripe for the conquest and the conversion of upper California.

The story of how it was done centers around one man, Father Junipero Serra, a Franciscan monk, a man who, like Father Samson in Carlyle's "Past and Present," would have been a great man in almost any walk of life. As a young priest Junipero Serra had been noted as one of the most eloquent preachers in all Spain. It used, indeed, to be said of him that even his bitterest enemies would flock to hear him, and under the magic of his preaching would, for the time being, forget all else. He was, however, filled with the missionary spirit. The more distant the land, the more lonely the task, the more toilsome the country, the more, with all the spirit of the fanatic, he hugged the prospect to himself. In the year 1750 he came to Mexico, and labored patiently among its missions, preparing himself for the work which he always had in view, namely, the carrying of the authority of the Church into the wild places of the North. And so when Don José Galvez, coming out to Mexico in 1769 to take up the position of visitador-general of the country, decided that the time had come for the final conquest of upper California, he found a staunch coadjutor in the monk Junipero Serra. Together they worked out the plan of

conquest. They had nothing to guide them save a quaint sketch map made one hundred and sixty years before by Vizcaino, who had sailed many leagues up the coast and returned again. There were legends of a great bay in San Diego and another at Monterey, but the great bay of all, that of San Francisco, still remained undiscovered even in tradition.

Early in 1769 a start was made. Junipero Serra had as his colleague Don Gaspar de Portola. They traveled overland, and on July 1, 1769, looking across the great bay of San Diego, they saw the two small ships which Galvez had sent to meet them lying out at anchor in its blue waters. Within a few days the mission of San Diego, the first in California, was established, and while Serra was building it Don Gaspar marched overland seeking to discover the long-lost bay of Monterey. The age-old wind-blown cypress, a landmark even in those days, eluded him, but if he failed to find Monterey, he made another discovery which has made his name immortal; he found the bay of San Francisco.

The story goes that in the early days, when they were still fashioning the plan of campaign, Junipero Serra turned to Galvez and said, "Don José, you have named a mission San Diego de Alcalá, another for San Carlos, a third for San Buena Ventura. Is there to be no mission in honor of our own St. Francis?" To which Galvez replied, with all the nothing-for-nothing of a soldier, "If St. Francis desires a mission, let him show us his harbor." And so the appropriate legend has its appropriate sequel, and it is recorded that when Portola returned to Serra at San Diego and told of his great discovery, the Franciscan declared at once that the challenge flung out by Galvez had been answered. "Our father St. Francis," he cried, "has made his port known to us. We shall name it San Francisco in his honor and build a mission there."

The history of these days is full of just such incidents. The best that can be said of them is that if they are not true they should be. There is, for instance, the incident which centers around Portola's return, in which the fate of California is seen to hang dramatically upon a thread. All the joy of the reunion of



The age-old wind-blown cypress at Monterey