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Memorial : Mr. Wilson, of Iowa

50TH CONGRESS, 2d Session. } SENATE. { MIS. DOC. No. 88.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1889.—Presented by Mr. Wilson, of Iowa; ordered to lie on the table and be printed.

MEMORIAL OF THE NATIONAL COUNCIL OF THE CONGREGATIONAL CHURCHES OF THE UNITED STATES, PRAYING THE PASSAGE OF A LAW FOR THE SUPPRESSION OF THE TRAFFIC IN INTOXICATING LIQUORS ON INDIAN RESERVATIONS AND ALL PLACES SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

To the Senate and House of Representatives of the United States in Congress assembled:

GENTLEMEN: The last National Council of the Congregational Churches of the United States, meeting in Chicago, October 19, 1886, appointed, as a committee to memorialize Congress on temperance, the undersigned, citizens of different States, viz: Rev. George F. Magoun, of Iowa; Rev. James G. Dougherty, of Kansas; Rev. Darius A. Morehouse, of Maine; Rev. William L. Bray, of Wisconsin, and Frank G. Clark, esq., of Iowa.

The council, meeting triennially, now represents 4,277 churches, containing 436,379 members, and other persons connected with them, and also regarding the national legislation that bears upon this subject (whether favorable or unfavorable) as of the highest national importance, amounting to several times their own number.

The committee beg leave respectfully to suggest to your honorable body:

(1) The propriety of forbidding by law the sale of intoxicating liquors as beverages to all other persons on the Indian lands, as well as to the Indians themselves. It is well known that the existing laws prohibiting the sale to Indians prevent, so far as enforced and obeyed, great poverty, wretchedness, violence, and crime. Intelligent citizens, and especially Christian persons, like those creating this national council, see no reason why white men under national jurisdiction in the same Territory should not also be protected from these evils. The world knows well that multitudinous wrongs inflicted by white men upon Indians are due to intoxicating drink, and the responsibility must rest upon Congress of legally removing this predisposing cause of these wrongs, since it resides nowhere else.

(2) The propriety, justice, and duty of forbidding by law the same traffic for the same sufficient reasons on the military reservations in the Territories belonging to the nation and in the District of Columbia, all under your jurisdiction. The local authorities in all these take the law from your body, and the reasons why you should prohibit a traffic so injurious to citizens of the United States in all these places are now among the common-places of public policy. We are not appointed to argue before your honorable body a question which so many of your own

number can adequately present, but simply to convey to you the strong and deep convictions of those throughout the land in forty-seven States and Territories, whom we represent.

It should be added here that on the same grounds on which the sale of intoxicating beverages to a part, as now, or all of those under Federal jurisdiction is right and binding, the manufacture on national premises for such sale must be also the manufacture of alcoholic liquids for other purposes—chemical, mechanical, manufacturing, or sacramental—is not here included.

(3) The importance of so adjusting Congressional legislation on imported liquors with that of the States respecting their sale within each State as beverages as to avoid conflict. Where this sale is allowed by local law, no conflict of laws, or of practice under them, will occur. Where the States restrict the sale by license, or local option, so called, or prevent it by general prohibition, such conflict is as injurious and contrary to public policy as in any other supposable case. It can only contribute to the unlawful sale, against State policy, and to all its disastrous results. If a commonwealth is endeavoring to suppress a traffic so woful and shameful, anything but perfect harmony between the laws of the State and those of the nation is a menace to the public good of the commonwealth.

Without raising the question whether any of our States desirous of a free or a restricted vending of means of intoxication could not itself produce, by the industry of its own citizens, all it can consume, and recognizing its right to make lawful sales of imported as well as of domestic liquors, we respectfully ask whether commonwealths that prohibit both should not be exempted in some way from the importation? The Supreme Court rules that the State can not now prevent any such importation in original packages authorized by your enactments; but also that each commonwealth has the right entirely to prevent all sale by law; but so long as the imports go where they can not be lawfully sold as beverages, a conflict of practice is inevitable. It is for your honorable body and for you alone to bring it to an end by adjusting your importing laws impartially to the varied legislation of the States. It is not for us to suggest how, but it would seem that it can be readily done.

(4) The submission to the States, under the forms of the Federal Constitution (Article V) of the question of so amending the Constitution as to make the sale, and the manufacture for such sale, illegal throughout our national domain, as slave-holding now is. We are not called upon to argue in favor of such an amendment. Its friends realize the misery of hostile policies in adjoining States, and doubt if the nation can be partly permissive of such a national evil and partly prohibitory. Citizens who have voted in their own States against prohibition by constitutional amendment would generally oppose it in the Constitution of the nation; those who favor State prohibition will favor national prohibition as well. We represent those who are not at one among themselves as to either. But, in a government of the people, for the people, by the people, there would seem to be no question that this is something which the people themselves, and they alone, can decide, and will eventually decide. And it would seem to follow that it is their right to have it submitted to them. They can not indicate the process of deciding whether the organic law shall be amended or not. They can not exercise their right until Congress takes the first step; can not even express their will that the Constitution shall not be amended.

If the two-thirds majority required by Article V can not be secured,

those who oppose will see it fail as they wish, though a minority; if it can, they ought, as citizens of a republic, to be willing that amendment should carry by a two-thirds vote. If they, or their representatives, are not willing, and even submission is prevented, does not a republican form of government, pledged to us by the Constitution, fail at this point? There is even a very obvious reason why opponents should desire a speedier submission to the people of the country, by States, than friends of the measure deem fair or wise. Public opinion is slowly forming everywhere. Only within a few years have legislatures submitted the State question to the people. A hasty or premature submission by Congress would defeat it. With you, gentlemen of the national legislature, it rests to refer to the States the question of change in our organic law at such a time as will be just to the advancing convictions of their citizens.

And your memorialists, as in duty bound, will ever pray for divine wisdom in your councils and the divine blessing on your enactments for the good of the people.

GEORGE F. MAGOUN, *Iowa.*
JAMES G. DOUGHERTY, *Kansas.*
DARIUS A. MOREHOUSE, *Maine.*
WILLIAM L. BRAY, *Wisconsin.*
FRANK G. CLARK, *Iowa.*

FEBRUARY 22, 1889.

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