

THE LITERARY DIGEST

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RICH BOOTLEGGERS SENT TO PRISON

BOOTLEGGING IS NOT A GAME for polo or racquet players, or other "sprigs of society," concludes the *Providence News* after reading of the prison sentence of the four La Montagne brothers, of New York, for "conspiracy to violate the Volstead Act," and fines of \$2,000 each for three of the brothers. These young men, prominent socially, composed the firm of E. La Montagne's Sons, whisky and wine merchants. Rene La Montagne, one of them, is known internationally as a polo player. Last year, we read in the *New York Evening Post*, Government agents spent months investigating a scheme of systematized bootlegging through which some of the most exclusive clubs in the city were said to receive plenty of liquors of all sorts. Later came the indictment of the brothers, and an offer of immunity if they would involve others "lower down," in this instance. But all four refused to "tell on" their confederates and friends, altho they confessed in court to their own sins.

"This sentence by Judge Winslow in the Federal District Court is the Government's warning to all bootleggers, whether in society or in the underworld, that violation of the Prohibition Law will be prosecuted relentlessly," declares the *New York American*. It is also an indication to the *Springfield Republican* that "the Government is beginning to learn the technique in fighting rum runners, bootleggers, and their allies." "Certainly," observes the *New York Times*, "it is the first time that men of the standing of the La Montagnes have been sentenced to prison under the Volstead Law."

The plea for leniency made by several well-known lawyers, on the ground of the social prominence of the accused, was "pitiable and foolish," in the opinion of the *New York Globe*. In fact, the *Philadelphia Bulletin* derives considerable satisfaction from the infliction of punishment "on those 'higher up,' where it too infrequently is applied." As we are told in *The Times*:

"What the counsel for the prisoners forgot to say was that these men, having inherited a business which nobody of sensibilities at all delicate would follow, had been content to take its profits for many years, tho the taking of those profits involved the acceptance of a moral responsibility exactly the same as that carried by liquor dealers and barkeepers in general, and that the 'high society' in which they moved was composed of persons who drew no line against men who lived by serving the vices and weaknesses of their neighbors. One thing the counsel did not do in these last appeals—they did not repeat the grotesque absurdity of claiming that the wholesale bootlegging had been done without the knowledge of the four partners. The judge was spared that, if nothing else.

"Over the mishap that has befallen the brothers concerned there need be, and should be, no special exultation. Their guilt was exactly that of several thousand other criminals, some of whom have been punished with more severity and others—probably the majority—with less. If they had been entirely inconspicuous bootleggers, the chances are that they would have escaped more easily.

"One can not help noticing, however, that what troubles these brothers—and their friends—is not their guilt, but their conviction, and not their conviction so much as that they must go to jail. Of repentance no word has been said—none of admission that laws, as laws, either should be observed or else fought through exercise of the inalienable right of open rebellion with full acceptance of its consequences. These men did exactly what burglars and pickpockets do—they broke the law in secret, and evidently, if they had not been found out, would have continued to do so indefinitely or as long as there was any money in it. Their claim to be sportsmen is not well founded." (continued)

"If there is to be a Prohibition Law on the statute books it must be enforced," continues *The Bulletin*, "and the bootlegger to society must be brought to book as well as the bartender." In the opinion of the Philadelphia *Public Ledger*:

"This strange notion that 'social prominence'—whatever that may mean—ought to give those who possess it immunity from punishment for crime is unfortunately too familiar to those who watch the habitual administration of justice in the courts.

"The whole principle on which these pleas were based is radically wrong. If the social prominence and the high standing which formed the basis of the pleas in their behalf meant anything, it indicated that they were men of superior intelligence and of higher knowledge than the average of the inevitable consequences of deliberate violation of the laws.

"There is often a valid excuse for the ignorant who break the law, but there ought to be none for those higher in the scale of social intelligence and progress. Indeed, the latter are under a greater responsibility to obey the law or to take the consequences, for leniency in their cases invariably gives credence to the complaint that justice is blind only in theory and that immunity belongs solely to the rich and 'socially prominent.' These defendants knew very well what they were doing, and leniency for them would have been a miscarriage of justice, a flagrant display of bias and favoritism which could not have failed to deepen disrespect for the courts and the processes of criminal justice."

In summing up his case, which had been prepared by an assistant, the United States District Attorney said:

"To allow these defendants to escape with a fine, it seems to me, would be a travesty on justice and a mockery of the majesty of the law. It would announce to the public that even the Federal Judges were complaisant toward the wide-spread reign of alcoholic anarchy in New York City. It would mean that equality before the law had disappeared, and would justify the belief that men of great wealth or influence or power are above the law."

"The La Montagnes were in the business of doing neighborly acts for their friends, but they overlooked the fact that they had not retained Government employees to finesse transactions," satirically remarks the *Providence News*. Continues this paper in lighter vein:

"They also got in the way of professional bootleggers and spoiled the market for them. Naturally this invasion of new Constitutional rights was properly called to the attention of the United States Attorney in the Southern District of New York, and he accepted the complaints against the raw methods of these society cracksmen who were supplying the rich far below the market quotations. The punishment came, and the La Montagnes, as well as their society chums, now realize that a standard industry can not be imposed upon by men who have nothing except their wealth and gilded acquaintances to recommend them.

"It is plain notice from the Order of Bootleggers that cheating the Government through the Prohibition Law is not a function of what is known as the best society, nor will it be tolerated by the Ancient Order of Volstead Merchants who have to split their profits three ways, and even then run the chance of being assailed by some official with a red tape mind who imagines his duty is to protect the Government from evasion of the law. The La Montagne episode will serve as wholesome notice to the idle rich that they can not graduate into solvency as purveyors of liquor merely because they wear the tags of society. Political pull as well as political usefulness help to standardize the new trade, which now is in the billion dollar class of our national industry, and alert Federal agents will see that no improper invasion of a useful vocation will go unpunished."

At any rate, "their sentence was most dramatic and convincing," thinks the *New York Globe*, which believes further that—

"The outcome will make toward a solution of the liquor question. If the Government can continue its work of enforcement with the dispatch and admonitory power it achieved in this case we shall soon know everywhere what Prohibition is. We shall cease evasion and deception, and express our feelings legally instead of illegally. And this will be good both for those who are satisfied that the Volstead Act is an unqualified good and for those who would like to modify or repeal it."