

OFFICE OF UNITED STATES ATTORNEY  
FOR MONTANA  
HELENA, MONTANA.

COPY

Butte, Montana  
October 30, 1924.

(Recd. Spokane  
Oct. 31, 1924)

Mr. Alfred Hampton, District Director,  
Immigration Service,  
Spokane, Washington.

Dear Sir:-

Receipt is acknowledged of yours of the 20th inst., in which you set forth certain instructions given by the Inspector in Charge at Seebe, Montana, to the officers under his jurisdiction. The instructions relate to the duty of such officers to assist in the enforcement of the prohibition law, and also the customs laws. You desire me to advise you as to whether the instructions are in conformity with the law.

It is the duty of each person to assist in the enforcement of the law, whether he be an officer or not. I consider that the instruction is in error wherein it directs the officers to turn persons arrested by them under the Prohibition Act, "to the nearest officers who are directly charged with the duty of enforcing the penalties provided in law."

A person who arrests another without a warrant, is bound to take the person before the nearest Magistrate and there make complaint against him, and he would have no right, as I view the matter, to turn the arrested person over to some other person.

As to whether the immigration officers should assist in the enforcement of the other two laws above mentioned, is to my mind, a question of policy to be decided by your chief superior officer.

Yours very truly,

JOHN L. SLATTERY

UNITED STATES ATTORNEY.

JLS/LL