

CURRENT EVENTS PASS IN REVIEW

PRESIDENT STIRS NATION BY PROPOSAL FOR A CHANGE IN ITS BASIC LAW.

By EDWARD W. PICKARD
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PRESIDENT ROOSEVELT has created a major issue for the campaign of 1936 and stirred up widespread debate and controversy over a question that



Bainbridge
Colby

the nation had thought was settled in its early days. Furthermore, it is likely he has started the movement for a complete re-alignment of political forces into what will be virtually two new parties. Briefly, he proposes that the Constitution be changed to take from the states and give to the federal government power over the chief social and economic questions so that the New Deal may be saved from the doom pronounced upon it by the Supreme court.

In the course of a two hour talk with the Washington correspondents the President sent up a trial balloon on the plan he had conceived for remodeling the government to fit his program, declaring that he favored curtailing the sovereignty of the states and giving the central government full control over agriculture, industry, commerce and all other occupations and enterprises. He said this question of amending or re-writing the Constitution must be settled by a vote of the people. In some ways, he said, the Supreme court decision was the best thing that could have happened to the country because it clarified the issue as he presented it. The issue must be met by moving one way or the other, he said, back to the 13 states or forward to the modern interpretation.

We are the only country in the world which has not solved this problem, Mr. Roosevelt said. We thought we were solving it, but now it is thrown right back in our faces. We are relegated to the "horse and buggy" interpretation of the interstate commerce clause.

That many prominent Democrats will be alienated from their support of Mr. Roosevelt by this pronouncement is certain. Already there has been launched a movement for those of the party who seek "a return to constitutional government" to unite with the Republicans who are of like mind. Its leaders are Bainbridge Colby, who was secretary of state in President Wilson's cabinet, and Chief Justice William R. Taft, of the Massachusetts Supreme court.

Mr. Colby has written to a number of Democratic leaders of national repute proposing they meet in a southern city, preferably Richmond, "to consider some form of political action that is for our country and above party."

In a letter to a friend in Washington it was revealed that Chief Justice Taft had decided to resign in order to join with other Jeffersonian Democrats to bring about a coalition with Republicans and the restoration of "constitutional government" to replace the New Deal.

Neither of these gentlemen hopes to prevent the renomination of Mr. Roosevelt, but they believe he might be defeated at the polls by a coalition movement.

Of Democratic senators a number, like Smith of South Carolina, Connolly of Texas, Clark of Missouri and King of Utah, frankly expressed their opposition to the President's views. Others expressed rather mild approval. All were surprised. The conservative Republicans of course were outspoken in their disapproval of the abrogation of states' rights, and the more radical men of that party were divided. Senator Borah of Idaho voiced the opinion of many others when he said:

"There is plenty of power, absolute power, to deal with all national problems. We don't need a constitutional amendment nearly so much as we need some one to draw bills in accordance with the Constitution. You can't draw a bill on great subjects of this nature as you would draw a resolution for a town meeting. Let it be understood that the construction which the Supreme court has placed on the interstate commerce clause gives ample and complete and plenary power to deal with all matters of national concern."

IT WAS said in Washington that the President and his advisers had decided on their course in reforming the New Deal but would not announce it for a time. Meanwhile, according to the story, congress will be urged to pass makeshift legislation, to reinstate the code system by voluntary co-operation of business men, and to treat the labor problem by a law protecting any state from goods produced in other states under labor standards below its

own. The states will be invited to make their own recovery laws and the federal government will assume the power of enforcing them.

Statesmen are trying to devise some way of centralizing the government without amending the Constitution. One suggestion, approved by a good many, is that congress deprive the Supreme court of appellate jurisdiction in cases involving wages and hours of labor, production, and various other fields in which the New Deal operates.

Mr. Roosevelt himself says that the Supreme court decision by implication cast serious doubt upon the validity of much New Deal legislation besides NRA, notably the agricultural adjustment act, the securities act and the securities and exchange act.

OFFICIALS of the United Mine Workers of America gave notice that approximately 450,000 miners in the soft coal fields would go on strike unless new wage contracts were signed before June 16. The members of the union were warned there must be no violations of the law nor any disturbances of the public peace during the strike. The entire soft coal fields of the United States is included, but not Canada.

A committee of the producers was trying to bring about a revision of the Guffey coal stabilization bill, hoping this would prove a satisfactory substitute for the NRA coal code and would avert the threatened strike.

THERE was great rejoicing in Racine, Wis., when the strike at the J. I. Case company plants was called off after lasting 80 days. The employees accepted the compromise offer of the company, whose payroll has been the largest in the city. In general the demands of the strikers were not met, though the company agreed to certain raises in piece and day wages. It promised to re-employ the men without discrimination as business conditions warrant.

ONE immediate result of the Supreme court's NRA decision was the dismissal of 411 cases involving NIRA, invalidated by the ruling. This action was taken by Attorney General Cummings with the approval of the President.

"All of these cases related to the enforcement of code or similar requirements, violations of fair trade practices on the part of individual business or failure to live up to minimum wage or hour standards," the official statement said. "There are, of course, a large number of additional cases in every state in which actual court action has not yet been initiated. These also, because of the Schechter case decision, must necessarily be dropped."

Chester C. Davis, AAA administrator, in reply to inquiries concerning future plans as to maintenance of marketing agreements and licenses, sent out the following telegram:

"The Agricultural Adjustment administration has no thought of abandoning either its present program of marketing agreements for fruits and vegetables or its milk-marketing plans. On the contrary, we are now working with congressional leaders on amendments designed to strengthen these marketing agreements and milk plans."

LITTLE George Weyerhaeuser, nine-year-old lumber fortune heir who was kidnapped from Tacoma, is safe at home, but the "snatchers" who held him captive for a week got away with \$200,000 ransom money paid by the lad's family. They fled in a fast automobile, and at this writing are still at large, though pursued closely by an army of government agents and other officers.

FLOODS and tornadoes wrought havoc in Nebraska, Colorado, Wyoming, Texas and Kansas—a region that only recently was afflicted by drouth and dust storms. It was thought as many as 250 lives were lost, and great numbers of families were rendered homeless. The worst flood area was in southern Nebraska, where the Republican river was swollen into a raging torrent. Several entire villages were swept away, and utility plants and transportation lines were all washed out.

QUETTA, "garden city" of northwest India, and all the surrounding region were shattered by a series of earthquakes. The dead were estimated roughly at 30,000, but the exact number never will be known. The city and many villages were laid in ruins, and fire and flood swelled the toll of the killed and injured. The barracks of the royal air force at Quetta were demolished and more than fifty members of the garrison were killed. The city's police force was almost wiped out. While most of the victims of the disaster were natives, there were many English men and women among them.

Washington Digest

National Topics Interpreted
by William Bruckart
National Press Building Washington, D. C.

Washington.—What of the future? Where are we going now that one of the keystones of the New Deal—the National Recovery Administration—has been largely outlawed?

The national capital never has witnessed such confusion, even in the midst of the World war, as has prevailed here since the Supreme court of the United States had its final say as to the constitutionality of the NRA and Frazier-Lemke farm mortgage moratorium law. The lack of constitutional authority for the Frazier-Lemke law was recognized by many but until the highest court in the land had spoken concerning NRA, views were divided and the Blue Eagle continued to fly, albeit in a lower circle.

New Dealers generally were confident to the last. They appeared to expect some unseen force to guide the Supreme court in upholding the fantastic program which they had devised and which the President made a part of his New Deal plans for economic recovery. The adverse ruling made them sick at the stomach. Most of them have not yet recovered. Hence, confusion continues to reign.

You have heard much discussion in the past two weeks as to how the breath of life may again be breathed into the Blue Eagle. As far as I have been able to gather from authoritative quarters in Washington, there is nothing left to do but perform the funeral ceremonies for the ill-fated bird and the so-called national plan which it represented. The reports of Presidential conferences, of meetings of statesmen and executives of the Administration, of this plan and that plan and statements and expressions of opinion respecting the future course, mean absolutely nothing. When the Supreme court said that the congress had unlawfully delegated to the President power to draft codes of fair practice and enforce them upon private business, it took away the heart and nerve centers of the NRA structure.

On top of this body blow, the NRA principle is looked upon in many quarters, and by men who know and understand the problems of government, as being thoroughly discredited in the public mind. It is not too much to say that when a national law does not hold the confidence of the bulk of the people its usefulness has ceased. So it was with the prohibition amendment. Equally, I believe it can be stated, if opinion of statesmen of long training can be trusted, no attempts to revise the NRA will get to first base. Even the Brain Trust movement to obtain amendment of the Federal Constitution making such laws as NRA proper can win country-wide support.

Enough indications already have become visible to warrant a statement

More Hope for Future

that the summer months will see chiseling, price cutting and other nefarious and improper business practices going on and that these will be disastrous to countless business interests. The congress will strive in a half-hearted fashion to offset the loss of strength and prestige suffered by the New Deal at the hands of the Supreme court. But the effort plainly will be only half-hearted. So it is made to appear that the country must submit for several months at least to a bad condition. After that, if the opinions of experienced men are worth while, there ought to be a substantial change for the better. Careful surveys, close examinations of the problems at hand and candid thinking has brought to unbiased observers the conclusion that there is more hope for the future now as regards the economic situation than there was while the Blue Eagle continued to soar and ballyhoo artists continued to preach about its powers to restore prosperity. I believe this statement which is the consensus ought to be tempered with one suggestion. There is likely to be a restoration of confidence generally if the Administration turns aside from Brain Trust theories and employs the practical instead of the theoretical method of government.

To the agricultural community the decision invalidating the Frazier-Lemke mortgage moratorium law probably has greater interest. It should not be so. The Frazier-Lemke law from the first was an idle dream and was predicated upon shortsighted understandings of basic economic laws. Everywhere I have inquired concerning the probable end or result of the workings of that statute, informed persons declared it meant eventual destruction

of credit for agriculture.

Supporters of the Frazier-Lemke idea cannot lean, as do supporters of the NRA principle, upon an accusation that the law was badly administered. It was administered, according to the Farm Credit Administration, in the spirit and letter of its intent. Yet because it was fundamentally unsound it never could succeed. My own guess is that the Supreme court by its ruling in this case has rendered a great service to American agriculture.

Simmered down, the law which was proposed by Senator Frazier and Representative Lemke, both of North Dakota, was designed to give purely temporary aid to distressed owners of mortgage farm lands. The things which apparently neither of the co-authors foresaw was the effect the temporary arrangement would have as to the future. By this I mean that, for example, if a farmer wants to buy a home and had only a small amount of cash, he must borrow money from someone else. If the holder of that money were made to feel that at any time during the life of that mortgage congress could pass a law telling the lender he could not force payment of the debt few there would be who would be willing to lend their money. It is not human nature to lend money unless there is a reasonable assurance that it will be repaid.

Perhaps the worst blow dealt President Roosevelt personally was the Supreme court decision which held that the Presidential power did not extend to removal of a Federal Trade Commission member except for the reasons prescribed in the law itself. It will be remembered that Mr. Roosevelt forcibly ousted the late William E. Humphrey from commission membership because, it was openly stated at the time, Mr. Humphrey was a conservative republican and he, therefore, did not see eye to eye with the President and his New Deal plans. Mr. Humphrey sued the government for the salary for his term. After his death his executors carried on the litigation which has just now been decided in their favor.

It is the principle involved here that is important. The Federal Trade Commission was set up as a quasi-judicial body, one endowed with powers to regulate against improper business practices and to determine the propriety of general business dealings where those dealings affected country-wide business or the interests of the public. It takes no stretch of the imagination to see how Presidential interference with the commission personnel would result in changes of commission policy. One business practice might be held proper by a commission whose majority was conservative while that same practice would be considered illegal by a commission dominated by a liberal or radical membership. It becomes obvious then that if the President were permitted to disturb the personnel of the commission, especially judges, there could be no continuity of policy and business itself would hardly know from day to day when it was abiding by the law or when it was not.

Several months ago, I recall, I reported to you in these columns something of a prediction that the nature of a prediction that the Supreme court would become better known to the general public before the current Administration had ended than it had been known since it rendered the famous Dred Scott decision in civil war days. It was a perfectly obvious circumstance. Sooner or later the questions of a constitutional nature involved in the New Deal procedure obviously were going to be tested in court.

Now, I feel warranted in reporting that the highest court again will be in the public eye. The next momentous decision likely to come from the bench of the nine austere justices will be a ruling affecting the Agricultural Adjustment Administration and therefore of vital import to the American farmer. There will be other cases involving New Deal plans, of course, but their importance cannot possibly be as great as any decision affecting the AAA, because it is an integral part of the New Deal program for recovery.

There is no possibility of a ruling on any AAA questions before next October. No test cases have yet reached the Supreme court for argument but there are half a dozen wending their slow way through minor courts. Consideration by the Supreme court eventually is, of course, certain because they involve constitutional questions.

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