

# CLOSING THE NEW YORK SALOONS ON SUNDAY.

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THE friends of the saloon-keepers sometimes denounce their opponents for not treating the saloon business like any other. The best answer to this is, that the business is not like other businesses, and that the actions of the saloon-keepers themselves conclusively prove this to be the case. "Saloon-keeper" is a very elastic term, of course. There are thoroughly honest and reputable men in the business. The same license may be held by two men, one of whom keeps a bar frequented by criminals and the political allies of criminals, while the other has a thoroughly respectable place, where honest Germans take their wives and families, and sit at little tables and drink beer. This last man may be a respectable, law-abiding, and God-fearing citizen, while the first-mentioned is of evil notoriety for his prominence among the dangerous classes.

But, taken as a whole, the liquor business is certainly not a business which stands well in comparison with other occupations. It tends to produce criminality in the population at large, and law-breaking among the saloon-keepers themselves. In every civilized community saloon-keepers are hampered by more or less rigid restrictions. They do harm enough as it is; but without these restrictions they would do infinitely more. In some localities it is possible not

merely to restrict but to stop the traffic altogether. In large cities this is not possible; but it is entirely possible to hedge the trade so as to minimize its attendant evils. When the liquor men are allowed to do as they wish, they are sure to debauch not only the body social, but the body politic also.

All of our cities have been shamefully misgoverned in times past, and in New York the misgovernment has been, perhaps, more flagrant than anywhere else. Naturally the saloon-keeper has stood high among the professional politicians, who have been so prominent in New York politics for many decades. More than half of the political leaders of Tammany Hall have at one time or another themselves been in the liquor business. The saloon forms the natural club and meeting-place for the ward leaders and "heelers"—so much so that the bar-room politician has become a recognized factor in local political government. The saloon-keepers are always hand-in-glove with the professional politicians, and occupy towards them a position such as is not held by any other class of men. The influence they wield in local politics has always been very great; and until we took office no man ever dared seriously to threaten them for their flagrant violation of the laws. Their power was a terror to all parties.

The Sunday-closing law has been on the statute books for more than half a century, in one shape or another. The present law was put on in 1892—but three years ago—when the Tammany Democrats had control of the legislature, as well as having the governor. But in New York City there has always been a deliberate and systematic evasion and violation of the law. On the one hand, the most powerful and wealthy saloon-keepers have possessed so much influence with the city officials that the police have not dared to interfere with them. On the other hand, the Tammany Hall leaders, and especially the police department, found their profit in permitting the saloons to stay open as a reward for political services, or in return for money paid outright. The politician became continually more corrupt, and the saloon-keeper continually more defiant of law. It would have been bad enough if the law had been suffered to be a dead letter. It is an evil lesson to teach American citizens that laws are made to be violated. It was worse still in this case, because the law was enforced, but enforced with partiality and corruption. Thousands of arrests were made every year; but the worst offenders—the big saloon-keepers with a "pull"—were never molested, while the saloon-keeper of small means, who dared to show any independence in political matters, was prosecuted without mercy. The city authorities, notably the police magistrates, the police department, and the district attorney's office, were in league together; and the saloon-keeper alternately profited and suffered by their willingness that he should violate the law. Incredible though it seems, it is a fact within my own knowledge, that when a saloon-keeper respected the law, the police department as well as the police magistrates deliberately strove to persuade him to violate it; they wished to have him in their power. Of course the result was that the officers of the law and the saloon-keepers became inextricably tangled in a network of crime and connivance at crime. The most powerful saloon-keepers controlled the politicians and the police, while the latter in turn terrorized and blackmailed all the other saloon-keepers. The decent and honest men among the saloon-keepers were those who suffered most.

To most observers the situation seemed absolutely hopeless. The average good citizen was inclined to shrug his shoulders when addressed about the corruption of politics, while almost every man laughed at the idea of enforcing the Sunday excise law, and asserted without fear of contradiction

that the feat was impossible. This was the state of affairs when the present Board of Police Commissioners took office, as a result of Tammany's overthrow in the fall elections of 1894. We were confronted with this excise question at the very start. As honorable men, faithful to our oaths of office, we could take no other action than that which we in fact took. The law was there, and it was our duty to enforce it. We had no more right to permit the saloons to remain open on Sunday in defiance of the law, than we had right to close them on week days in defiance of the law. We knew that we had a severe struggle ahead of us; but we knew also that the problem had never before been seriously grappled with by officers resolutely bent on enforcing the law. We certainly succeeded even beyond our expectations. We have closed, and have kept closed, over ninety per cent. of the saloons. The remainder have kept open to the extent of doing an underhand business with a small proportion of their ordinary patrons; *i.e.*, they have done a mere fraction of the business they used to do. In short, we have put a stop to practically all Sunday drinking in the saloons. The result has been that the Sunday arrests for drunkenness and disorderly conduct have shrunk by one-half, and both the health and morals of the city have gained greatly and immediately.

There have been many and great difficulties in our work. In the first place, we had to convince the police force that we were thoroughly in earnest, and it was not until we had taken decided measures with some of the captains and their men that we were successful. In the next place, while many of the judges rendered us able and efficient service, some of the lower city magistrates betrayed a partiality for the saloon-keeper and the minor criminal—he who, if left unpunished, in time becomes the major criminal.

Finally, one of the chief obstacles we met with was in the terms of the law itself. I wish much it were possible to impress not only the legislators, but also the bulk of their constituents, with the fact that a law is good for what it accomplishes, and not for what it makes believe to accomplish. It often happens that the temperance people will work hand-in-glove with the liquor-sellers by accepting an act which makes a great pretence of severity in exchange for striking out the provisions which would render its enforcement possible. The excise law which we are enforcing in New York City contains two or three provisions



HON. THEODORE ROOSEVELT IN HIS OFFICE AT POLICE HEADQUARTERS, MULBERRY STREET, NEW YORK.

From a photograph taken especially for McClure's Magazine.

which were put in for the purpose of rendering it largely nugatory. The men who enacted it were swayed by two motives. They did not themselves have the slightest desire to keep the saloons closed on Sunday from principle. On the contrary, they were largely drawn from the class in which the saloon-keeper is the recognized social and political leader. They felt no opposition to the saloon, and no objection, from the standpoint of morality, to the saloon being open on Sunday. But they were swayed by two powerful motives in deciding that the saloons should not be allowed to be open on Sunday. They wished to keep the saloon-keepers in their power, so as to secure their fealty, and they feared to offend the very large number of people who objected to Sunday opening. They feared lest the ordinary church-going citizen, who did not like the saloons, would become irritated at any avowed permission to open them on

Sunday ; but they believed that this same citizen would be too stupid and too indifferent to care what was actually done by the saloons, provided only the policy was not openly avowed.

The present law, which was passed in 1892, at a time when the machinery of the New York State government was dominated by Tammany Hall, was put upon the statute books with a twofold purpose : first, of securing the allegiance of the church-going people by the hypocritical putting on the statute books of a law which was not meant to be observed ; and, second, of providing a trenchant weapon wherewith to blackmail and browbeat the saloon-keepers into the support of the then dominant power in New York City.

Both results seemed for the moment to be achieved. The temperance people were apparently quite satisfied with having on the statute books a law requiring the saloons to be closed on Sunday. The fact that the law was not honestly observed in a single large city in the State did not apparently trouble them at all. On the other hand, the law worked well as an instrument of blackmail. There was in it a provision which forbade the police to secure entrance into a saloon during the hours it was supposed to be shut ; and it did not permit them to insist upon the curtains being raised so that they could see within. They were thus forbidden to enter the saloons, in order to detect violations of the law, at the only time when those violations could readily take place. Those provisions rendered the law difficult to enforce as a whole, but did not interfere with its enforcement in particular cases ; so that it was left as a potent weapon to be used against special saloon keepers.

In New York City the law was never a dead letter. On the contrary, it was kept very much alive against every saloon-keeper who did not pay blackmail to the police, or who was not protected by the political influence of himself or friends. Scores, and sometimes hundreds, of arrests were made of a Sunday. If any saloon-keeper declined to pay blackmail, or manifested a spirit of political independence, policemen were stationed in front of the door of his saloon week after week, and he was shut tight, while his rival across the way did a thriving business and took away his trade. So great became the extortion of blackmail that many saloon-keepers grew restless and sometimes refused to continue to pay ; but sooner or later they were whipped again into line. There were certain saloons which were always more or less tightly

closed, and there were some precincts in which an honest police captain occasionally kept all closed so far as he dared ; but the majority were open most of the time, and some, the owners of which possessed unusual political power, were never closed at all. So far from encouraging the saloon-keepers to close, the politicians of the baser sort, and their allies among the police, did everything in their power to make even the saloon-keeper who wished to obey the law violate it. If a saloon-keeper obeyed the law the police had no power over him, but the minute he violated it he was in their power. The temptation to the saloon-keeper was strong, for Sunday was the great day for the liquor trade, and those who sold on Sunday were almost invariably able to crush out their less fortunate or more law-abiding rivals. The whole system thus put a premium on blackmail and corruption among the police, and a premium on law-breaking among the saloon-keepers.

When the present Board came into power this intolerable state of affairs was actually existing. The duty of the Board was evident. It had many problems to solve and many tasks to carry through. The excise question was one of the weightiest of these tasks ; but there was no flinching it, unless at the cost of violating our oaths of office. The Board began to enforce the excise law with hearty vigor. It found itself hampered by a law which was effective enough against individual saloon-keepers for purposes of blackmail, but which was defective regarded from the standpoint of closing all the saloons, without a very great strain upon the police department. As long as the saloons kept their blinds down and their doors shut, police officials could neither see what was going on inside of them or force an entrance into them. It was this which made it such a difficult labor to enforce the law. So far from Sunday being a day of rest for the policemen, it was turned into a day of extra work. Many of the saloons it was only possible to close by stationing officers in uniform at the door, who, if any one went inside, went in with them and arrested the proprietor. As there were several times the number of saloons that there were policemen, this entailed great exertion upon the police. Nevertheless we won what so far has been a complete victory. We turned our attention always to the chief offenders. Where we had to choose, we arrested the owner of the big corner saloon, the man whose political influence had heretofore allowed him to disregard the law, before we turned our attention to his smaller brother

who kept a saloon in the middle of the block. We first broke the spirit of the big men who had defied the law, and then turned our attention to the little men who sought to evade it. We were successful, but only at the cost of continuous effort. It should be the duty of the legislature to minimize the need for such excessive effort. Whatever time they set for closing the saloons, they should give us ample means to close them during that time. The Board of Police will enforce the law to the best of their capacity, no matter what it costs; but it is a scandal for the legislature to make the task needlessly hard. We will not allow the saloons to do business during hours forbidden by law, any more than we would allow them to be closed by an outsider during hours when they are allowed to remain open by law. The legislature should certainly give us every aid in the performance of our duty. Our officers should be allowed access to the saloons at any hour, and they should be empowered to make them keep up their shades so that at any time they can see what is being done within.

With such limitations in the law it is astonishing that we should have succeeded in closing the saloons. But we did succeed. The entire Board was a unit in insisting that the law should be observed. Officials who are resolute, and are unhampered by improper obligations, have an enormous advantage in such a contest. None of the members of the Board felt that they had any right to consider the effect of their action either upon themselves or upon the parties with which they were associated, when the issue was so plainly one of naked right or wrong. The opposition aroused by our action was, of course, very great. Reputable men gathered very strongly to our support; but in New York City those political leaders and those newspaper editors who believed that reputable men are in the minority attacked us with a fury that became venomous as week by week it grew plainer that we were winning. At the outset all well-informed people believed that we would fail, and our opponents hailed our action with general delight. But, as is so often the case with the baser type of politicians and of political newspapers, they had

underestimated the strength of the forces which were ready to war for honesty and decency. There was no form of slander, no species of mendacity, to which they did not resort. For weeks they eagerly repeated the tale that we had failed in our efforts, and that the saloons were as wide open as ever; heedless of the fact that at the same time they were continually dwelling on the enormous losses caused by our shutting the same saloons. But when the counsel for the Liquor Dealers' Association admitted in court, at the time when we finally succeeded in securing the conviction of thirty of his clients, that over nine-tenths of the liquor-dealers had been rendered bankrupt because we had stopped that illegal trade which gave them the best portion of their revenue, all attempts at further denial were useless. We had conquered. We had not stopped all Sunday drinking in saloons, any more than we had stopped all theft; but we had succeeded in securing the practical closing of the saloons and the practical stoppage of drinking in them on Sunday. The effect of our action upon the politics of the city we cannot foretell. But its effects upon the government of the city are certain to be good. We have given an object lesson in enforcing the law. If our foes come back into power, they will be obliged to do better than they have ever done before, or else they will be thrown out. Matters may slip back somewhat, but they will never go back as far as they were when we took hold. I do not think that our action in enforcing the law will help put Tammany in power again. If it comes back at all, it will be in spite of our action, not because of it. Tammany has a great natural majority in New York City, and it is very difficult to combine against it the elements through whose united action it is alone possible to succeed. Many of these elements, which were growing lukewarm, have been rallied by our action. It may even be that by doing our duty we shall increase the chances of beating Tammany and what Tammany represents; but certainly to fail to do our duty would not have rendered a victory over Tammany any more probable, and would have rendered such a victory infinitely less worth winning.

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