

J. Barleycorn is Dead

WET REFERENDUM DECLARED ILLEGAL

The Supreme Court of the United States held on June 1 that referendum laws are inoperative in so far as they affect the ratification of amendments to the Federal Constitution. This decision was handed down in connection with the Ohio Dry Amendment case, overturning an opinion of the highest court of that state.

A Washington dispatch, dated June 7, says: The prohibition amendment and the enforcement act were held constitutional by the supreme court today in a unanimous decision. While attorneys for the interests attacking the two measures were granted permission to file motions for rehearings, the decision was regarded generally as striking a death blow to the hopes of the wets. The court's opinion, rendered by Justice Van Devanter, was sweeping. It held that the amendment not only came within the amending powers conferred by the federal constitution, but was lawfully proposed and now was law. While recognizing congress has limitations as to the enforcement of laws regarding beverages, the court held those limits were not transcended in the enactment of the enforcement act restricting alcoholic content of intoxicants to one-half per cent.

While New York, New Jersey and Wisconsin acts permitting manufacture and sale of beverages of more than one-half per cent alcoholic content were not directly involved, the decision was interpreted as invalidating them. The court said the first section of the amendment of its own force "invalidates any legislative act, whether by congress, by a state legislature, or by a territorial assembly, which authorizes or sanctions what the section prohibits."

Concurrent power granted by the amendment to federal and state governments to enforce prohibition, the court further held, "does not enable congress or the several states to defeat or thwart prohibition but only to enforce it by appropriate means."

The decision was set forth in eleven conclusions covering seven proceedings. The proceedings included original suits brought by

Rhode Island, directly attacking the constitutionality of the amendment.

CONCLUSIONS OF THE COURT

Conclusions of the court follow:

"1. The adoption by both houses of congress, each by two-thirds vote, of a joint resolution proposing an amendment to the constitution sufficiently shows that the proposal was deemed necessary by all who voted for it. An express declaration that they regarded it as necessary is not essential. None of the resolutions whereby prior amendments were proposed contained such a declaration.

"2. The two-thirds vote in each house which is required in proposing an amendment is a vote of two-thirds of the members present—assuming the presence of a quorum—and not a vote of two-thirds of the entire membership present and absent. Missouri Pacific Railway company vs. Kansas, 248 U. S. 276.

"3. The referendum provisions of state constitutions and statutes cannot be applied, consistently with the constitution of the United States, in the ratification or rejection of amendments to it. Hawke vs. Smith—U. S.—decided June 1, 1920.

"4. The prohibition of manufacture, sale, transportation, importation and exportation of intoxicating liquors for beverage purposes, as embodied in the eighteenth amendment, is within the power to amend reserved by article V of the constitution.

"5. That amendment by lawful proposal and ratification has become a part of the constitution, and must be respected and given effect the same as other provisions of that instrument.

"6. The first section of the amendment—the one embodying the prohibition—is operative thruout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers and individuals within those limits, and of its own force invalidates any legislative act—whether by congress, or by a state legislature or by a territorial assembly—which authorizes or sanctions what the section prohibits.

"7. The second section of the amendment—the one declaring 'the congress and the several states shall have concurrent power to enforce this article by appropriate legislation'—does not enable congress or the several states to defeat or thwart the prohibition, but only to enforce it by appropriate means.

"8. The words 'concurrent power' in that section do not mean joint power or require that legislation thereunder by congress, to be ef-

fective, shall be approved or sanctioned by the several states or any of them; nor do they mean that the power to enforce is divided between congress and the several states along the lines which separate or distinguish foreign and interstate commerce from intrastate affairs.

"9. The power confided to congress by that section, while not exclusive, is territorial co-extensive with the prohibition of the first section, embraces manufacture and other intrastate transaction as well as importation, exportation, and interstate traffic, and it in no wise depended on or affected by action or inaction on the part of the several states or any of them.

"10. That power may be exerted against the disposal for beverage purposes of liquor manufactured before the amendment became effective, just as it may be against subsequent manufacture for those purposes. In either case it is a constitutional mandate or prohibition that is being enforced.

"11. While recognizing that there are limits beyond which congress cannot go in treating beverages as within its power of enforcement, we think those limits are not transcended by the provision of the Volstead act, wherein liquors containing as much as one-half of one per cent of alcohol by volume and fit for use for beverage purposes are treated as within that power. Jacob Ruppert vs. Caffey, 251 U. S. 264."

TAFT OPPOSED TO MANDATE

An Aberdeen, Wash., dispatch, dated May 26, follows: In a statement made here today William H. Taft declared the United States can not undertake a mandate for Armenia under the league of nations, since this country is not a member of the league. Mr. Taft added that he was not certain whether the mandate should be undertaken under any circumstances, and said that he was inclined to agree with William J. Bryan, who announced his opposition to the mandate. He asserted, however, Armenia should be helped.

"The Armenian question," he said, "is too complex to say off-hand whether we should accept the mandate proposed by Mr. Wilson. I notice that Mr. Bryan is opposed to it, and I am inclined to think Mr. Bryan is about right. If President Wilson had included Turkey in his proposal perhaps I should favor the suggestion. To undertake a mandate for Armenia would mean the dispatch of a large part of our army to that country, entail a heavy cost and involve us in complications for a long time to come."

BRYAN, AT SAN FRANCISCO

Mr. William Jennings Bryan will go to the Democratic convention from Nebraska. He defeated the opposition of Senator Hitchcock and now Hitchcock retires from the contest for Democratic leadership of the Senate. Bryan is for the peace treaty with reservations. Hitchcock was Wilson's representative in the Senate. Bryan's triumph is a hard blow to the cause of the treaty as written. It is a setback for President Wilson. Bryan will be a big man in the convention, probably the big man. Wilson will have more delegates with him, I should say, but in 1912 Bryan took delegates in blocks and flocks from their leaders at Baltimore. It will be a thinly veiled fight between Wilson and Bryan, with the latter in rather a strong position. For Bryan stands for listening to the people, while Wilson listens only to "voices in the air" and the eloquence of his own ego. Bryan will be backed by the country's prohibitionist sentiment. Wilson vetoed the Volstead act. Bryan will probably insist upon a dry plank in the platform, but the unterrified Democrats from the cities will oppose it. A compromise will hardly suit Mr. Bryan, whose specialty is moral issues. He will not stand for beers and light wines. I doubt if the party will have the courage to vote him down. If it does it will lose the rural vote. If it doesn't it will lose the city vote. It may stand for enforcement of prohibition and for trying it out, but that won't mean

anything. Bryan may split the party even though he may not bolt. And whom does he want for the nominee? No one knows. Some suspect himself? Would he favor Wilson for a third term? Hardly. Palmer is a dry, but Palmer has put up only a fake fight against the profiteers, and he has been a rampant supporter of espionage and of suppression of opinion and of war laws as a means of breaking strikes. Bryan does not like that. There's McAdoo? He is the ablest of the aspirants, but is he innocent of Wall street affiliations and is he not too close to Wilson? Bryan respects Wilson somewhat, but he thinks there's too much Wilson in Democracy now, and too little Democracy in Wilson. Therefore, Bryan may not like McAdoo. He may be sizing them all up and waiting until the convention gets into action before he decides to whom to throw the prize as he did at Baltimore. He will not have anyone who is wet or even mildly moist; that is the one thing certain. So it would seem the one test will be as to prohibition. It will be more important than the League of Nations issue, than even public ownership of the trunk line railroads. Upon the whole, insofar as Bryan will have power in the convention, it will be exercised in opposition to the complete domination of the convention by Wilson, who put him on the skids as Secretary of State. Will Wilson's appointees and delegates they control be able to overcome Bryan's influence? It is doubtful. Bryan is closer

Creating an Estate

All are striving to create an estate. When death comes, if there is no insurance, a forced sale of the property often causes a large loss, whereas, the proceeds from a life insurance policy will furnish ready money for the immediate needs and the executors of the estate can have time to dispose of the property to the best advantage.

The cash value of a man's life to his family, if he earns but \$1,000 a year, at age thirty-five is over \$14,000. No man would go without fire insurance on that amount of property and yet if he carries no life insurance, he is forcing his family to carry a risk for this amount unprotected. Why not transfer this risk from the family to

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