

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe" From First Statesman, March 28, 1851

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Broad Construction

THERE is a disposition by the democratic special pleaders to assume that the supreme court has adopted a strict construction view of the federal constitution in the AAA case.

"The congress shall have power 'to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.'"

The question was whether the power of congress to levy taxes was limited to the carrying out of other enumerated powers assigned to the national government.

"We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Mr. Justice Story is the correct one."

In other words the court set up for the first time, the rule that the power of congress to levy taxes, duties, excises is broad, limited only by the qualifying words: "to pay debts, provide for the common defense and general welfare."

After adopting this broad view of the taxing power of the congress Justice Roberts does not endeavor to test the processing taxes as to whether they are for the "general welfare". He says:

"We are not now required to ascertain the scope of the phrase 'general welfare of the United States' or to determine whether an appropriation in aid of agriculture falls within it. Wholly apart from that question, another principle embedded in our constitution prohibits enforcement of the agricultural adjustment act. The act invades the reserved rights of the states."

In the cursory reading of the opinion when first rendered the conclusion of the court appeared to be the only thing that counted. In reality the adoption of the broad construction view of the taxing power is of equal significance. In simple language the court says the congress has full power to levy taxes and make appropriations, if those purposes are "to pay debts and provide for the common defense and general welfare."

On the question of over-reaching delegated powers it seems to us the opinion of Mr. Justice Roberts is logical and incontrovertible. To quote pertinent paragraphs:

"A possible result of sustaining the claimed federal power would be that every business group which sought itself under-privileged might demand that a tax be laid on its vendors or vendees, the proceeds to be appropriated to the redress of its deficiency of income."

"Until recently no suggestion of the existence of any such power in the federal government has been advanced. The expressions of the framers of the constitution, the decisions of this court interpreting that instrument and the writings of great commentators will be searched in vain for any suggestion that there exists in the clause under discussion or elsewhere in the constitution the authority whereby every provision and every fair implication of that instrument may be subverted, the independence of the individual states obliterated, and the United States converted into a central government exercising uncontrolled police power in every state of the union, superseding all local control or regulation of the affairs or concerns of the states."

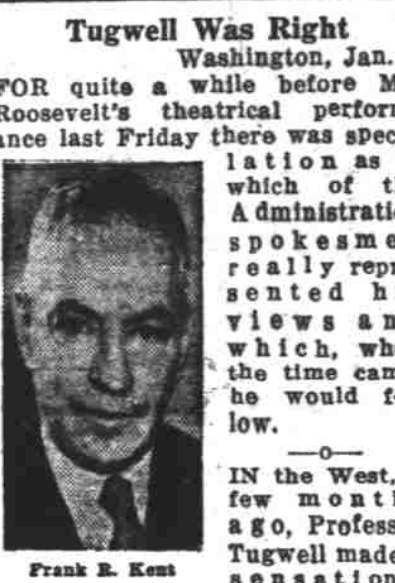
Justice Roberts says that Hamilton and Story never approved any doctrine that the power of congress could be used to obliterate the constituent states, and adds:

"But to this fatal conclusion the doctrine contended for would inevitably lead. And its sole premise is that, though the makers of the constitution, in erecting the federal government, intended sedulously to limit and define its powers, so as to reserve to the states and the people sovereign power, to be wielded by the states and their citizens and not to be invaded by the United States, they nevertheless, by a single clause, gave power to the congress to tear down the barrier, to invade states' jurisdiction, and to become a parliament of the whole people subject to no restrictions save such as are self-imposed. The argument when seen in its true character and in the light of its inevitable results must be rejected."

We have analyzed at some length the opinion of the court as read by Mr. Justice Roberts for the purpose of refuting the patent slurs cast by President Roosevelt at the court in his Jackson day address. There can be no doubt that his phrases "haughty and sterile intellectualism," "musty reaction," "hollow and outworn traditionalism" were barbed thrusts at the court. Such at least may be inferred from the boisterous applause given them by the assembled appointive office-holders at the banquet. No such charge is proper against the supreme court. It adopted the broad interpretation of the constitution, the one consistently followed throughout the history of the court, namely that the congress is not a parliament of unlimited powers. Such a ruling is not "sterile intellectualism". It is merely honest thinking.

The Great Game of Politics

By FRANK R. KENT Copyright 1925, by The Baltimore Sun



Tugwell Was Right Washington, Jan. 9 FOR quite a while before Mr. Roosevelt's theatrical performance last Friday there was speculation as to which of the administration spokesmen really represented his views and his most partial journalistic interpreter, when the time came, he would follow.

IN the West, a few months ago, Professor Tugwell made a speech ferociously denunciatory of "business greed" and eloquently appealing for a "workers-farmers alliance." He spoke with intense bitterness of "our enemies," declared that "our best strategy" is to surge forward "with the common man" and assert "irreversible power" of the workers to secure their rights.

HARDLY had the echoes of that address died away before Secretary of Commerce Dan C. Roper (Uncle Dan) began a series of talks which literally reeked with reassuring words addressed to business, big and little. Conciliatory and unctuous to the last degree, Mr. Roper pledged his word that business had nothing to fear from the re-election of Mr. Roosevelt. His appeal was directly to the conservative interests. He emphasized heavily the "good will" of the President toward business and his determination to aid and encourage it.

THEY know now. No one has any doubt on that score since that colorful message to Congress. Even his most partial journalistic interpreter points out that again he has turned definitely left—taken the Tugwell track. A day before the delivery, one of Mr. Roosevelt's radical friends in the House was quoted as having advised him to "get tough" with the opposition. Another was reported to have said, "Give 'em hell," Mr. President, give 'em hell. It looks as if that were exactly what Mr. Roosevelt deliberately and most dramatically tried to do. At any rate, he immensely delighted the Progressive Republicans of the Norris and La Follette type, completely proved that so far as strategy is concerned, Dr. Tugwell spoke by the book, and left Mr. Roper out on a limb, feeling very sick and looking rather silly.

IT is possible, too, that he has grieved in his secret soul his friend, Mr. Roy Howard, to whom he wrote the famous "breathing-spell" letter, because the bulk of the domestic part of the President's business plan devoted to battling business men over the head, dwelling upon their depravity, and, fishing and iniquity as exemplified in their refusal to subscribe to the Roosevelt policies. Referring to those who differ with him as creatures of "entrenched greed" is also, among other things, described the term as "discredited special interests" and "unscrupulous money changers."

THE very next day—Mr. Roper being in eclipse—another Cabinet member, the Hon. Harold Ickes, tried a broadside in his own business still more hell. Contemptuously speaking of those who oppose Mr. Roosevelt as "the gang," he called them "representative of special privilege" and "economic feudalists." Touching upon the "arrogance of the rich," he declared their purpose was to escape taxation through loopholes and make the poor "pay, pay."

WHILE it is held, Mr. Roosevelt will not entirely abandon his game of playing both ends against the middle and will, as in his budget message of today, drop a "reassuring word" now and then to business, the character of the coming campaign has been clearly outlined. Dr. Tugwell was right, Mr. Roper wrong. The New Deal appeal will be to the head, not the heart; to emotion rather than reason; to the passions and prejudices of particular classes rather than to the nation as a whole. And there will be no "good will" about it.

Twenty Years Ago January 10, 1916 Universal military service in the United States was urged by Major-General Hugh L. Scott today. While the Russian front has been quiet during the past 24 hours, there has been severe fighting in the other war theatres.

Thirteen years ago the "First Congregational Church of Salem" finished and furnished its new building.

January 10, 1916 A huge tidal wave swept the harbor of Bernard, Maine, yesterday.

January 10, 1926 Mayor J. B. Giesy declares in an interview that conditions have vastly improved in the six years of national prohibition.

Radio drama is coming to the fore as a new field of entertainment.

Bits for Breakfast

By R. J. HENDRICKS

Salem 50 years ago and some of its history and the sections franchise crops and franchise advantages:

(Continuing from yesterday.) But Salem was long time getting its first paved streets. Its first concrete sidewalk was laid at the southwest corner of Commercial and Chemeketa streets.

The first auto came to Salem early in 1902; brought by Otto J. Wilson, still in business. It was an Oldsmobile. In 1903 Dr. W. B. Morse bought a car of that make, also John and Joe Graber and Countess W. C. Hubbard.

It was 1807 before Salem had a paved street. Through the public spirit of Fred W. and W. H. Steusloff, who had erected their building on the northwest corner of Court and Liberty streets, three blocks were paved that year.

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THE year 1908 saw a mile of black top pavement in Salem—Central to Trade on Commercial and up State to 12th. After that, the movement was fully launched.

Health

By Royal S. Copeland, M.D.

NO DOUBT you have watched a tailor at his work. Perhaps he had many pins in his mouth and you wondered that he did not swallow them. You have seen a man laying carpet, holding the tacks in his mouth. You have seen your mother give your wife performing in the same way.

Too often the child, imitating the parent, places a pin, tack or other object in the mouth and accidentally swallows it. This is an alarming accident. In some instances the windpipe becomes obstructed and the patient suffers agony. All too often instantaneous death is caused by the attempt to swallow some large object.

Sometimes the swallowed material is small, but has sharp and pointed edges. In consequence it may pierce the gut, or even the stomach or intestine. Severe internal injuries are caused in this way. Usually the object is passed without any damage or discomfort.

Avoid Bad Example No habit can be worse than that of placing pins and other objects in the mouth. There is always the danger of swallowing them. Besides, it sets a bad example. Children love to imitate their parents. If you place pins in your mouth in the presence of your child, he will be tempted to do the same thing.

Foreign Body Menace This instrument was first used as far back as 1897. But it is only within recent years that it has been perfected by equipment with special lenses and electric lamps. In a sense the bronchoscope is like the periscope of submarines. It enables the doctor accurately to locate the swallowed object, grasp it and remove it. Its use has materially reduced the mortality and complications which follow the swallowing of foreign bodies.

A foreign body is a source of danger until it has been removed. Its presence should never be ignored. Even though there may be pain in removing it, it must be done. In every such case consult the doctor. The x-ray pictures should be taken before the exact location of the offending object.

There is money yet left unspent to bring water for the people North Park and give employment to many hundred people that need it, but at the past rate of spending there will not be a sufficiency in a few months. There is, as a certain prominent business man remarked, a way for the people to get what they want is to start petitions for recall and out these unfaithful persons, and see to it that the people desire of them. Why not begin action at once?

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A New Year's Greeting from the Heart!



"HIGH SCHOOL TRAGEDY" By MAXINE CANTY

outer office. The Inspector looked it over without commenting. He asked me some more questions. I told him that while we were there, Miss Saxe and Miss Whelton, who lived across the hall, came in to invite Miss Sinclair to a movie, but that she refused because she had some letters to write.

CHAPTER II Inspector O'Brien was rather nice, awfully gentle and quite unlike a detective while he was talking to me. He asked me to sit down. Mr. Perkins coughed nervously. He said, "I'm sorry, Julie, that you must go through this. I did not suppose any students would be questioned."

"Every angle is worth investigating in a case like this," said Mr. O'Brien pleasantly. "I don't mind," I hastened to assure him. "Suppose you tell us all you know about Miss Sinclair, Julie," the Inspector suggested. He took a paper from his pocket, a sheet of writing paper in pale green cover with fine, waltz-like designs in black ink. It was very peculiar penmanship, almost like engraving.

"I believe you visited Miss Sinclair with a friend about 4:30 yesterday afternoon," he stated, consulting the paper. This time I saw the signature, Anna Sardoni. It was evidently a signed statement from her.

"Yes," I said, and then I told him about the pen, blushing a little in front of Mr. Perkins. He didn't seem to be listening. So I went on without much embarrassment.

"So you returned the pen to her later?" "Yes, sir, Dicky—Richard Ward—and I met Miss Sinclair on the steps of the apartment house and we all went in together."

"No, nor the one to her apartment either." "The Inspector made a note." "Rather strange," he commented. "She said the apartment door was always open. There are only four apartments, and whoever comes in at 11:00 o'clock at night turns the latch on. After that she said one had to have a key."

"Easy then for anyone to enter," said Mr. Perkins. "Well—" I hesitated. "Yes?" prompted the Inspector. "Not so easy, at least it wasn't for us." "Why not?" "Because Mrs. Sardoni popped out her door as we were going up the stairs. She scared Miss Sinclair, she had a key engraved on the gold band."

"Good. You are sure you returned it?" "Oh positive," (Dicky later confirmed this. Little did I ever dream how important that pen was going to be to me!) "That is a strange thing, Miss Julie, for it has now disappeared. The letter was written in ink, yet there was not a pen of any description to be found in the place. If you are sure," I realized then how keen and hard his eyes could be, "you returned it." "I know I did!" I exclaimed, "why she had it in her hand and part of it waved it when she told Miss Saxe she had letters to write."

"AND MAY YOUR SUCCESS CONTINUE AS IN THE PAST"



The boys kidded Melvin about having a crush on the teacher, until he blackened Jack Gibson's eyes one day...

again as he made this statement. "As far as we know, this person was the last to see her alive, if this person happened to be the murderer."

"Nothing," he was saying, "suppose you describe to us the pen you borrowed from Miss Sinclair. It was a sort of mottled green, giving the effect of glass. I am not sure of the make; it was a lady's pen with a green gold band around it."

"The Inspector was making some notes. He continued to write as he asked, 'Any identifying marks you noticed?'" "Nothing. Oh, yes, her monogram was on it, CBS, engraved on the gold band."

"One other thing. Do you remember any pen conversation that might interest us?" "Young man, this is no time for your wisecracking. Close the door!" (To Be Continued) Copyright, 1935, King Features Syndicate, Inc.