Cannot Enforce Dry Law Says U. S. Attorney Quitting

Nat J. Harben Believes in Prohibition but Resigns From Buckner's Staff in New York Because of Impossibility of Closing 22,000 Places in City Selling Liquor

New York, Dec. 28.—(AP)—Because he believed the prohibition act the "most drastic law which has ever been passed by any law-making body in the United States and cannot be enforced in any large city," Assistant United States Attorney Nat J. Harben today resigned from the prohibition enforcement staff of United States Attorney Buckner.

"The prohibition department and the United States attorney's office have been doing wonderful work considering the means which are available to them to enforce the law," Mr. Harben said. "But in its present form in my opinion it cannot be enforced in the city of New York or any other large city."

Harben, who devoted his time largely to padlock and personal injunction cases, was associated with Lowell Wendlandt, assistant United States attorney, in the management of the padlock drive last week which closed many of New York's night clubs and cabarets.

"This work has convinced me of the overwhelming impossibility with which the United States attorney's office is confronted," he said. "The prohibition law in its present form breeds contempt and disrespect of our laws and it seems that the only way in which the situation can be remedied is for the act to be modified."

"Even the persons who are believers in prohibition look at the law and the crimes committed in violation thereof as a joke."

Harben said that it was recently estimated that there are 22,000 places operated in the city for the sale of liquor and that Buckner's department closed about 1,500 places a year.

"Therefore," he said, "if no other place begins selling liquor it would take this office almost fifteen years to close the places which are now operating. As a matter of fact what happens is that when places are closed they move to another part of the city."

Harben asserted that he was a believer in prohibition and thought the country would be better off if the law could be enforced, "but we might as well face the facts and acknowledge that so far it has been impossible to enforce the national prohibition act."

"I believe," he concluded, after saying that the popular attitude must be changed before the law can be enforced, "that 60 per cent. and probably more of the people in New York City have in some way violated the prohibition act and therefore have committed a crime. What would happen if 60 per cent. of our population was tried and convicted?"

Robert E. Manley, acting United States district attorney during Buckner's illness, issued a statement saying...