

Veterans' Welfare Bonds, Validity Of—Soldiers, Bonds For.

The Veterans' Welfare Bonds authorized by Chapter 105, Laws of 1919, are valid obligations on the part of the State of Montana.

December 15, 1919.

Mr. C. E. Pew, Secretary,
Veterans Welfare Commission,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of recent date requesting an opinion from this office upon the following proposition:

"In pursuance of the resolution of which a copy is enclosed herewith, I hereby request on behalf of the Veterans Welfare Commission the opinion of your office as to the validity of Chapter 105 of the Laws of the Sixteenth Session of the Legislative Assembly of the State of Montana and of the issue of bonds therein provided for."

The title of the Act is as follows:

"An Act appropriating the sum of \$200,000.00 to be expended by a commission created by this Act and to be known as a Veterans Welfare Commission for the purpose of aiding and assisting the United States in carrying on and prosecuting the war between the United States and Germany and her allies, designating the purposes for which such an appropriation may be expended by the Veterans Welfare Commission, authorizing the State Board of Examiners to issue bonds or warrants in excess of the constitutional limit of indebtedness and to levy a tax upon all property in the state, subject to taxation, for the purpose of paying the indebtedness so incurred and the payment of the interest thereon and to provide help and assistance for veterans, soldiers, sailors and marines in the United States military and naval service in the war against Germany and her allies and to provide for financial cooperation with the United States government in any scheme of reclamation or reconstruction for the benefit of those in the military and naval service of the United States in the war against Germany and her allies."

The purpose of the Act as it appears on its face, and as emphasized in Sections 1, 4 and 7, show beyond question that the money authorized to be borrowed is intended to be used "to suppress insurrection, repel invasion, defend the State, and to assist in defending the United States."

Section 1 of said Act provides that the State Board of Examiners is directed and authorized to borrow not exceeding \$200,000.00 upon the credit of the State, "the United States now being at war, to suppress insurrection, repel invasion, defend the State, and to assist in defending the United States."

Section 4 provides as follows:

"The purpose of this Act is for the encouragement, aid and assistance of soldiers of the United States going to and returning from the war in which the United States is fighting Germany and her allies; to get jobs and employment, to provide for the education, training and comfort and the physical and material well-being of those who have been in the military and naval service of the United States during the war."

Section 7 provides in part that:

"The commission may disburse the money provided by this Act in such manner and for such purpose as in its judgment will best facilitate and promote the return of such veterans, soldiers, sailors and marines to civil life, and to keep a high morale in the fighting forces of the United States in the war with Germany and her allies, and bring contentment and satisfaction among the people of the State of Montana and especially among the veterans, soldiers, sailors and marines within the borders of this state, and to promote this end, the commission may establish employment agencies, furnish employment, provide for institutions of any sort, assist the United States in any reclamation or reconstruction work that Congress may provide for, make grants or loans, or expend such money in any manner whatsoever for such persons, and the enumeration of specific purposes shall not be construed to exclude other purposes but the manner in which such funds shall be expended shall be entirely in the discretion of the commission."

It seems to me that all questions as to the constitutionality of this law were decided by the Supreme Court in the case of State ex rel. Campbell vs. Stewart, 54 Mont. 405, where it was held: "The United States is at war, and to assist the United States in war is expressly recognized by the Constitution as a proper and probable occasion for the use of State funds. (Const. Art. XXII, Section 12.) Moreover, this state, as one of the United States, is at war; when aiding the United States this state but defends itself and thus exercises the highest attribute as it observes the most solemn duty of sovereignty. That in pursuing this public policy the state, through its legislature, may adopt or prescribe any mode or means reasonably adapted to accomplish such purpose, is too well settled for doubt."

The United States is still at war with the German and Austrian empires, although actual hostilities have ceased. This conclusion is borne out by the reasons given by the President of the United States in assuming control of the fuel situation throughout the country, and recent laws enacted by Congress.

It seems to me that it is of as much importance in carrying on an actual warfare to provide care for the returned soldiers, as it is to provide them with arms and ammunition upon preparing for the battle front.

Unquestionably the state owes it to the men who have offered themselves in the defense of the State, to see that they are properly provided for upon their return.

For the foregoing reasons I am of the opinion that Chapter 105 is constitutional and that the bonds provided for, when issued, will constitute valid obligations of the State of Montana.

Respectfully,

S. C. FORD,

Attorney General.