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What Good's a Constitution ?

By Winston Churchill

NO ONE can think clearly or sensibly about this vast and burning topic without in the first instance making up his mind upon the fundamental issue. Does he value the State above the citizen, or the citizen above the State? Does a government exist for the individual, or do individuals exist for the government? One must recognize that the world today is deeply divided upon this. Some of the most powerful nations and races have definitely chosen to subordinate the citizen or subject to the life of the State. In Russia, Germany and Italy we have this somber, tremendous decision, expressed in varying forms. All nations agree that in time of war, where the life and independence of the country are at stake, every man and woman must be ready to work and, if need be, die in defense of these supreme objects; and that the government must be empowered to call upon them to any extent.

But what we are now considering is the existence of this principle in times of peace and its erection into a permanent system to which the life of great communities must be made to conform. The argument is used that economic crises are only another form of war, and as they are always with us, or can always be alleged to be with us, it is

claimed that we must live our lives in a perpetual state of war, only without actual shooting, bayoneting or cannonading.

This is, of course, the Socialist view. As long as Socialists present themselves in an international guise as creators of a new world order, like the beehive or the ant heap, with a new human heart to fit these novel conceptions, they could easily be beaten, and have been very effectively beaten both by argument and by nature.

Squint your eyes and tilt your head a bit and the Constitution may appear to be a heavy chain binding us to the forgotten and benighted past. But all through that past it has been the principal bulwark of our individual liberties; do we think we have no further use for it now in the none-too-enlightened present? Mr. Churchill, comparing it with England's unwritten constitution, demonstrates what we owe to these safeguards of our freedom

CARTOON BY D. R. FITZPATRICK

But when new forms of socialism arose which were grafted not upon world ideals but upon the strongest forms of nationalism, their success was remarkable.

In Germany, for instance, the alliance between national patriotism, tradition and pride on the one hand, and discontent about the inequalities of wealth on the other, made the Weimar Constitution "a scrap of paper." Either of these two fierce, turbulent torrents separately

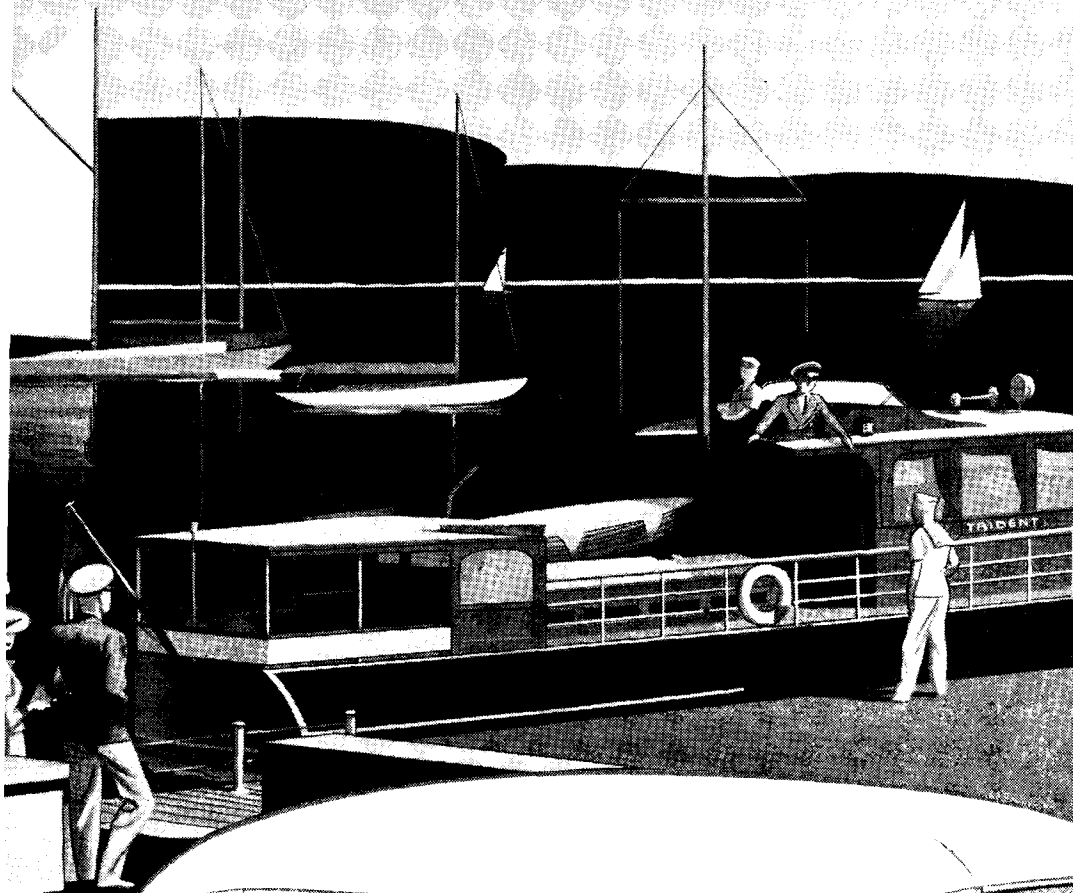
might have been kept within bounds. Joined together in a fierce confluence, they proved irresistible.

Once the rulers of a country can create a war atmosphere in time of peace, can allege that the State is in danger and appeal to all the noblest national instincts, as well as all the basest, it is only in very solidly established countries that the rights of the citizens can be preserved. In Germany these rights vanished almost overnight. Today no one may criticize the dictatorship, either in speech or writing. Voters still go to the polls—in fact, are herded to the polls like sheep—but the method of election has become a fantastic travesty of popular government. A German can vote for the regime, but not against it. If he attempts to indicate disapproval, his ballot paper is reckoned as "spoiled."

The tyranny of the ruling junta extends into every department of life. Friends may not greet each other without invoking the name of Hitler. At least on certain days, the very meals that a family eats in the privacy of its home are regulated by decree. The shadow of an all-powerful State falls between parent and child, husband and wife. Love itself is fettered and confined. No marriage, no love relation of

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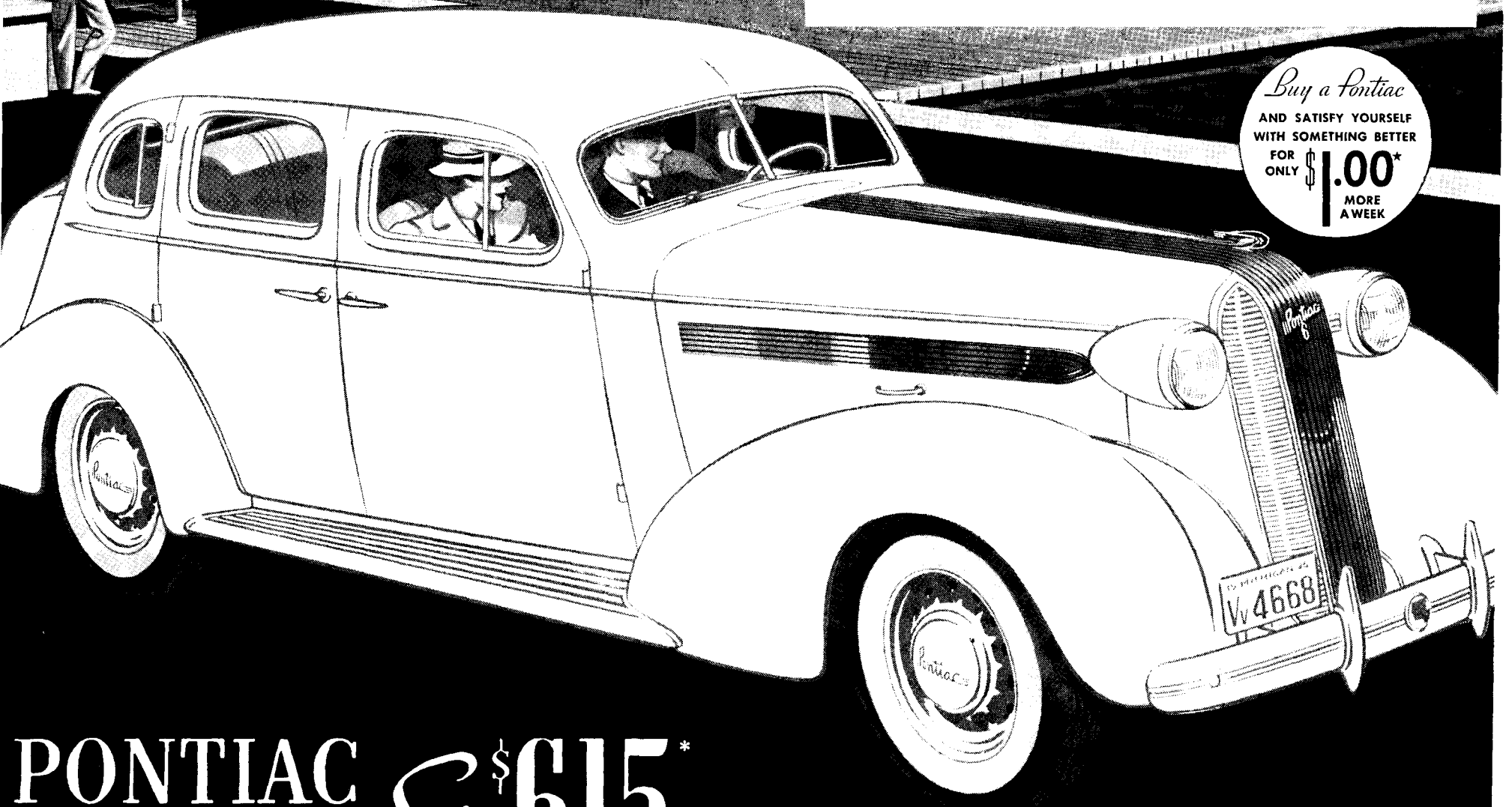
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In the Heart

A Short Short Story Complete on this Page

By Heywood Broun

WHAT'S this about Fred Bay can't play ball on Sunday?" asked Tom Kelly.

"It's in his contract," answered Dan Burke, the old scout of the Yankees. "I told you about it when we signed him up last February. No Sunday ball and he quits us on September 1st. He's going to get himself ordained."

"You never said anything to me about his wanting to be a priest."

"He don't want to be a priest," the scout explained patiently. "He's some kind of a Protestant and when he finishes at the college in the spring he's going to be a missionary to China."

"You mean Japan," corrected Kelly. "I was there with McGraw and Comiskey. They'll never amount to anything. All suckers for a curve."

"I mean China like I said. This hasn't anything to do with baseball. It's religion he's going to teach the Chinamen."

"I wonder if he means it positively. He certainly has got a lovely hook slide. Somebody ought to talk to him."

"You talk to him," suggested Burke.

"That's your job," replied Kelly. "You scouted him. And he's as good as you said he was."

"Just how good do you think he is?" inquired Burke persuasively.

"I almost hate to tell you," said Kelly with great earnestness. "You and I have seen too many morning-glories explode in our faces. I can't tell you anything about his hitting yet, but I don't see how I can be fooled on his base running. He's faster than Ty Cobb. But he don't know yet what his spikes are for. Once he learns that, they're not going to stop him."

"Well, Boss, that's just what I thought," explained Dan Burke, "and that's why I signed him, missionary stuff and all. You see, when I was a kid my mother wanted me to be a priest and I was figuring on it myself but somehow it just didn't happen. It was one of the good fathers in the school when I was only nineteen who sent for me and had a long talk and he said how nobody should go into the Church unless his whole heart was in it. And he got me talking on a theory I had about blocking a double steal and when I was done he told me, 'The priesthood is not for the likes of you. You've got the game too much in your heart.' Father O'Reilly could see thirty years ago I had the makings of a great catcher."

TOM KELLY grinned. "So it was Father O'Reilly said you had the game too much in your heart and you'd grow up to be a great catcher. I knew Father O'Reilly before you were born. Even a priest can make one mistake. But mostly he was right. He dug up Babe Ruth and he sent us Tim Flanagan, and Roy Moore and Mickey Walsh and Jim Reynolds and Hugh O'Connor and more stars than you see in the bright sky at night. He always said you've got to have the game in your heart—"

"That's exactly what I'm getting at, boss. How much do you think Bay's got the game in his heart? And if it isn't there could we put it there maybe?"

"You know better than that," said Tom Kelly. "You and I and Father O'Reilly have seen 'em come and go these thirty years and either they have it or they haven't. You can't play both the pulpit and the outfield."

"How about Billy Sunday?"

"I pitched to Billy Sunday," said Kelly stoutly, "and he never got a foul off me. If he'd gone after the devil with nothing

but a baseball bat and that .220 average of his there wouldn't have been a soul on the mourners' bench."

And suddenly an idea most palpably ran across the broad red face of the manager. He patted Burke on the back and exclaimed, "Dan, I've got it and score yourself with an assist. Bay's contract says he don't have to play ball on Sunday but it doesn't mention his putting on a uniform and sitting on the bench. We'll put him there and then we'll know for sure whether this kid has got the game in his heart or whether he ought to be farmed out as a missionary to China."

Kelly was firm with Fred Bay when he saw him in the clubhouse office on Saturday. "We can't win the pennant and get in the World Series," he wound up, "unless there's a feeling that we're all working together. I'm simply asking you to put on your uniform and sit on the bench. Don't you think you owe that much to the rest of the fellows on the club?"

"I see your point, Mr. Kelly," said Fred Bay, "and I'll do it."

Nobody kidded Bay when he sat out his first Sunday game. Burke passed the word to leave him alone. Still, Tom Kelly was not too hopeful of the success of his experiment after the first Sunday. "He just sat with his head in his hands and paid no attention," the manager told Dan Burke. "He did look up when Eddy smashed that long one into the right-field bleachers. For a second I figured he was going to clap his hands, but then he thought better of it and bowed his head again."

The first month of the recruit's Sunday immolation on the bench ended in

the beginning of a crucial series with Boston. In the stretch run for the pennant both ball clubs were whipping for victory and tearing along neck and neck. On this particular Sunday the Yankees found themselves facing Lefty Main at the top of his form. Sad Sam Wilbur was pitching a lot of good baseball for the home club, but Main was simply unhittable. In the first nine innings he struck out thirteen men and not a runner reached third. Wilbur, for that matter, held the Red Sox scoreless; but five double plays had been most helpful. And then, with two out, Keith came up for the Yankees in the last half of the tenth and lofted a Texas Leaguer into right. Clay tried for a shoestring catch and the ball rolled past him to the running track for a cheap three-bagger.

With two gone, Main could concentrate upon the batter. He was working slowly but very coolly.

Tom Kelly, on the bench beside Fred Bay, soliloquized, "If I only had a fast runner on third to worry Main."

Fred Bay heard him. "Mr. Kelly," he said, "send me in." The game was halted while the man with the megaphone announced, "Bay running for Keith." Out from the bench sprinted Fred Bay like a college halfback in to get his letter. He was a long-legged lad with high knee action. He danced off the bag.

MAIN started a slightly shortened windup. "He's coming in," said Kelly in a frightened whisper, for with the pitcher's motion Fred Bay lit out for the plate. His cap blew off. His hair was flying. Did you ever see Man o' War come down the stretch? But for all that the pitch beat him and Fred Bay leaped

for the plate feet first with his spikes a yard in the air. They cut away Drake's right trouser leg and both catcher and runner rolled over after the crash while the ball dribbled into the Yankee dug-out. The run had scored.

Some say that Drake called Bay an ugly name before the student of theology punched him in the nose but there was little excuse except excitement for the fact that he also punched Beans Raftery, the umpire, who tried to separate them. The police escorted him from the field and for a time he was held at the West One Hundred and Forty-fifth Street station on a charge of simple assault. On account of its being Sunday, Kelly could not find the proper official to quash all that nonsense until Monday morning. Burke was sent, bearing bail, and he also brought the prisoner a telegram.

"Not bad news?" he asked solicitously. Bay handed it to him and the old man read: "Your actions have disgraced Meadowbrook Theological Seminary. I wish to inform you that you are hereby expelled. Lucius T. Terwilliger."

"Don't take it too hard, my boy," said Dan Burke. "What would you be doing in China? You've got the game in your heart."

"I guess you're right, Mr. Burke," said Fred Bay. "You know at night when I said my prayers I always used to pray for the Chinese. My Aunt Kate got me to do that when I was a little boy. She said it would be good practice for me when I got over there. Well, Saturday night before the game I suddenly found I wasn't praying for the Chinese at all. I'd forgotten all about them. Do you know what I was praying, Mr. Burke?"

"I'd be very interested to hear," said Dan.

"I found I was praying, 'Oh, Lord, you know we Yankees have just got to win that pennant!'"



Fred Bay leaped for the plate feet first with his spikes a yard in the air

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EARL OLIVER HURST