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1. TIME—CONGRESS HAS PLENARY POWER TO ESTABLISH STANDARDS OF TIME THROUGHOUT UNITED STATES—SHALL GOVERN AFFAIRS OF ALL PERSONS WITHIN UNITED STATES—STATE OF WAR—"WAR POWERS"—ARTICLE I, SECTION 8, CONSTITUTION OF UNITED STATES.

2. ANY STATE MAY ENACT LAWS, STANDARD OF TIME, WITHIN STATE, UNTIL SUCH POWER EXERCISED BY CONGRESS.

3. STANDARD TIME OF EACH ZONE, ESTABLISHED, TITLE 15, SECTION 261, U. S. C.—ADVANCED ONE HOUR—GENERAL ASSEMBLY OF OHIO NOT PRECLUDED FROM PASSING AN ACT, WHICH, IF ENACTED INTO LAW, WOULD CHANGE PRESENT OFFICIAL TIME—PUBLIC LAW 403, CHAPTER 7, SECOND SESSION, SEVENTY-SEVENTH CONGRESS.

4. ANY ORDER MADE BY INTERSTATE COMMERCE COMMISSION MAY BE MODIFIED BY COMMISSION, WHICH DEFINES LIMITS, TIME ZONES ESTABLISHED BY CONGRESS—EXISTING LAW—TITLE 15, SECTION 261, U. S. C.

SYLLABUS:

1. The Congress of the United States, under the "war powers" granted it by Article I, section 8 of the Constitution of the United States, has plenary power to establish standards of time throughout the United States, which shall govern the affairs of all persons within the United States during a state of war.

2. Any state in the United States may, until such power is exercised by Congress, enact laws concerning the standard of time within such state.

3. Public Law 403, 77th Congress, Chapter 7, 2d Session, approved January 20, 1942, which provides that the standard of time of each zone established pursuant to Section 261 of Title 15, U. S. C., shall be advanced one hour, does not preclude the General Assembly of Ohio from lawfully passing an act which, if it becomes law, would change the present official time of this state.

4. Under existing law (Section 261, Title 15, U. S. C.), any order made by the Interstate Commerce Commission which defines the limits of the time zones established by Congress may be modified by such Commission.

Columbus, Ohio, January 26, 1943.

Hon. Paul Herbert,
President of the Senate, and Members of the Senate of the 95th General Assembly,
Columbus, Ohio.

Gentlemen:

On January 20, 1943, the Senate of the Ninety-fifth General Assembly, in regular session, adopted Senate Resolution No. 28, which reads as follows:

"SENATE RESOLUTION

Relative to requesting an opinion
from the Attorney General.

BE IT RESOLVED BY THE SENATE OF OHIO, That the Honorable Thomas J. Herbert, Attorney General of Ohio, is hereby requested to give his written opinion on the following question of law, to-wit:

Does the Ninety-fifth General Assembly have authority, by legislative action, to change the official time of the State of Ohio from Eastern Standard Time to Central Standard Time, as proposed in Senate Bill No. 4, Senate Bill No. 15, and other bills now pending before this General Assembly?

BE IT FURTHER RESOLVED, That the Attorney General is respectfully requested to render such written opinion by the 27th day of January, 1943, if at all possible so to do."

I assume the question presented by your body arose by reason of the

enactment by the Congress of the United States of Public Law 403, Seventy-seventh Congress, Chapter 7, second session, approved January 20, 1942, which reads as follows:

"AN ACT

To promote the national security and defense by establishing daylight saving time.

BE IN ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That beginning at 2 o'clock antemeridian of the twentieth day after the date of enactment of this Act, the standard time of each zone established pursuant to the Act entitled 'An Act to save daylight and to provide standard time for the United States,' approved March 19, 1918, as amended, shall be advanced one hour.

Section 2. This Act shall cease to be in effect six months after the termination of the present war or at such earlier date as the Congress shall by concurrent resolution designate, and at 2 o'clock antemeridian of the last Sunday in the calendar month following the calendar month during which this Act ceases to be in effect the standard time of each zone shall be returned to the mean astronomical time of the degree of longitude governing the standard time for such zone as provided in such Act of March 19, 1918, as amended."

At the outset it should be pointed out that our national government has only such powers which were delegated to it by the States upon the adoption of the Constitution of the United States. All powers which were not delegated to the United States by the then States upon the adoption of the Federal Constitution were reserved to the States respectively. The Tenth Amendment to the United States Constitution reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

With respect to the powers reserved unto themselves by the States, it was said in the case of Buffington v. Day, 11 Wall., 113, 124:

" 'It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the State governments by their respective constitutions, remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments' * * *"

Since the United States Government has only such powers which were delegated to it by the Constitution of the United States, it follows that Congress has only such powers which that instrument gives it. The provisions of the Constitution which invest Congress with legislative powers are contained in Section 1 of Article I, which reads:

> "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

From the above, it will be noted that the only legislative powers vested in Congress are those "herein granted." Whenever a question arises concerning the power of Congress, the first question which must be answered is whether the power is expressed in the Constitution of the United States. If it is not so expressed or is not properly an incident to the express power and necessary to the execution thereof, Congress cannot exercise it. Therefore, every valid act of Congress must find some warrant for its passage in the Constitution of the United States.

With respect to the powers of the General Assembly of Ohio, the Constitution of this state provides (Section 1, Article II):

> "The legislative power of the State shall be vested in a General Assembly consisting of a Senate and House of Representatives but the people reserve to themselves the power to propose to the General Assembly laws and amendments to the Constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided."

This section grants to the General Assembly all the legislative power of the State. In other words, all the legislative power not delegated to the United States is by this section vested exclusively in the General Assembly. As distinguished from the language of the Federal Constitution which grants specific powers to Congress, the above language is general and embraces all the legislative power which the people of our State could confer. It must be borne in mind, however, that the power of the General Assembly, being conferred upon that body by the sovereign people, cannot be exercised beyond the limitations placed by the people in their organic law. The people of our State may state in their Constitution what the General Assembly may or may not enact. Consequently, the absolute and exclusive legislative power of the General Assembly is subject to the limitations and restrictions contained in the Constitution of Ohio and in the Constitution of the United States.

Therefore, if the proposed legislation in question is not in conflict with any of the provisions of our State or Federal Constitution, the General Assembly is empowered to enact the same.

An examination of the Constitution of Ohio reveals no provision contained therein which in any way restricts the legislative power of the General Assembly in this respect.

Reference to the Constitution of the United States, however, discloses certain provisions which must be regarded in the consideration of your question. In Section 8 of Article I of the Constitution of the United States, it is provided:

> "The Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; * * *."

On March 19, 1918, the Congress of the United States, presumably under the power conferred upon it by the above section, enacted an act entitled: "An Act to save daylight and to provide standard time for the United States." Sections 1 and 2 of said Act, which are now codified as Sections 261 and 262 of Title 15, U. S. C., read as follows:

Section 261.

> "For the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner provided in this section. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. The limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time. (March 19, 1918, C. 24, Sec. 1, 40 Stat., 450.)"

Section 262.

> "Within the respective zones created under the authority of this subdivision of this chapter the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or

> determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed. (March 19, 1918, C. 24, Sec. 2, 40 Stat., 451.)"

Subsequent to the enactment of the above sections, the Legislature of the State of Massachusetts passed an Act which provided that from the last Sunday of April until the last Sunday of September "the standard time in this commonwealth shall be advanced one hour," so that "the standard time of this commonwealth shall be one hour in advance of the United States standard eastern time." The constitutionality of the Massachusetts Act was attacked in an action brought in the United States District Court of Massachusetts to enjoin the officials of Massachusetts from enforcing the Act (Mass. State Grange, et al., v. Benton, Attorney General, et al., 10 Fed. (2d), page 515). In said action, it was contended by the plaintiff that Section 2 of the Federal Act (Section 262, Title 15, U. S. C., supra), makes standard time the general measure of time for all persons subject to the jurisdiction of the United States; that, therefore, the provision of the Massachusetts Daylight Saving Act for a different standard of time during several months was unconstitutional. It was also urged by the plaintiff that, in providing a standard time for the United States, Congress acted under Article I, Section 8 of the Constitution which says that, "The Congress shall have power to * * * fix the standard of weights and measures," and also that such power is soundly grounded upon the commerce clause of the Constitution of the United States.

In denying the application for injunction and dismissing the bill, the court, in answer to the above, stated:

> "An answer to this contention is that, assuming that Congress has constitutional power under the standard of measures clause, or the commerce clause, or under both clauses, to provide a standard time applicable to all persons subject to the jurisdiction of the United States, it has not yet seen fit to go further than to make such standard time applicable only (1) to the movement of common carriers engaged in interstate and foreign commerce; (2) to its own officials and departments; and (3) to all acts done by any person under federal statutes, orders, rules and regulations. So construed the Federal Standard Time Act is not exclusive of state action on the same subject-matter; there is no conflict between the two acts; the power of the States in regard to measuring time is the same as over insolvency when there is no federal bankruptcy law."

On appeal by the complainants from the decree of the District Court dismissing the bill, the Supreme Court of the United States affirmed the

judgment of the District Court. (Mass. State Grange, et al. v. Benton, et al., 272 U. S., 525.) In the opinion of the Supreme Court delivered by Mr. Justice Holmes, it is said:

> "The Act of Congress, Section 2, fixes the standard time and provides that 'in all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.' The Massachusetts statute advances the standard time thus fixed by one hour; and provides that the time shall be the United States standard eastern time so advanced, in all laws, regulations, etc., relating to the time of performance of any act by any officer or department of the commonwealth or of any county, city, etc., thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the commonwealth, and in all the public schools and institutions of the commonwealth, etc., and in all contracts or choses in action made or to be performed in the commonwealth.
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> The court below found no inconsistency between the two acts, and we have seen no sufficient reason for differing from it upon that point."

In the instant case, however, we are not dealing with the 1918 Act of Congress alone. Public Law 403, Seventy-seventh Congress, supra, also requires our attention. It will be noted that the declared purpose of the act is to promote national security and defense by establishing daylight saving time.

From the declared purpose of the act contained in the title thereof, it seems manifest that Congress in its judgment determined that an advance of one hour in the standard time of the United States, as established by it in 1918, would be conducive to the effective prosecution of the war.

The so-called "war powers" of Congress are set out in Section 8 of Article I of the Constitution of the United States. Said section, which provides that Congress shall have power to declare war, raise and support armies, provide and maintain a navy, etc, concludes with the following language:

> "To make all laws, which may be necessary and proper for carrying into execution the foregoing powers, and all other powers

vested by this Constitution in the Government of the United States, or in any department or officer thereof."

That Congress may in the exercise of its "war powers" pass any law which will aid in the successful conduct of a war can no longer be denied.

The Supreme Court of the United States has said:

> "The term 'to declare war' necessarily connotes 'the plenary power to wage war with all the force necessary to make it effective.'"

United States v. Macintosh, 283 U. S., 605.

In the case of Ex Parte Milligan, 4 Wall., 2, 139, decided in 1866, it was stated:

> "The authority conferred by this clause extends to all legislation necessary in the prosecution of the war with vigor and success. It is not limited to operations in the field and the dispersion of the enemy, but carries with it the power to prosecute war to a termination and to guard against its renewal. It includes the authority to use other means besides those indicated by the terms of the grant and contemplates all means and any manner in which war may be legitimately prosecuted. All acts tending to lessen an adversary's strength are lawful."

See also:

Stewart v. Bloom, 11 Wall., 493, 507.
Legal Tender Cases, 12 Wall., 457.
White v. Hart, 13 Wall., 646.
Raymond v. Thomas, 91 U. S., 712, 715.
Young v. United States, 97 U. S., 30, 60.
Ford v. Surget, 97 U. S., 594, 605.
Civil Rights Cases, 109 U. S., 3, 18.

I think it may be conceded that an advance of time in some sections of our country will result in a conservation of electrical power and consequently a saving of fuel, which is presently essential to the war industry, will be effected thereby. It would therefore follow that the advancing of time is definitely related to the effective prosecution of the war and accordingly the Congressional Act of 1942 must be regarded as valid under the war powers of Congress.

In fact, if the power to enact legislation with respect to the standard of time for the United States is conferred on Congress by the provisions of the Constitution which empower that body to fix standards of weights and measures, we need not inquire into the war powers of Congress. If Congress in peace time could constitutionally base the standard of time for the first zone fixed by it on the mean astronomical time of the seventy-

fifth degree of longitude west from Greenwich, it certainly could have declared that the standard of time for such zone shall be based "on the sixtieth degree of longitude west of Greenwich." Because this power is given to Congress by the Constitution, to exercise in peace time under one section of the Constitution and in war time under another or either of the two sections, does not necessarily mean that the States are without power to legislate on the same subject matter.

A mere grant of power by the Constitution to Congress does not *per se* transfer exclusive sovereignty in that field, unless so stated in terms, or jurisdiction is prohibited to the States, or there is a direct repugnance or incompatibility in the exercise of it by the States. In the very early case of Sturges v. Crowninshield, 4 Wheat., 122, decided in 1819 by the Supreme Court of the United States, Chief Justice Marshall laid down the principle that:

> "Whenever the terms in which a power is granted to Congress, or the nature of the power, required that it should be exercised exclusively by Congress, the subject is as completely taken from the State Legislatures, as if they had been expressly forbidden to act on it."

In the opinion of said case, it is stated (pages 192, 193):

> "The counsel for the plaintiff contend that the grant of this power to Congress, without limitation, takes it entirely from the several States.
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> In support of this proposition they argue, that every power given to Congress is necessarily supreme; and, if from its nature, or from the words of grant, it is apparently intended to be exclusive, it is as much so as if the States were expressly forbidden to exercise it.
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> These propositions have been enforced and illustrated by many arguments, drawn from different parts of the Constitution. That the power is both unlimited and supreme, is not questioned. That it is exclusive, is denied by the counsel for the defendant.
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> In considering this question, it must be recollected that, previous to the formation of the new Constitution, we were divided into independent States, united for some purposes, but, in most respects, sovereign. These States could exercise almost every legislative power, and, among others, that of passing bankrupt laws. When the American people created a national legislature, with certain enumerated powers, it was neither necessary nor proper to define the powers retained by the States. These powers proceed, not from the people of America, but from the people of the several States; and remain, after the adoption of the Constitution, what they were before, except so far as they may be abridged by that instrument."

Page 196.

> "Without entering farther into the delicate inquiry respecting the precise limitations which the several grants of power to Congress, contained in the Constitution, may impose on the State Legislatures, than is necessary for the decision of the question before the court, it is sufficient to say, that until the power to pass uniform laws on the subject of bankruptcies be exercised by Congress, the States are not forbidden to pass a bankrupt law."

Moreover, this precise question was decided in the Benton case, supra. In that case it was pointed out that Congress, assuming it has the constitutional power to fix the standards of time, had not yet at that time seen fit to go further than to make such standard time as fixed by it applicable only to (1) the movement of common carriers engaged in interstate and foreign commerce; (2) to its own officials and departments; and (3) to all acts done by any person under federal statutes, orders, rules and regulations and that, therefore, the federal standard time act is not exclusive of state action on the same subject matter.

Therefore, unless Congress, in the Act of January, 1942, enlarged the scope of the 1918 Act so as to bring within the application thereof the courts, banks, public officers and all legal official proceedings of this State, it would appear that the decision in the Benton case is clearly dispositive of your question.

Since Congress, when it passed the Act of January, 1942, left the language of Section 2 of the 1918 Act (Section 262, Title 15, U. S. C., supra), unchanged, it must be presumed that it was the intention of that body to advance the time one hour only with respect to those proceedings, operations and persons who were subject to the provisions of the latter Act. Especially is this true since the Supreme Court of the United States has construed the 1918 Act. In enacting an amendment, a legislative body is presumed to have in mind the judicial interpretation governing an existing act, and if, in the subsequent statute the same language is reemployed or a portion thereof left unchanged, a conclusive presumption arises that no change in the existing law was intended. With respect to legislative adoption of judicial interpretation, it is stated in 37 O. Jur., page 773:

> "It is a settled rule of statutory construction that when a statute, or a clause or provision thereof, has been construed by the court of last resort of a state and the same is substantially re-enacted the Legislature adopts such construction, unless express provision is made for a different construction, or unless a contrary intention is clearly shown by the language or context of the Act. Moreover, it is not necessary that a statute should have been literally re-enacted to authorize the presumption that it was re-enacted in the light of the settled judicial construction that the

prior enactment had received. These principles are applicable where a statute is construed by a court of last resort and is thereafter amended in certain particulars, but remains unchanged in so far as the same has been construed and defined by the court, and have even been applied to statutory provisions which have been incorporated into codes or compilations after they have been judicially construed."

The Act of January, 1942, reads:

"Beginning at 2 o'clock antemeridian of the twentieth day after the date of enactment of this Act, the standard time of each zone established pursuant to the Act entitled 'An Act to save daylight and to provide standard time for the United States,' approved March 19, 1918, as amended, shall be advanced one hour."

By the above Act, Congress advanced the time *established pursuant to the 1918 Act.* What was the time established pursuant to the 1918 Act? This question was definitely answered in the Benton case. The time established by said Act was the time which is applicable to the movements of common carriers engaged in interstate commerce, to federal officials and departments, and to the acts done by persons under federal statutes, orders, rules and regulations, and nothing more. It is therefore axiomatic that the advance in time provided for in the Act of January, 1942, is likewise applicable only to the movement of common carriers engaged in interstate commerce, to federal officials and departments, and to the acts done by persons under federal statutes, orders, rules and regulations.

It might be argued that the purpose of said Act would not be achieved by limiting the application thereof to the above matters alone. It might be claimed that Congress, in order to render effective aid to the present war effort, intended the advance in time to apply to the daily affairs of every human being in this country, and that unless said Act is so construed the intent thereof is frustrated. Such argument, however, is clearly untenable and carries no conviction.

While the paramount rule of statutory construction is to ascertain and give effect to the intention of the lawmaking body, it should be kept in mind that such intention must be determined primarily from the language of the statute itself. In regard thereto, it is stated in 37 O. Jur., pages 524-526:

"In the construction of statutes it is the expressed legislative intent that is of importance. The law does not concern itself with the Legislature's unexpressed intention. The question is not what the General Assembly intended to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed or to have intended to express its entire meaning by the import of the language used."

To the same effect is the holding in the case of Slingluff, et al. v. Weaver, et al., 66 O. S., 621, wherein it was declared:

> "The intent of the lawmakers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt, and express plainly, clearly and distinctly, the sense of the lawmaking body, there is no occasion to resort to other means of interpretation. The question is not what did the General Assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed, and hence no room is left for construction."

In the case of McClusky v. Cromwell, 11 N. Y., 593, it is stated:

> "Courts cannot correct supposed errors, omissions or defects in legislation * * *. The office of interpretation is to bring sense out of the words used and not bring a sense into them."

If Congress, acting under its constitutional war powers, intended to regulate the affairs of every person in the United States in accordance with the advanced time fixed by it in the Act of January, 1942, it certainly failed to manifest such intention in the language used by it in said Act. That Congress might have exercised its power to such extent is not denied. By amending Section 2 of the 1918 Act and stating in express terms that the Act of 1942 was to have such broad application, Congress would have accomplished such purpose, in which event the field of legislation on the subject would have been closed to the States. Not having done so, however, the respective States are free to act as they see fit.

Consequently, the General Assembly of Ohio may enact any legislation it chooses regarding the standard of time in this State, without contravening any provisions of the Constitution of the United States or the Constitution of Ohio.

While of course your question is solely one of power and not of policy, and deals only with the authority of the General Assembly to enact certain legislation, I feel that your attention should be directed to certain aspects thereof which might concern the convenience and habits of those people who will be affected by the enactment of such legislation.

Should a change in our present time be effectuated by the General Assembly, you of course realize that the movement of all railroads and other common carriers engaged in interstate commerce and all branches of the Federal Government in this state will still be governed by the time fixed by Congress. In other words, should any of the bills now pending before the General Assembly on the subject matter of your inquiry be enacted into law, the present uniformity of time in this state will cease;

railroad time will be one hour advanced from our state time, and likewise all official acts of United States officers and employes, both civil and military, will be controlled by and performed in accordance with a time which will be one hour advanced from our State time.

In this respect, however, it is noteworthy that Congress, when it passed the Act of 1942, left the language of Section 1 of the 1918 Act unchanged. Said section confers power upon the Interstate Commerce Commission to define the limits of the time zones established by Congress. In regard thereto, it reads:

> "The limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, *and such order may be modified from time to time.*" (Emphasis mine.)

Since the power given to the Interstate Commerce Commission in the above Act was in no way impaired by the 1942 Act, it must of course be apparent that such body is now clothed with authority, under the express terms of the 1918 Act, to modify any order previously made by it defining the limits of any zones.

This further fact is also worthy of note. While the Congressional Act of 1942 is applicable only to the matters enumerated above, it must be borne in mind that Congress at any time can by amendment enlarge the scope thereof.

I think it is needless for me to point out that such action by Congress would completely nullify the provisions of the Ohio statute if in conflict therewith. In other words, if Congress determines that the standard of time, as the same applies to all acts and all persons in all States, should be advanced in order to facilitate the war effort, it can do so under its constitutional powers, by the simple expedient of amending the present Federal Act.

In view of the foregoing, and in specific answer to your question, you are advised that in my opinion the General Assembly has the power to enact into law either of the bills submitted with your request or any other bill now pending before it covering the same subject matter.

As stated above, the question of policy with respect to the enactment of said bills is not before me. Policy is yours alone to determine. The General Assembly is left with a wide discretion. The wisdom or want of wisdom in enacting a statute is for your body and not for me to decide.

I, as Attorney General, may not be concerned with the policy, wisdom or expediency of legislation. These matters fall within your province alone. Should I consider the proposed legislation submitted with your request unwise or prejudicial to the public interest, or an impediment to the war effort, it is nevertheless my duty to advise you concerning your power with respect to the enactment of the same. I, as Attorney General, may neither approve nor condemn any legislative policy. My office, in the present instance, is to ascertain and declare whether in my opinion the proposed legislation is in accordance with, or in contravention of the Constitution of the United States, or the Constitution of Ohio, and having done that, my duty ends.

Respectfully,

THOMAS J. HERBERT,
Attorney General.