

Put none but ratificationists on guard. Democrats and Republicans everywhere should see to it that every candidate for the state legislature is openly pledged to vote for the ratification of the National Prohibition Amendment. Take no chances--- This is the supreme domestic issue until Constitutional Prohibition is secured.

Governor Whitman's Message

Governor Charles S. Whitman of New York, in a recent message to the legislature, exposed the fallacy of the referendum for ratification of federal constitutional amendments. His message follows:

To the Assembly:

I desire to communicate with your honorable body on the subject of a proposed so-called referendum to the voters of the state on the question of the ratification of the resolution of congress proposing an amendment to the constitution of the United States prohibiting the manufacture, sale and transportation of intoxicating liquors.

The federal constitution provides the method by which the people of the state may act and the very method by which they may legally ratify or reject such a proposed amendment, namely, action by the legislature.

I would not be opposed to allowing the people of the state to settle the "liquor question" by direct vote if it were possible under the federal constitution; but this measure confers no power whatever upon the people. I do not oppose the measure in its present form because it is a referendum. My objection is that it is not and can not be a referendum, as the public understands the term. A referendum vote on a proposed amendment to the state constitution is decisive. The result of a vote under this measure should it become a law would leave the legislature exactly where it is now.

Not a single member of the legislature would be legally bound to abide by the result of the proposed so-called "referendum." Hence, such a vote would not relieve any member of the legislature of his ultimate and unescapable responsibility either to ratify or reject.

Should the majority in the state be against prohibition, no man elected from a district with a prohibition majority could be expected, as the representative of his constituents, to vote against prohibition. Nor is it likely that a man elected from a so-called "wet district" would vote for prohibition even though the majority in the state might be for prohibition.

In other words, the result of a campaign under this proposed measure would be without meaning and without effect. It is an evasion and a deception, and I am not willing to be a party to the foisting upon the public of a dishonest measure.

If the assembly in square acceptance of its responsibility had rejected the proposed national prohibition amendment, no matter how much I might have doubted the wisdom of such an action, I should not have interfered.

There has been and there will be no effort on the part of the executive to compel ratification. It is exclusively the province of the legislature to ratify or reject. Far better that the amendment be rejected now and be left for the action of a subsequent legislature than to permit this deception to be imposed upon the people.

As the members of your honorable body well know, the state law enacted last year provides for a real referendum on the liquor question in every town and city of the state where the citizens desire that such a vote be had.

It is interesting to note that many of the supporters of this proposed so-called referendum were, only a year ago, in open opposition to the

submission of an honest referendum to the people on the subject of a prohibition amendment to the state constitution, and were bitter in their opposition to the present local option law of the state with its provisions for an effective referendum in every city.

I do not question, however, that some of the members of your honorable body have been honestly misled in this matter.

Judge Ruggles, presiding judge of the court of appeals, speaking for the court in the case of Barto vs. Himrod (8 N. Y., 483), as far back as 1853, in regard to the delegation of legislative authority, said:

"The legislature has no power to make a statute dependent on such a contingency, because it would be confiding to others that legislative discretion which they are bound to exercise themselves, and which they can not delegate or commit to any other man or men to be exercised. They have no more authority to refer such a question to the whole people than to an individual. The people are sovereign, but their sovereignty must be exercised in the mode which they have pointed out in the constitution. All legislative power is derived from the people; but when the people adopted the constitution, they surrendered the power of making laws to the legislature, and imposed it upon that body as a duty; they did not reserve to themselves the power of ratifying or adopting laws proposed by the legislature, except in the single case of contracting public debt. They probably foresaw the evil consequences likely to arise from such a reservation; these are well and forcibly expressed by Mr. Justice Johnson, in his opinion in the case of Johnson v. Rich, 9 Barb. 686. 'I regard it,' said he, 'as an unwise and unsound policy, calculated to lead to loose and improvident legislation, and to take away from the legislator all just sense of his high and enduring responsibility to his constituents and to posterity, by shifting that responsibility upon others. Experience has also shown, that laws passed in this manner are seldom permanent, but are changed the moment the instrument under which they are ratified has abated or reversed its current; of all the evils which afflict a state, that of unstable and capricious legislation is among the greatest.'"

While this decision dealt with the right of the legislature to make a statute dependent upon the vote of the people, yet the theory of government would apply to the present case.

It is interesting to note that this plan, plainly a subterfuge, has been proposed once before in the history of this state in its legislature. This is not a new idea. It originated with the so-called Tweed minority in the senate in 1869. It was the way the minority in the senate, not conspicuous for loyalty to the federal government or to the interests of the state, endeavored to beat the fifteenth amendment to the constitution, the amendment which provided that the right to vote should not be denied on account of race, color or previous condition of servitude. The Assembly had ratified the amendment; the resolution to submit to the people was introduced in the senate for the acknowledged purpose of defeating this historic measure. Tweed was able to rally fifteen of the thirty-two senators to its support. The resolution was beaten on a vote of seventeen to fifteen; the same fifteen senators immediately afterwards voting against the ratification of the famous amendment.

From then until today no member of the legislature of New York, so far as I have been able to learn, has presumed to suggest by res-

olution offered in that body, that its members were unable or unwilling to perform the duties imposed upon them by the oath of office and by the constitution of the United States of America.

The only precedent for the contemplated action of the present legislature is the one which I have indicated.

The plan conceived by Tweed and his followers was intended to prevent the enfranchisement of the emancipated negro. It was defeated nearly fifty years ago by the intelligent and law-abiding majority of the senators of the state of New York.

It is inconceivable to me that the method devised by William M. Tweed to defeat the provisions of the constitution of the United States or at least for the purpose of avoiding the performance of a plain duty imposed by that instrument, should be adopted today by the legislature of New York for the same purpose.

I urge upon the members of your honorable body to consider the sacred nature of the oath which every one of you has taken, and the provisions of the federal constitution which you have sworn to support.

A BANKER'S OPINION

"I wish you would urge with all your influence the passage of the guaranty of deposits in national banks up to \$5,000, as this would be a great help to the national banking system and, with the reserve banks, it seems to me that it will be almost a Gibraltar for national banks. While you are not a banker, I think you will appreciate that these small deposits are what banks cater to and ask for. I would rather have 20 people have \$100,000 in our bank than to have one person keep that amount with us. In fact, we like deposits from \$100 up to \$5,000, and a bank that has its deposits largely distributed in this way, and its loans distributed on a similar basis, is the very strongest possible endorsement of good banking and prosperous banking.

"Very cordially,

"W. C. ROBINSON,

"Winfield, Kansas."

Mr. Robinson is one of the earliest bankers in Kansas. He has had experience as a national banker and he has seen the success of the guaranty system in Kansas. His opinion is valuable.

THE SPY

The German spy system has grown to be such a menace that the government is preparing to deal with it with a stern hand. It should. The spy is the most wicked of all criminals, whether actuated by love of money or inspired by love of his country. He plots to kill without the hazards of open warfare. Availing himself of the protection of our country, and covering his scheming by deceit, he not only reveals our military plans but, when possible, mutilates our machinery and paralyzes our efforts. Hundreds, even thousands, of lives may be sacrificed as a result of his activities.

Take, for instance, the spy work in the aeroplane factory. It was found that enemies, employed and working alongside of patriots, were substituting defective parts for sound parts so that aviators would fall to their death and our government would lose the value of their service at critical times.

If any one deserves a death sentence, surely it is the spy. No tears should be shed; no mercy can be shown. In war, life is staked against life, and the death least to be regretted is the death of the spy. W. J. BRYAN.