

The American MERCURY

VOLUME XXVI



NUMBER 102

JUNE

1932

WHAT IS GOING ON IN THE WORLD

A WEEK or so after these lines are flung to the world two thousand men and women will gather in Chicago to nominate a successor to Lord Hoover. Two or three weeks later another couple of thousand will gather in the same place to do the same thing. The former will constitute the delegates and alternates to the Republican National Convention; the latter will have the same character at the convention of the Democrats. It will take the Republican brothers and sisters no longer than a day to perform their work, for Lord Hoover himself will be the only serious candidate before them; nevertheless, they will stretch out the business to four days at least, and probably five, and all the while they will sit uncomfortably on hard kitchen chairs by day, and sweat and pant through packed hotel lobbies at night.

All of this will be done at their own expense. They will buy their own tickets to

Chicago and their own tickets home, and they will pay for their own board and lodging. For it is considered a high honor, by American standards, to be elected a delegate or alternate to a Republican national convention, and persons who have enjoyed it always mention it when they are asked (as, for example, by the editor of "Who's Who in America") what they have achieved in the world. Moreover, something tangible commonly goes with the glory of it, for when election day is over a large proportion of the delegates and alternates find themselves settled in very pleasant Federal jobs, ranging from that of Secretary of State to that of United States marshal for the northern district of Louisiana.

The majority of them, indeed, are already in lucrative office when they go to the convention. Thus their minds are suffused, as they squirm upon the hot, hard chairs or fall over the spittoons in the hotel

lobbies, by very agreeable reflections. They see themselves safe in their jobs for four years more, or perchance promoted to better ones.



The Democrats, impaled upon the same chairs, enjoy no such consolation. It is their common doom to go home from their convention in a low and even tortured frame of mind, with their pocket-books empty, their larynxes frayed, the seats of their pantaloons worn shiny, and a candidate on their hands whose chances of election are a good deal worse than bad. But they sit and suffer just as faithfully as the Republicans, and in fact even more faithfully, for it is rare for their convention to be finished in a week, and sometimes it lasts for three weeks. At New York, in 1924, many of them ran so short of money, what with the notorious seductions and extortions of the town, that they had to telegraph home for more, and in some of the Southern constituencies public subscriptions for their relief were taken up, and the Methodist and Baptist pastors prayed desperately that they might be sustained long enough to scotch the Roman Harlot. Yahweh granted that prayer, but added a characteristic jocosity, in His usual bad taste. That is, He bewitched them into nominating the Hon. John W. Davis, of Wall Street, W. Va., and at the ensuing plebiscite John got a beating that was astonishing, even for a Democrat.

This year there will be more hope, but probably not much. As I write only one aspirant, the Hon. Franklin D. Roosevelt, LL.D., appears to be really formidable, and if Democrats were Republicans he would be nominated quickly and quietly, and the whole show would be over by Saturday morning of convention week. But the Democrats, for reasons that I was

exposing in this place in April, never do things in any such marshmallow way. They are not really a party, but two parties, and between the two there is a flaming and implacable antagonism. Thus one looks confidently for a ruction in the grand manner when they gather at Chicago, following the love-feast of the Republicans. The Southern dries and the Northern wets, both full of the same Capone booze, will fall upon one another with loud challenges and imprecations, and after a week or so of dog-and-cat fighting the proceedings will end with all hands worn out and full of despair. Of the platform only one thing may be predicted: that it will please nobody. And of the candidate only one thing also: that he will be suspected by all.



On August 26, 1920, when the Nineteenth Amendment was proclaimed, I offered the prediction that it would cause alcoholism to be displaced, as the chief weakness of American politicians, by adultery. But this prophecy was rather too romantic: my excuse for it is that I had yet to see any considerable number of lady politicians. They are, taking one with another, far more dissuasive than the Seventh Commandment, and so the old smell of booze continues to hang over every national convention. At the last Republican affair, at Kansas City, there was enough of the stuff to float the Atlantic Fleet, and some of the most distinguished statesmen in attendance were corned all the time. One of them, a passionate and eminent dry, wolfed a whole quart of Missouri Scotch every evening, and then had to be given another quart, wrapped up in the Kansas City *Star*, to get rid of him. The Law Enforcement plank in the platform was adopted to a veritable simoon of hiccups,

and not a few delegates and alternates had to be taken to spas when the Apostle of the Noble Experiment was finally nominated.

The Democrats at Houston had a dryer time of it, but only because the town's booticians failed them. One of the local philanthropists, eager to succor them, took a parlor in a hotel, fitted it up as a bar, put in twenty or thirty barrels of beer out of his private stock, and invited the visitors to come in and help themselves, but not many responded, for what Democrats crave is hard liquor, and the harder it is the better they like it. Beer is poison to a Southern dry, and so is wine. His system demands corn whiskey fresh from the still, and in Houston there was not enough of it to go round. So the convention broke up in even worse humor than usual, and most of the Southerners, in the November following, voted for Hoover. This year the National Committee had sense enough not to choose Houston again, or any other such place. Instead it selected Chicago, where the booze supply is endless, and even Southern dries can be accommodated.



The Republicans commonly carry their liquor better than the Democrats, just as they commonly wear their clothes better. One seldom sees one of them actively sick in the convention hall, or dead drunk in a hotel lobby. Even the colored brethren among them are considerably more refined than the white Democrats from the Bible Belt. These colored brethren, by the time they reach the convention hall, are nearly all bought and paid for, and so there is nothing for them to do save to vote as their purchasers order. They seldom make speeches, and never engage in fights. If one of them pulled a razor at a Republican national convention the in-

decorum would be sufficient to ruin him. But the white Democrats are often very bellicose, and it is nothing unusual for them to slug one another on the floor. At Houston (or was it New York?) there was a dreadful fight among the delegates from one of the great Christian States of the South. It came after the candidate was nominated, and while the State standards were being paraded about the floor. The standard of this State was seized by a delegate who was suspected of being an agnostic, and two of his Baptist colleagues protested against the sacrilege and undertook to maul him. It took a whole squad of police to restore order.

The delegates, as I have hinted, have to submit to a considerable physical discomfort. The chairs that they occupy are not only hard, but also very narrow, and they are so placed that there is little knee-room. Thus a delegate who draws a seat near the middle of a row is stuck there for hours. If he struggles out to send a telegram to his pastor, or for any other natural purpose, he is hustled and sworn at by those he incommodes, and on returning to the hall he is very apt to be held up by a cop, and maybe roughed before he is identified. Not a few delegates, getting tight, lose their badges on the evening of the first day, and remain in the uncomfortable position of alien enemies until the appropriate officials can be induced to do something about it. At the New York convention, in 1924, one of the lady delegates, a woman of commanding presence, found that the seat given to her was two or three feet too narrow, so she had a large armchair brought into the hall, and plumped it in the main aisle. She was thus comfortable enough, but when the parading began many a delegate fell over her façade and bawled her out in a hearty and chivalrous manner.



Not many women politicians are as fat as that one, but in general they run to a considerable heft and beam. My somewhat indelicate prediction of August 26, 1920, hitherto mentioned, was based on the theory that, with the vote in their hands, many cuties would horn into politics, and that as a result the more susceptible male politicians, engaged at a national convention with their wives far away, would forget themselves. But nothing of the sort seems to have happened: the lady delegates and alternates are commonly too mature in years and too robust in figure to inspire romance. Inasmuch as conventions are always held in hot weather, they perspire fearfully, and that fact also discourages amour. When a fair delegate of any actual pulchritude shows up she makes a sensation, and is so busy being photographed for the rotogravures and news-reels that she is seldom seen on the convention floor. The drys hoped that the presence of women would hold down the traditional boozing, but that hope has not been realized. The brethren still hasten to get themselves outside whatever they can find. The only difference is that the Republicans, having loaded up, sleep it off quietly, whereas the Democrats whoop and yell.

I have been going to national conventions, off and on, since 1900, and note some sad changes. One is the virtual disappearance of oratory. I recall very vividly the late William Jennings Bryan's farewell speech at St. Louis in 1904, after Alton G. Parker, a Wall Street werewolf, had been nominated. It was a truly superb effort, and veterans of 1866 agreed that it was clearly better than the Cross of Gold speech. Give me a *Lis'l of Helles*, to recall Tony Faust's, and I can hear its

peroration yet: "You may say that I have not run a good race, you may say that I have not fought a good fight, *but no man shall say that I have not kept the faith!*" The ensuing uproar almost put the kibosh upon poor Parker: it took some sharp work by the leaders to prevent the delegates stampeding to Bryan. He had practised the speech for days, and delivered it in a husky, sepulchral voice, on the theory that he was ill. Whether he was really ill or not I don't know, but if he was, then he had certainly recovered completely by the next morning.



Such gaudy harangues will never be heard again, for the loud-speaker now reduces all voices to one metallic roar. Even the lady politicians, when they are allowed to second a motion and show off their millinery, sound like auctioneers. The crowd in the gallery quickly tires of such noise, and is not above booing it. At the Coolidge convention in Cleveland, in 1924, a bald-headed orator from somewhere in the South got on his hind legs and proceeded to loose some old-time rhetoric. The gallery began to jeer him at once, and presently even the delegates joined in. The Southern brother kept at it manfully—a lot of scarlet stuff comparing Coolidge to the rising sun, the precession of the equinoxes, the aurora borealis, and so on—but in the end the platform catchpolls had to close in on him. For his sufferings on this painful occasion he was rewarded with a Federal judgeship, and is now one of the great ornaments of American jurisprudence, with a bishop's power to bind and loose. To mention his name might get me ten years at Leavenworth or the Dry Tortugas.

Inasmuch as every delegate has to pay his own expenses only patriots who are

relatively well heeled can aspire to the office. The costs of the convention itself are commonly met by blackmailing the hotel-keepers of the convention town, and they always try to get their money back by raising their rates, often to preposterous levels. I have myself paid as much as \$20 a night for a room that, in ordinary times, surely did not fetch more than \$4. In the old days the local hack-drivers also took large bites at the visitors, but of late, with standardized taxicabs everywhere, they are no longer rooked, even when in their cups. Most of the delegates make a holiday of their trip, and try to compensate themselves for the hard chairs they have to sit on all day by cutting up at night. Those from small towns swarm to the burlesque theatres, night clubs, bawdy-houses and other such free-and-easies of the convention city: they see and hear enough marvels in a week to talk about for the rest of their lives. The more sophisticated confine themselves to quiet lushing. The so-called leaders, if there is no caucus in progress, play poker in their headquarters, or expose themselves to the public veneration in the hotel lobbies. An eminent United States Senator, once a serious contender for the Presidency, used to have his secretary circulate in the crowd, to point him out and whisper his great deeds. Others have themselves paged. Now and then a wit hires a bellboy to page Abraham Lincoln or Pontius Pilate.



As I have said, the fund to pay for a convention—it costs about \$150,000—is usually raised by sweating the hotel-keepers of the convention city, with some assistance from the bootleggers and other purveyors of entertainment, but now and then the town boosters take charge, and there is a formal drive. This drive is pro-

moted on the theory that a convention brings a great deal of money to a city, and advertises it widely. But what really happens, nine times out of ten, is that the city gets a black eye. Either the hotels gouge the visitors too ferociously, or the booze supply is insufficient, or the weather is too hot, or there is something else to complain of. The delegates and alternates go home complaining loudly, and so do the newspaper reporters, who commonly outnumber them, and the result is that the city suffers damage from which it is years recovering.



Consider, for example, the case of Cleveland, which entertained the Coolidge convention in 1924. The delegates and alternates went there expecting the town to be wide open, for wasn't Coolidge already President, and weren't Prohibition agents men of enlightened self-interest? But Cal forgot or refused to give the word, and in consequence a huge swarm of agents descended upon the town, and it was as dry as the Sahara. So dry was it, in fact, that even the local newspaper men had nothing to drink: a revolting and almost incredible fact, but still a fact. I well remember saving the life of a distinguished Middle Western statesman, a conscientious dry. He was seized with a severe bellyache, caused by the Lake Erie water, and I found him on the street almost doubled up. I called a policeman, but the cop told me in tears, and I believe truthfully, that he simply didn't know where a drink was to be had. Fortunately, I recalled the fact that Ring Lardner was in a nearby hotel, writing a news report of next day's session, and to him I took the patient. Lardner had him well in twenty seconds.

This astounding dryness did more harm to Cleveland than an earthquake or a pes-

tilence. It sent 1000 delegates, 1000 alternates and 1000 newspaper reporters home with horrible stories of the rigors of life in the town. Those stories still circulate, and even gain in wonder as the years pass. Certainly they must keep thousands of visitors away, and implant dubieties in the hearts of many potential investors. In the same manner Baltimore still suffers from the fact that it entertained the Wilson convention in 1912. The weather at the time was excessively hot, and the hall was remote from the principal hotels. As a result, all the persons in attendance at the convention suffered cruelly and made loud lamentation, and to this day, whenever I meet one of them, he recalls his agonies and damns the town. The common belief that Baltimore is so hot in Summer that only ship's firemen and colored clergymen can stand it originated during that convention. It will take half a century to live it down.

The only American city that has ever got any ponderable profit out of entertaining a national convention is San Francisco. It has, in June, very mild and caressing weather, and its visionaries long ago erected a comfortable meeting hall. When, in 1920, the Democrats assembled in that hall to nominate a successor to the immortal Woodrow, they wallowed in unaccustomed luxury. Instead of the usual filthy hot-dog stands in the lobby there was a clean lunchroom, served by sweeties in lovely uniforms. Instead of ward heelers armed with clubs to police the aisles there were more sweeties, each with a demure white wand. Instead of decorations fit for a street carnival, there were draperies in various shades of green, with a single American flag. And instead of bad liquor at high prices there was an ample supply of sound Bourbon, absolutely free of charge.



Who supplied this Bourbon I don't know. There were allegations later on that it had been laid in by the city of San Francisco in person, and charged to the town small-pox hospital. Some of the town wowzers, in fact, made an uproar about it, and there were denunciations of the mayor, the Hon. James Rolph, Jr. The more enlightened people of the city answered by re-electing him almost unanimously, and he remained gloriously in office until a year or so ago, when he became Governor and Captain-General of California. As for the delegates and alternates to the convention, they drank the Bourbon with loud hosannahs, giving thanks to God. At the end of the first week, though their business was completed, they refused to go home, but adjourned over to Monday. Sunday morning saw hundreds of them start out in taxicabs to see the sights, each armed with a flagon of the Bourbon. Some of these taxicabs were recovered later on at points as far distant as San Diego and Seattle.

This was the most pleasant national convention ever held in America, and those who were in attendance have been boosters for San Francisco ever since. Every four years, when the Democratic National Committee meets to select the convention city, there are demands that San Francisco be chosen again. The Republican National Committee is also beset by such demands, for the Republican politicians have all heard about the grand time their Democratic colleagues had there in 1920, and sweat under the humiliating fact that they themselves, since the fatal January 16 of that year, have never had a really satisfying convention. But the master-minds of both great parties, though they always say nice things about San

Francisco, are actually somewhat suspicious of it, for they fear that the next convention held there may be reduced to actual chaos. It is very hard to hold the delegates and alternates to their jobs when such excellent Bourbon is on tap.



New York got only ill fame out of the Democratic convention of 1924, holden in Madison Square Garden, now no more. If it had been a Republican convention it might have passed off pleasantly enough, for the Republican delegates, in the main, are city-broke, but the Democrats from the cotton country were greatly upset by what they saw of life in the American Gomorrah. In particular, they were scared by the New York cops and by the swarms of Romish priests who appeared in the galleries and on the platform. All of them had been taught by their pastors that priests carried stilettos, and they believed it. Moreover, they believed that when the priests began to hack and slay, the local police, all of them customers of Rome, would join in the massacre with artillery.

This may sound absurd, but it is a sober fact. One day, while a furious wrangle was in progress on the floor, I went to a small room under the stand, reserved for the staff of the *Baltimore Sunpapers*, and proceeded to compose an account of it. In a few minutes the door opened and an eminent Southern statesman popped in. Closing and bolting the door, he whispered: "They are about to kill us!" "Who?" I asked. "The Tammany police!" "Nonsense!" "I tell you it is a fact! I saw one of them sneaking up on me on the floor! They are about to cut loose!" Inasmuch as this statesman was one of the few really dry dries that I have ever met or heard of, it was impossible for me to calm him in the usual manner,

so I had to find a couple of Tammany men to reassure him. They took him to a nearby hotel, gave him a Bible to read, and promised to stand guard at his door.

It was at this convention that the Al Smith men paved the way for Al's defeat four years later. They filled the galleries with Tammany hoodlums armed with fire-engine sirens, and howled down every anti-Smith man who ventured to speak. Worse, they packed the hall with the aforesaid priests, and so kept the Ku Kluxers from the Bible country in constant terror. I am, in general, partial to the rev. clergy, but I must confess that many of these New York brethren, with their sacerdotal corporations and beetling brows, looked like pretty tough guys. The police, if anything, were even worse. Thus the Southerners went home in great agitation of mind, and had bad dreams for months. And when the chance came four years later they flocked to the polls to vote for Lord Hoover. If the vote in the South had been counted honestly in 1928 he would have carried every Southern State, and some of them almost unanimously.



I set down these random recollections and observations in the hope that they will throw some light upon the manner in which Presidents of the Republic are chosen, and by whom. The common belief seems to be that they are heaved into the White House by a spontaneous popular demand, and that if anyone has any hand in shaping that demand it is not the professional politicians, but the hell-hounds of Wall Street. But this is a romantic and inaccurate view of what happens. The candidate who really gets the nomination is that candidate who has the most delegates, and the way he gets them is not by making speeches or by seeing J. Pierpont

Morgan, but by dealing confidentially with the politicians in the various States. In 1920 Lord Hoover was certainly a thousand times as notorious and popular as the Hon. Warren Gamaliel Harding, and yet Hoover, trying desperately for the nomination, lost it, and it went to Harding.

That sad experience taught him something: in fact, it converted him into a very realistic politician. During the eight years following he had his agents at work from end to end of the country, seeing the local politicians and bringing them in line. This business cost a great deal of money, but Hoover was rich and could afford it. When the Kansas City convention met in 1928 he had so many delegates in his corral that his nomination was a walk-over. All of the Southern blackamoors bore his brand, and so did most of the survivors of the Ohio Gang and other such amenable sodalities. His operating staff on the floor consisted of some of the most adept manipulators in America. In fact, he had almost a monopoly of the real technicians, and so he won hands down, to the inspiring strains of "America" *geb*. "God Save the King!"



It is to be noted that Wall Street was firmly against Hoover, and hoped until the last moment to beat him. Old Andy Mellon, its ambassador on the floor, held out gallantly until Bill Vare of Pennsylvania, who had been prudently seen and taken in advance, pulled his legs from under him, and made an obscene spectacle of him. Many a statesman of national fame, unaware or incredulous of the skill of Hoover's agents, kept on howling against him up to the moment of his nomination. One such was old Charlie Curtis, the Kansas comic character, who is half

Indian and half windmill. Charlie ran against Hoover with great energy, and let fly some very embarrassing truths about him. But when the Hoover managers, having collared the nomination for their employer, threw Charlie the Vice-Presidency as a solatium, he shut up instantly, and a few days later he was hymning his late bugaboo as the greatest statesman since Pericles.

It always amuses me to hear Hoover spoken of as a poor politician. He is actually one of the most skillful in all this broad Republic, and if he did not begin to pursue the art seriously until after 1920 then his extraordinary virtuosity today is only a proof of his great natural talent. Few men with an itch for office have ever learned the tricks so quickly, or so well. History has already amassed enough evidence to show that he was never an engineer of any genuine dignity, and I am convinced that even the school-books of the future will put him down as a sad flop as President. But as politician pure and simple he has been a great success. He got the nomination in 1928 by playing politics in the most orthodox and shameless manner, he was elected by stooping to devices that even most professional politicians would balk at, and he will be renominated in a few weeks with the aid of one of the most efficient and unconscionable political machines ever heard of.



His probable opponent, Dr. Roosevelt, is another adept. The manner in which he isolated, hamstrung and made a thumping fool of Al Smith must delight every connoisseur of political manipulation. At a time when Governor Ritchie, Dr. Baker, Alfalfa Bill Murray and the other Democratic candidates were filling the ether with learned discourses on the issues of the

hour, Roosevelt had his agents out in the highways and byways, rounding up delegates. He did not bother to say much himself, and in particular he avoided saying anything that could conceivably offend anyone. On Prohibition, for example, he was completely silent for a whole year. But he was busy all the while with the professional politicians, and when the time came to count votes it turned out that he had more of them than all the other candidates put together. When he spoke, it was always shrewdly and to good effect. His onslaught upon Rabbi Stephen S. Wise and the Rev. John Haynes Holmes was well timed and devastating. It not only reassured Tammany; it also delighted millions of Democrats in the Bible Belt, where religion is a perennial nuisance, and every sufferer from it likes to see the clergy walloped.

A national convention is so constituted that the candidate who avoids all dangerous talk and confines himself quietly to rounding up delegates has an enormous advantage. Nine-tenths of these delegates are professional politicians; hence they are but little interested in so-called issues; the one thing that fetches them is the promise of jobs. Some of them come from constituencies which have no votes—the Canal Zone, Porto Rico, the Philippines, and so on. The rest, though they represent enfranchised States, are apportioned in an irrational and even insane manner. Thus such incurably Democratic States as Mississippi and South Carolina have virtually as many votes in the Republican convention as they have in the Democratic convention, and the same is true in the other direction of such rock-ribbed Republican States as Vermont and Iowa. The result is that a convention is made up in large part of delegates who represent, not voters, but simply politicians. The wise can-

didate goes out after these politicians very early, and knows how to persuade them. This was done by Lord Hoover before 1928, and by Dr. Roosevelt beginning a year ago.



One may ask why, if this be true, old Charlie Curtis did not devote more of his time and steam to rounding up delegates before the 1928 convention. There are three answers. The first is that he actually tried to do so, got a few in the Middle West, and allowed certain humorous politicians to fool him into thinking that he would get more. The second is that he lacked Lord Hoover's bar'l, could not find an angel to finance him, and hence had to keep out of the Southern States, where only cash money counts. The third is that Charlie, like most other politicians who have been quartered in Washington for a long while, greatly overestimated the general demand for him. Flattered by newspaper reporters, who found him an easy source of news, he concluded that he was a popular hero, and that the politicians would have to come to him. But this was an error. They never do. If the Cid without money were running against Judas Iscariot with \$2,000,000, they would all be in favor of Judas.

If I had a son I should take him to both national conventions this year and let him see how his country is governed, and by what sort of men and women. All of the leading statesmen, save a few austere spirits at the top of the heap, appear in person. Practically every member of the United States Senate is in attendance at either one convention or the other, and most of the members of the House are delegates. It is instructive to observe these great men at the solemn business of selecting a First Chief for the greatest free Republic ever

seen on earth. One hears, in their speeches, such imbecilities as even a Methodist conference could not match. One sees them at close range, sweating, belching, munching peanuts, chasing fleas. They parade idiotically, carrying dingy flags and macerating one another's corns. They crowd the aisles, swapping gossip, most of it untrue. They devour hot dogs. They rush out to the saloons. They rush back to yell, fume and vote.



The average delegate never knows what is going on. The hall is in dreadful confusion, and the speeches from the platform are mainly irrelevant and unintelligible. The real business is done down under the stage, in dark and smelly rooms, or in hotel suites miles away. Presently a State boss fights his way out to his delegation on the floor, and tells his slaves what is to be voted on, and how they are to vote. Many of them, on account of the din, cannot hear him. They cup their hands to their ears and say "Hey?" When he departs they demand "What did he say?" Sometimes, worn out by the hard benches and the deafening uproar, a whole delegation goes on a steamboat excursion, gets drunk, or decides to sleep all day. Then there is a great pother until the missing are rounded up.

During the first day or two the so-called platform committee holds long hearings in a smaller hall, sometimes far distant. All sorts of world-savers appear before it and demand that their gospels be inserted into the platform in toto—reformers of the calendar, advocates of the League of Nations, Red baiters of a hundred different factions, bogus war veterans demanding ever larger and larger bonuses, critics of Marine rule in Haiti and Nicaragua, friends of the Porto Ricans and Filipinos,

free trade fanatics, and so on. The committee hears these brethren patiently, but without promising anything. The platform was written weeks before the convention assembled, and has been passed as harmless by all the great minds of the party. If there is a fight over it on the floor, these great minds always win. In the old days a gang of wild and shaggy Irish appeared at every convention to demand justice for Ireland, at the cost, if necessary, of immediate war with England, but of late they have been missed. I marvel that the Communists do not slip into the vacant place.

To cover this colossal clown show at least 1000 newspaper men and women come to the convention town. They occupy seats adjoining the platform, and have a good view of the proceedings. They are forbidden by traditional etiquette to applaud or hiss a speaker, but they do a great deal of quiet laughing, and altogether, despite the rush of their work, have a much better time of it than the delegates and alternates. At critical moments many delegates rush up to ask them what is going on; it is commonly impossible to make out from the floor. Mingled with these professional journalists are eminent men and women who have been employed by newspaper chains to write their impressions of the spectacle—for example, Will Rogers. At times when he was not a candidate the late William Jennings Bryan used to be among them. He always predicted that the Democratic party was about to be delivered from Wall Street, and that it would then sweep the country.



But I must shut down, for many able contributors to the present issue are waiting to be heard. This modest note upon a great democratic phenomenon, in fact,

has already run to an inordinate length, and I apologize to the nobility and gentry for being so garrulous. My excuse must be that the subject interests me very much. It is always instructive to examine into the way the work of the world is done, and especially that part of its work which is everybody's business. The selection of a President is obviously the concern of every American. Well, two things about it deserve to be noted. One is that it is done by professional politicians, and by professional politicians exclusively, and that at least nine-tenths of them can be bought, if not with downright money, then at all events with jobs. The other is that it is a purely extra-legal proceeding—that there is no mention of the process in the Constitution, and that even the laws take little notice of it.

This last fact is very curious. We live in the most law-ridden country on earth, and yet we manage to select our candidates for its highest office in a wholly informal manner, without the slightest aid from courts and policemen. A national conven-

tion is free to change its rules as it pleases. It may expel a delegate at will, and seat another. It may increase or diminish the representation of a State. It may seat delegates, if it chooses, from Turkestan or the moon. To be sure, certain States have passed laws regulating the election of delegates, but the number to be elected is still determined by agencies quite outside those States.

The system has been in operation for nearly a century, and on the whole it has worked pretty well. There have been no great scandals about it. There is nowhere any active desire to bring it under the protection of statutes. No one proposes seriously that it be abandoned. There is even no general talk about reforming it. What all this proves, it seems to me, is that government is far less necessary than many people think. When men are really in earnest they can get on very well without it. If national conventions were legalized, then the only effect would be to bring the politicians who now run them under the heel of even worse politicians. H. L. M.

THE FEE FEED-BAG

BY MITCHELL DAWSON

IN THE good old cattle-rustling days of Texas, the Hon. Roy Bean set up shop at Vinegarroon near the border and announced to the world: "The Law West of the Pecos—Justice of the Peace—Barrel Whiskey." Equipped with a volume of Revised Statutes and a supply of forty-rod rye, he did a thriving business, and his fellow-citizens submitted gracefully to his rule as long as he tempered justice with liberal libations of red-eye.

Judge Bean and his famous sign have long since passed into history, but we still have with us thousands of petty officials who dispense the law, without the whiskey, throughout this land of the fee. These gentlemen, known variously as justices of the peace and police magistrates, are distinguished chiefly by their ability to say "— and costs" with sufficient frequency to make a fair living at it; for they maintain themselves in most of the United States principally out of the fees they can collect in the cases tried before them.

The justice of the peace system originated in England during the reign of Edward III and was brought over to this country along with Magna Charta and the common law. As a method of administering local justice it appealed to our colonial forbears, who had no use for law and lawyers. They believed that almost any fair-minded blacksmith or storekeeper could do the job as well and certainly more cheaply than a law-trained man.

In England a justice of the peace had

always been one of the landed gentry and served without pay, being content with the power and authority the position conferred. But he held one of the few judicial offices which carried no perquisites. The fee system of paying for justice was otherwise well entrenched in England, especially in chancery. Everyone connected with the courts had his nose in the fee feed-bag, from the bailiffs and clerks all the way up to the Lord High Chancellor. According to an old political song,

The clerks who sit beneath the judge
Are open-mouthed as he,
As if they were half-famished
And gaping for a fee.

The American pioneers adopted the fee system lock, stock and barrel, and extended it to cover the services of all minor magistrates. In a new country, where money was scarce, it was the practical thing to do—to pay for justice by the piece, like any other commodity, as and when it was needed. It seemed only right that those whose disputes and wrong-doings necessitated judicial action should bear the cost instead of charging it against their fellow citizens.

This point of view was so prevalent in colonial days that many judges, even of the higher courts, were supported by fees instead of salaries. The system spread and rooted itself deep in the laws and constitutions of most of the States, surviving vigorously down to the present day. In fact, in 1927 the justices of the peace in