

TIME

May 12, 1923

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PROHIBITION

Discretion



The decision of the Supreme Court that the nationality of a ship "partakes more of the characteristics of personal than of territorial sovereignty" altered the problem of enforcing the Volstead Act. As the decision pointed out, foreign ships, like foreign persons, when in United States territory (which extends to the three mile limit) are subject to the National Prohibition Law. Likewise United States vessels, like United States citizens, are not bound by our law when outside of United States territory.

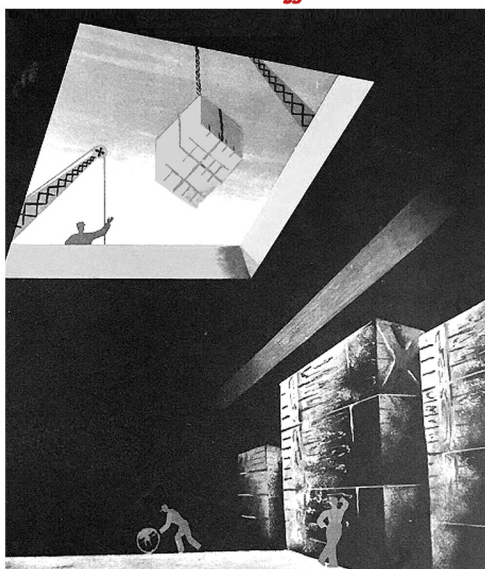
So whereas until now the Prohibition enforcement officers have supposedly had the task of keeping United States vessels dry on the high seas, they have now, instead, to keep all vessels, American and foreign, dry within the three mile limit. The Treasury Department is drawing up regulations for enforcement according to the new interpretation of the law. Secretary Mellon has asked the State Department to inform foreign governments of the changed regulations to which all vessels arriving in the United States after June 10 will be subject. The date was set so far ahead in order that all foreign vessels might have time to comply.

The new regulations give rise to some delicate international questions. Government officials, anxious to avoid complications, may be expected to draft the new regulations "with discretion." Theoretically a ship carrying liquor, bound for example, from the Bermudas to Canada, would, if its course should chance to come within the three mile limit of the United States, be subject to seizure for illegal importation and transportation of liquor. It is understood, however, that no seizures of foreign vessels will be made; that at most the liquor will be confiscated and certain other penalties imposed. Besides, foreign ships will be allowed to bring into American ports "medicinal liquor."

The forces and the funds for prohibition enforcement are not sufficient for the search of every foreign vessel.

So only such vessels will be searched as prohibition officers have reason to believe are violating the law.

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Viewed from Abroad

Foreign nations have taken no little interest in the decision of the Supreme Court which forbids their vessels to carry liquor as part of their ship stores, or even under seal, when in United States waters. There was a storm of protest in the English and French press.

The English Government, with its usual deliberation, has done nothing, and probably will do nothing until its legal experts have examined the Supreme Court ruling. The French Government, more impetuous, had Ambassador Jusserand visit the State Department and talk with Secretary Hughes. It, too, will probably make no formal protest until it is evident what the United States actually purposes doing. French, Italian and Spanish law requires that seamen on ships of those nationalities have a daily liquor ration. So there will be a direct clash between the laws of at least three countries and that of the United States. Ambassador Jusserand pointed this out to Mr. Hughes.

The French are talking of retaliatory measures, and it is claimed that by enforcing certain existing laws virtually every American vessel could be kept out of French ports. Conferences of ship owners are taking place in England to decide on a concerted plan of action against the new prohibition ruling. It is suggested that foreign ships may call at Halifax instead of New York, or drop their liquors there and proceed to New York. It is also suggested that foreign vessels may station rum ships just outside the three-mile limit, leaving their liquors "on deposit" while they touch port. All these plans are more or less discounted as impracticable.

The English are inclined to admit the legal right of the United States to act in accordance with the decision of the Supreme Court, at the same time protesting such action as unfair and discourteous. The French are

more inclined to regard our action as an infraction of international law.

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Modification

On account of the unforeseen circumstances precipitated by the Supreme Court's prohibition decision, several modifications of the Volstead Act have been proposed. Of these the two principal ones are:

1) Amendment of the law to allow foreign ships to bring in their ship-stores of liquor under bond. Since this must wait till the next Congress convenes, serious foreign complications may arise in the meantime.

2) Amendment of the law to prohibit American vessels from carrying liquor on the high seas as well as within the three mile limit.

It is generally admitted that the dry element will have the upper hand in the next Congress, although it will not be so strong as in the Congress which closed two months ago. It is predicted with some show of likelihood that proposal Number Two will pass. The wet members will probably make a hard fight for Number One and against Number Two. Comment from Washington indicates that the wets' chances of success are not very great.

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