"No Favor Sways Us; No Fear Shall Awe" From First Statesman, March 28, 1851 THE STATESMAN PUBLISHING CO.

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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. A careful reading the decision will disclose that on one point the court has definitely committed itself to the broadest construction of the constitution. That is, in its interpretation of this clause of Section 8, Article I of the constitution:

"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 warfare of the United States.'

The question was whether the power of congress to speech feroclously denunciatory of levy taxes was limited to the carrying out of other enumerated powers assigned to the national government. Justice Roberts reviews the history of interpretations of this clause. He cites Madison's position that the power to tax was restricted by the other grants of power. "Hamilton, on the to surge forward "with the comother hand, maintained the clause confers a power separate and distinct from those later enumerated. . . and congress consequently has a substantive power to tax and to appropriate, limited only by the requirement that it shall be exer- ance as a revolutionary attack of cised to provide for the general welfare of the United States." Justice Story, whose studies in constitutional law have become recognized as basic textbooks in the schools, adopted cial. the view of Hamilton. Whereupon Justice Roberts for the court adopts the Hamilton-Story interpretation:

"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 | tory and unctuous to the last deis broad, limited only by the qualifying words: "to pay debts, provide for the common defense and general welfare." Roberts quotes Monroe, Hamilton and Story to the effect that the purpose of the tax must be general and not local, on the conservative interests. He emwhich point there is no disagreement.

After adopting this broad view of the taxing power of the congress Justice Roberts does not endeavor to test the encourage it. In brief, the Roperprocessing taxes as to whether they are for the "general wel- Tugwell contrast was complete. fare". 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. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the federal government. The tax, the appropriation of the funds raised, and the direction for their disbursement, are but parts of the plan. They are but means to an unconstitutional end.

In the cursory reading of the opinion when first rendered the conclusion of the court appeared to be the only the Tugwell track. A day before 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 tion. Another was reported to are "to pay debts and provide for the common defense and have said, "Give 'em hell, Mr. general welfare." And the language of the decision and of former decisions indicates that the court is fully inclined to Roosevelt deliberately and most give very wide latitude to congress' own interpretation of dramatically tried to do. At any general welfare". Here indeed is a pronounced victory for rate, he immensely delighted the the national principle.

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 thought itself underprivileged 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 from 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

Justice Roberts says that Hamilton and Story never approved any doctrine that the power of congress could be used In addition, he strongly intimated 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 cape taxation themselves and court in his Jackson day address. There can be no doubt that make the poor "pay, pay," pay, his phrases "haughty and sterile intellectualism", "musty One or two business men, such as 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 swell "follow up" of the Rooseoffice-holders at the banquet. No such charge is proper velt keynote, wholly in harmony against the supreme court. It adopted the broad interpretation of the taxing power. It adopted the only sensible interpretation of the constitution, the one consistently followed WHILE, it is held, Mr. Roosevelt throughout the history of the court, namely that the con- will not entirely abandon his gress is not a parliament of unlimited powers. Such a ruling is not "sterile intellectualism". It is merely honest thinking.

The trouble with the president is that he ignores legal and constitutional restraint. He would modify all laws abruptly in terms of his own purposes which he conceives to be high and lofty; and he would brand as hopeless reactionaries outlined. Dr. Tugwell was right, and as minions of greed all whose opinions differ from his appeal will be to the head, not own. Quite aside from the constitutional question, the AAA | the heart; to emotion rather than is subject to very grave criticism from the standpoint of reason; to the passions and prenational policy. But it is unjust and unfair to condemn the majority of the supreme court for the performance of their And there will be no "good will" duty of sustaining the federal form of government under our about it. constitution. A study of the opinion shows it was broad and enlightened; it was the legislation which was screwy.

Representative Zioneheck from Washington state was found guilty of being drunk and disorderly at the national capital. The congressman got to plugging the telephone drops at an apartment house early New Year's morning instead of blowing a tinhorn at a hotel cabaret like his colleagues. He was one of the jellyfish the high

Plates for the Andrew Jackson banquet in Washington were sold for \$50 apiece, which was a polite way of assessing the officeholders to raise money to pay off the Raskob mortgage on the democratic committee.

The Great Game of Politics

By FRANK R. KENT Copyright 1935, 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 A dministration spokesmen really represented his views and which, when

the time came, he would follow. -0-IN the West, a few months

ago, Professor Tugwell made a sensational "business greed" and eloquently appealing for a "workers-farmers alliance." He spoke with intense bitterness of "our enemies," declared that "our best strategy" is mon man," and assert "irresistible power" of the workers to secure their rights. There were immediate denunciations of this utterthe type expected from a soap-box Communist, but extremely shock-

ing in a high Government offi-

HARDLY had the echoes of that address died away before Secretary of Commerce Daniel C. Roper (Uncle Dan) began a series of talks which literally reeked with reassuring words addressed to business, big and little. Conciliagree, Mr. Roper pledged his word that business had nothing to fear from the re-election of Mr. Roosevelt. His appeal was directly to phasized heavily the "good will" of the President toward business and his determination to aid and However, each being close to Mr. Roosevelt, a good many people were baffled as to which spoke the President's mind and what course he would choose when the moment arrived to speak for him-

THEY know now. No one has any doubt on that score since that colorful message to Congress. Even his most partial journalistic interpreters point out that again he has turned definitely Left-taken the delivery, one of Mr. Roosevelt's radical friends in the House was quoted as having advised him to "get tough" with the opposi-President, give 'em hell." It looks as if that were exactly what Mr. 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 "breathingspell" letter, because the bulk of the domestic part of the President's address was devoted to batting business men over the head, dwelling upon their depravity, selfishness and iniquity as exemplified in their refusal to subscribe to the Roosevelt policies. Referring to those who differ with him as creatures of "entrenched he also, among other things, described them as "discredited special interests" and "unscrupulous money changers." that they favored "child labor" and "starvation wages." Rarely has a President reached greater heights as a name caller.

THE very next day-Mr. Roper being in eclipse-another Cabinet member, the Hon, Harold Ickes, fired a broadside in which he gave business still more hell. Contemptuously speaking of those who oppose Mr. Roosevelt as "these gentry," he called them "representative of special privilege" and "economic feudalists." Touching upon the "arrogance of the rich," declared their purpose was to esthe unfortunate Mr. Sloan of General Motors, he indicted by name. Altogether the Ickes speech was a with recent national committee

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 Mr. Roper wrong. The New Deal judices of particular classes rather than to the nation as a whole.

Twenty Years Ago

January 10, 1916 Universal military service in the United States was urged by Major-General Hugh L. Scott to-

While the Russian front has been quiet during the past 24 Mayor J. B. Giesy declares in start petitions for recall and oust hours, there has been severe fight an interview that conditions have these unfaithful persons, and see ing in the other war theatres.

Thirteen years ago the First Congregational church of Salem finished and furnished its new fore as a new field of entertainbuilding.

Bits for Breakfast

THE STATE OF THE PARTY THE PROPERTY WITH THE MESTING THE PARTY OF THE

By R. J. HENDRICKS

Salem 50 years ago and some of its history and this section's franchise crops and franchise advantages; * * *

(Continuing from yesterday:) But Salem was a long time getting owing to the wide down town its first paved streets. Its first concrete sidewalk was laid at the southwest corner of Commercial and Chemeketa streets. It is there yet, showing no

stone would show! ~ ~ ~ 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 County Judge W. C. Hubbard. So did J. H. Albert, the banker, but in the name of Fred Wiggins, his son-in-law. He feared ownership of the buzz-wagon conrun on his bank.

Autos became comparatively numerous in a few years after that, but they took the deep mud of the streets and roads in the rainy season and the stifling dust of the summer.

It was 1807 before Salem had a paved street. Through the public burg, etc., etc. spirit of Fred W. and W. H. Steusloff, who had erected their building on the northwest corner of to trace the beginnings of Salem Court and Liberty streets, three __back a little over 101 years plocks were paved that year-

black top pavement. long rest; Mrs. Steusloff having mode of travel then. her home here. "Bill," the broth- nings; that was the beginning of er, is on deck, connected with the Protestant Christianity and civil Valley Packing company, etc. The ization, and American sovereignty three block bitulithic monument is west of the Rocky mountains. there yet, apparently good for a thousand years.

The year 1908 saw a mile of black top payement 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 or your wife performing in the same

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 ob-

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

Because of this accident children are daily brought to hospitals for treatment. Let us be honest with ourselves and admit that this is all due to carelessness in placing the small objects, such as pins, buttons, marbles or very small toys, within reach of the little ones.

Avoid Bad Example

No habit can be worse than that the mouth. There is always the danger of swallowing them. Besides, it sets a bad example. Children love to mimick their elders. If you place pins | they first asked for it. Then after in your mouth in the presence of your child, he will be tempted to do the same thing.

Sometimes this accident is caused by carelessness in the preparation of the food and its feeding to the child. When serving a food like fish to a youngster, make sure the bones are removed. Avoid joking and hearty aughter at the table while eating such foods

Fortunately, foreign bodies can now be removed without a cutting operation. By foreign bodies I mean such objects as bones, pins and other substances that may lodge in the gullet or wind pipe. Their removal is now successfully accomplished by means of a special instrument called the "bronchoscope"

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 a submarine. 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 recovered. 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 because they show the exact location of the offending object,

Dr. Copeland is glad to answer inquiries from readers who send addressed stamped envelopes with their questions. All inquiries should be addressed to him in care of this newspaper. (Copyright, 1986, K. F. S., Inc.)

Ten Years Ago

January 10, 1926 A huge tidal wave swept the harbor of Bernard, Maine, yester-

vastly improved in the six years to it that men are elected that of national prohibition.

Radio drama is coming to the once? ment.

Now Salem has not far from 150 lineal miles of pavement on streets and alleys, counting a 30-

The lineal feet are a little less

foot wide surface used in outlying

Of course, pioneer Salem had many blacksmith shops and livery stables, and nearly every prominwear. Think what the hardest ent old time resident had a barn for his buggy or carriage horses, and many cows were kept.

Boys had work in driving cows to pasture mornings and back home in the evenings.

But many cows were allowed to run at large, on the streets and One of the first more or less unpopular fights of the writer was

in tackling the subject of getting the city dads to pass ordinances trivance might, if known, start a against cows, pigs and poultry running at large.

Another was on account of the bridge fight-for that was a body blow at ferrymen, who were making good money.

A number of pioneer Oregon fortunes were founded on ferries The first department store in Salem was, the first bank at Rose-

I would like to go back further ago, when Jason Lee and his two On Court from Commercial to companions landed, Oct. 6, 1834 Church street — 1188 lineal feet at their mission site and began in all. It was bitulithic, now gen- building their first little log caberally called "black top," though in—in the no man's land that was there are several prescriptions for the old Oregon country.

That was 10 miles below Sa lem's site, by water, principal That party made Salem's begin

Thus Salem is the highest point of history, as related to the republic of the United States, on the Pacific coast.

Hither came the people who established American government on this coast; came Sutter, who founded the first American settlement in Mexican territory on this coast; came the men who discov-(Continued on Page 15).

The Safety Valve

Letters from Statesman Readers

Salem, Ore.

Jan. 3. 1936 To the Editor: Much has been said, pro and con by the citizens and press about the proceedings of our council and water commission with the city's water problem. Especially has the Capital Press been somewhat harsh in its criticism of our humble servants whom the citizens placed so much confidence and faith in, when they elected them to a position of service and irust. After reading those criticisms carefully and thoughtfully, we come to the conclusion that the Press has not stated falsely, but has spoken the whole cruth and nothing but the truth, and has also expressed the sentiment of a people whose trust has been betraved.

When the city was offered the

sale of the water plant at a fair price, the city council refused to purchase it, but went in to a lengthy condemnataion suit, spending thousands of dollars for high salaried lawyers. Then they went off on a tangent of arbitration of placing pins and other objects in which they sidetracked and finally came back to the starting point paying the water company several thousand dollars more than the plant was finally acquired and the question of considering the source of supply came up, the same old game of see-saw, up and down, all around began. No two could seem to agree. Thousands of dollars were spent punching holes in the ground and hiring a geologist who could not make any definite report on the under ground water supply until the last nole was drilled and no water found. Then he could safely say that there was a hard pan or

something else that prevented the water sinking into the strata. They have hired high salaried engineers to go over the ground that was surveyed and mapped by Baer and Cunningham, They now propose to build a reservoir and roof it. Who wants a roof over a reservoir when the greatest purfier of water is God's free sunshine and pure air. New York has an open air reservoir with thousands of sprays which throw the water in sprays above the surface in order to allow the water to absorb plenty of oxygen which purifles it. Well who is to blame for all this side stepping, wrangling, procastination,, indecision and foolish wasting of funds that were entrusted to their stewardship? We feel that these servants of the people are not nincompoops but are the puppets of an organ-

ization who dub themselves "The Tax Payers' League," who, like the Klu Klux Klan, conceal their true identity and by various means keep their victims under complete domination. As the old saying goes, "figures

won't lie but liars will figure." So it is that false statements are made and published to deceive the people. There is money yet left un-

spent to bring water from the North Fork and give employment to many hundred people that need it, but at the past rate of spending there will not be a suffifciency 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 will do what the people desire of them. Why not begin action at

J. B. Jackson 765 S. Winter

A New Year's Greeting from the Heart!



"HIGH SCHOOL TRAGEDY"

By MAXINE CANTY

As I went through the door, In-

Julie Martin, she's all of 17, is relating what happened after her French teacher, pretty Constance (Connie) Sinclair, was found shot dead at a desk in her (Miss Sinclair's) apartment. Julie has startled her mother and interests her father, a lawyer, by telling that she and her boy friend, Dicky Ward, had visited the apartment the previous afternoon, a few hours before the murder. She had returned a fountain pen which she had borrowed from Miss Sinclair. Newspaper reports make known that the previous makes known that the previous makes known that the previous makes known that the previous for miss Sinclair. Newspaper reports make known that the previous makes known that the previous makes known that the previous for miss Sinclair. Newspaper reports make known that the previous makes known that the previous afternoon as found to the previous afternoon as found rowed from Miss Sinclair. Newspaper reports make known that the teachers stopped at about teacher was slain about 10 o'clock. There was another teacher was slain about 10 o'clock. that night. The police went to the apartment upon receipt of a mysapartment upon receipt of a mys-terious telephone call informing them that Miss Sinclair had been slain. Julie's young brother, Allen, also a high school pupil, leaves the breakfast table soon after the family starts discussing the tragic news. Classes did not amount to

beginning the investigation. This is Julie's account of their first interview:

much that day. Julie, an assistant after hours in Principal Perkins'

office, is summoned by him to meet

Police Inspector O'Brien who is

CHAPTER II Inspector O'Brien was rather nice, wfully 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 He smiled. "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 covered with fine, web-like lines in black ink. It was very peculiar penmanship, almost like engraving. Somehow it seemed familiar.

"I believe you visited Miss Sinclair with a friend about 4:30 yesterday afternoon," he stated, con-sulting 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 met Miss Sinclair on the steps of the apartment house and we all went in together.' "Did Miss Sinclair unlock apartment house door? "No, nor the one to her apart-

ment 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

"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.

said one had to have a key."

Why not?" "Because Mrs. Sardoni popped out her door as we were going up the stairs. She scared me. Miss Sin-clair laughed and said that she al-ways did that. She said she was used to it now, but that it bothered her at first. I guess that is the way an apartment house manager has to do to know what is going on."

The Inspector smiled, but Mr. Perkins just looked out of the window. I thought I'd better hurry on to the important things.

"Miss Sinclair said, too, that she

herself had always lived in a house, and that she could never remember to lock her own door, even at

night."
"It would be interesting," mused the Inspector, "to know how many people knew of that careless habit of hers."

laughed about it in class one day."

"And what class is he in?" inquired the officer.

I told him. He asked Mr. Perkins for the enrollment list of that group, and the Principal got it from the content of the content

"The teachers stopped at about you?"
00 o'clock. There was another "Yes, sir. Goodbye. Do call me



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

"As far as we know, this person was "This Wright boy was the caller the last to see her alive, if this per- who left last night at 8:30." son happened to be the murderer.

turned it?" "Oh, positive." (Dicky later con-

to be to mel) "That is a strange thing, Miss Ju-had to sign his parole blank each lie, for it has now disappeared. The week. letter was written in ink, yet there As

turned it." "I know I did!" I exclaimed, "why he would go so far as to shoot one she had it in her hand and sort of of them!" waved it when she told Miss Sass she had letters to write."

us to the murderer." "Oh, I imagine a good many," I chimed in, for which I had some regrets later, "for Dicky said she laughed about it in class one day."

And did I shudder later when I recalled that remark! You're asking me!
"No. I've felt like it often enough, but I didn't do this job."

I have never heard a harder, more

again as he made this statement. spector O'Brien said to Mr. Perkins,

I told Melvin to go in, but I shud-I was all trembly with the dered when he passed me. Could he thought of hearing about the case have killed anyone? I knew the direct like this, so to speak. But the story of his relation to Miss Sin-Inspector turned to me again. "Just clair, as did everyone else in school two more questions, Miss Julie." I was disappointed. I would have good-looking, but considering himliked to know who that person who self a hard guy, as Dicky calls it, left at 8:30 was. Evidently Mrs. and always in trouble. Miss Sin-"First," he was saying, "suppose you describe to us the pen you borrowed from Miss Sinclair." learn was sympathetic. Most of the teachers had the policy of setting their lips when Melvin entered class, keeping on the alert rowed from Miss Sinclair."

"Well," I answered, "it was a sort things first; I mean they hopped on of mottled green, giving the effect him at the slightest thing he did or of glass. I am not sure of the make; said, and kicked him out on any preit was a lady's pen with a green text, glad to be rid of him. Miss gold band around it."

The Inspector was making some of patience; she talked to him, and shed, "Any identifying marks you noticed?"

"Nothing. Oh, yes, her monogram was on it, CBS, engraved on he blackened Jack Gibson's eye. Then she found out he had stolen some money from another teacher's desk, and had spent it on some girl down town. She reported him, and firmed this. Little did I ever dream after that he seemed to hate her as how important than pen was going much as he had adored her. He was

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 re-teacher here a lot of trouble at one turned it." As he opened the door, Mr. Pertime or another, but I hardly think

Melvin stood in the doorway. As "Then perhaps the pen will lead laughed that hard, sneering laugh