WHY NOT A REFERENDUM?

Congressman Mill of Maryland has introduced in the National House of Representatives a measure which is in effect a call for a referendum vote on prohibition. We have no idea that it has any chance of passage by Congress at this time. Why not? Nobody yet knows the attitude of the country on that question. The states have practically divided in their attitude on prohibition; why not find out? There appears to be no doubt that the saloon is gone forever. We are interested to learn now what it never should have been a private enterprise, with the temptation to take 1/50th per cent. of the contents of a man's pay envelope and the encouragement of the treating host, and for the benefit of the drifter, but for the gain of the proprietor of the saloon.

When prohibition came, the saloonkeeper, in many cases, leased the bar to the local bartender, contending that the eighteenth amendment to the Constitution of the United States should not have been passed without the voice of the people. They found very little sympathy, because it was felt that the evils which they had allowed to grow up in their business and the spirit of intolerance had done much to bring prohibition. In this connection it may be said that these criticisms are not directed against the saloons in Hartford, which were, in the main, conducted according to law and which, for the most part, were in the hands of decent citizens. But, for the saloonkeeper, at large, there was little sympathy. Everybody knew, when the saloonkeeper tried for a referendum vote that, if the saloon interests controlled the legislature, there would be no reference of the prohibition question to the people.

It was not sympathy for the saloon proprietor, who, in many cases, had become rich and was perfectly willing to get richer, which made many believe that it was a mistake to put into the Constitution something which it was not certain that the people wanted. It was a mistake to put into the Constitution something that would not be taken in order to know whether the law was the law we are told to respect in the courts of the land—whether it has the force behind it. Uncle Sam and me had all his life and, while there is no constitutional requirement that it be the judges. A bill of the people should be as good as the old gentleman became. It certainly would have been a question the legislature of the states delegated their power to the people (enough to tell the people their minds). When we talk of respect for the law, we mean, or should mean, respect for the will of the people, rather than the written statute, alone. What is written on the statute book should be the will of the people, but it cannot be standing as law is not always written.

For five years, the enforcement of the prohibition law has often stood in the way of doing something constructive, something worth while, and there are many good citizens, with no weakness of anything stronger than the beverage section of the Volstead act, who believe that it is a mistake to spend millions of dollars for the enforcement of a law of doubtful propriety and doubtful popularity, when it is not possible to prove that the enforcement of the law that the saloons of the people of the country—and especially the saloons of the people that have taken backward steps since the coming of prohibition, is unneeded. It is a high time that the sentiment of the American people was known, high time that we should get for something higher authority as to that sentiment than either the rank wet or the rank dry.