

CORNELIUS COLE, WESLEYAN '47

Senate, where he served from 1867 to 1873 during the Johnson and Grant Administrations. He has lived in California nearly the entire three-quarters of a century, and is still practicing in that State his profession of the law, going alone on the street car to his office every day just as he did in his prime.

The memory of his warm friendship with Lincoln is a passion with Mr. Cole. "Lincoln never showed any ill will, or fear, or anger in all his life, so far as I know," says this sage and patriarch. He also corroborates from his own definite personal recollection the generally accepted historical record of the Gettysburg address. He says that only a small crowd gathered about noon for the ceremony. The speakers were seated on a rude wooden platform. Edward Everett finished his polished oration, which few now know anything about. Then awkwardly, in the midst of an impressive silence, Abraham Lincoln stepped to the front of the platform. He began quietly, and finished suddenly with the never-to-be-forgotten phrase concerning a government of the people. Then he turned and took his seat, to the astonishment of every one. The small audience was dismayed at his brevity. Nobody present seemed to appreciate for the moment the beauty of the speech, or to have any instinctive sense of the fame which would follow it.

Another man who figured in an interesting way in recent college Commencement exercises is Dr. Stephen Smith, of Staten Island, who received the honorary degree of Doctor of Science from Columbia. He graduated from Columbia in 1850, and is within a few months of completing his hundredth year. Dr. Smith was called by President Butler "the most interesting figure in American medicine and in American public service to-day." He was founder and first President of the American Public Health Association, and is noted for his work in local and National boards of health, in

sanitation, and in other public health matters, and is still active despite his all but completed centenary.

## THE ATTACK OF SENATOR LA FOLLETTE ON THE SUPREME COURT

EARLY in our National life Chief Justice Marshall enunciated in *Marbury vs. Madison* the right of the Supreme Court of the United States to nullify a law of Congress which the Court believed to be in contravention of the Federal Constitution. At the time there was a wide difference of opinion in the country over the decision. Jefferson and his followers attacked it with great virulence. Unquestionably it is a judicial power which is unique, but the decision of Marshall has been sustained by the public opinion of the United States for more than a hundred years.

The reason appears to be twofold. The Supreme Court of the United States has only upon rare occasions proved itself to be without vision, inflexible and reactionary. On the contrary, it has increasingly interpreted the course of National life, not only in terms of vital Constitutional principle, but in terms of normal human progress. We have had a *Dred Scott* decision, and a number of five-to-four hesitations upon grave questions of public policy, but by and large the Supreme Court has been supported by the faith and confidence of the American people. The National Congress, on the other hand, has progressively declined in the estimation of the country. It is a curious anomaly of popular government that the representative branch should so often have failed in reputation as compared with the judicial branch exercising unusually exalted powers.

Nevertheless protests against alleged

judicial usurpation by the Supreme Court have never been lacking. The errors and bias of some of the State courts and of the inferior Federal courts have been sufficiently marked so that from time to time large numbers of the people of the country have been aroused in opposition to the overlordship of the Constitution by the judiciary. In 1912 Theodore Roosevelt stirred the Nation by his widely misunderstood doctrine of the recall of judicial decisions. Roosevelt went out of his way to make clear that his confidence and the confidence of the country were not shaken in the Supreme Court of Washington, but rather in the State courts, which were blocking the wheels of progress upon issues exceedingly important to the welfare of the American people. He maintained that the people of the State, who made their Constitution, were entitled to decide by referendum upon what they meant by their Constitution in extraordinary cases of reasonable doubt. The Roosevelt contention, at least in the form in which it was understood, did not meet with the approval of the country, but it is widely known that his free and vigorous criticisms of judicial methods have exercised an indirect influence upon the minds of our judges and courts which is likely to be of permanent value.

Senator La Follette appealed the other day before the Annual Convention of the American Federation of Labor for a Constitutional Amendment making it possible for Congress to overcome an unfavorable decision of the Supreme Court by re-enacting the law after the decision. This is something after the fashion of the present English method of overcoming an unfavorable consideration of Parliamentary measures by the House of Lords. The House of Commons ultimately becomes supreme by re-enacting the measure. Under American conditions and with a knowledge of our history to guide us, it seems that the adoption of anything analogous to the Brit-

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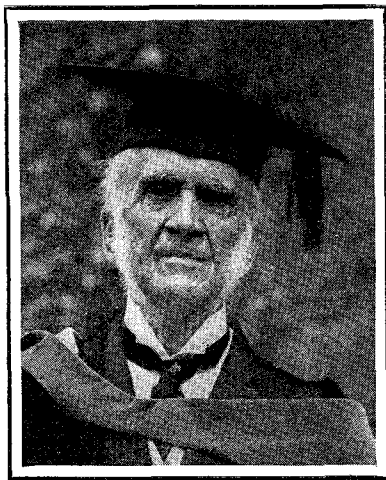
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Dear Mr Haley  
I shall earnestly  
try to be there, God willing,  
but not, as the old proverb  
says, "whether or no"  
Yours faithfully,  
Cornelius Cole, '47.

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A CENTENARIAN ACCEPTS AN INVITATION TO HIS CLASS REUNION—THE LETTER IS REPRINTED FROM THE "WESLEYAN ALUMNUS"



(C) Paul Thompson

STEPHEN SMITH, COLUMBIA '50

ish method would be dangerously revolutionary. It is essential that we keep the Supreme Court as a check upon hasty and ill-advised action by Congress. Those who are most anxious to preserve our Governmental system as it has developed cannot afford to ignore the feeling which underlies so radical and subversive a plea as that of Senator La Follette. These sporadic uprisings of popular sentiment against what are regarded as unprogressive and illiberal finalities of the Supreme Court should warn the Court itself of the ever-present danger to its existence as a necessary check upon Congress in our Governmental system.

The La Follette manifesto, as well as that of President Gompers, of the American Federation of Labor, is leveled against the recent Coronado and child labor decisions of the Court. So far as the Coronado decision is concerned, Mr. Gompers and his group criticize everything which seems to them to injure the laboring class. As a matter of fact, the Coronado decision endangers it only in the sense that the labor leadership under Gompers has steadily arrogated to the laboring class certain peculiar privileges of action which do not stand the test of scrutiny from the point of view of the National welfare. On the other hand, the child labor decisions of the Court appear to us to rest upon uncertain foundations. The whole country wishes to do away with the evils of child labor. No one State can control the policies of another State. It cannot erect a barrier against unfair competition from the child labor of another State, and now the Supreme Court avers that the Federal Government can do nothing, either. An enlightened State which is interested more in the conservation of childhood than in child exploitation for profit must pay the penalty and be subject to the flood of child labor products into its own area, to the economic dis-

advantage of its own producing citizens. We cannot help feeling that here is an instance where a clearer vision and a profounder mental grasp on the part of the Court would have found a way of reconciling legislation with Constitutional precedent and of making judicial decision interpretative of the will of the people.

## THE UNITY OF THE SPIRIT

NO one can doubt the evils of sectarianism. They are abundant and only too evident. Half a dozen churches in a village do feebly a common work which, if they were working together, they might do with strength. Money is spent almost uselessly in maintaining separate church organizations at home which is sorely needed in doing the too often neglected work of the Church abroad. Each church is tempted to put its emphasis on its own pet doctrine or symbol, to the neglect of truths and duties the importance of which all recognize in theory rather than in practice. Hostility between the churches is mostly a thing of the past, but the emulation between the churches is not always an emulation in works of charity and mercy. And the great world without, which admires strength, looks with indifference and sometimes with contempt on churches whose feebleness seems to non-churchmen to be due wholly to immaterial differences.

But those in the Church who are attempting to cure these evils by making out of these fragments a united Church, with one theological creed, one form of worship, and one ecclesiastical order, appear to me to have short memories. They forget the greater evils which have always resulted when churchmen have endeavored to secure unity of the spirit by uniformity in doctrine and worship. The Roman Catholic Church in the Middle Ages insisted on one creed, one ritual, and one authority; the result was the Inquisition. The Greek Church pursued the same course, though less successfully, and the religion of Greece and Russia is the result—life sacrificed to form. The Anglican Church repeated the attempt; the despotism of Laud rivaled that of Strafford, and the persecution of the Scotch Covenanters was scarcely less atrocious than the Roman persecution of the Albigenses. The Puritans got a brief period of control; the worship with a Prayer-Book, made compulsory under Charles I, became a crime under Cromwell. The Pilgrims and the Friends advocated real religious liberty, but whether they

would have continued to advocate it if they had possessed the power of the Roman, the Greek, the Anglican, or the Puritan may be questioned. From the days of Caiaphas to the present day ecclesiastical power has stimulated ecclesiastical ambition. The problem of the Church is not merely how to bring about union. The evils of disunion are feebleness; the problem of the churches is how to achieve a union which will bring power without sacrificing liberty.

The advocates of Church unity might well learn a lesson from the political history of the world. Unity of spirit and division of authority has, I think, without exception been a condition of political freedom. England is a union of what were once independent kingdoms, but county government has survived the union and imposes limits on the power of Parliament none the less real that they are not defined by a written Constitution. The British Empire affords a striking illustration of power combined with liberty. The Established Church in England is Episcopal; in Scotland the Established Church is Presbyterian; and in Ireland, Canada, and Australia there is no Established Church. The union of free States in a free Republic is not less strikingly illustrated by the United States. It is a spiritual unity—that is, a unity of free men in a free Nation. "It was a true instinct which led the framers of the Constitution to begin with the statement: 'We the people of the United States.' It was the individual citizens who could unite, and not the 'States.' The same is true of the churches. The various churches cannot unite, though they may co-operate and associate themselves for more effective work."

In these words Dr. Leighton Parks admirably states in his recent volume, "The Crisis of the Churches," the problem of Church unity. In a single sentence in another part of the volume he states it with equal clearness and greater brevity: "The only possible way in which religious men can be held together is by substituting loyalty to Christ for theological agreement."<sup>1</sup> This book appears to have been written especially for the clergy or the lay churchmen of his own communion. Its size will probably limit its circulation to that constituency. I wish that he could be induced to make out of it a volume about the size of Dr. Fossdick's "Meaning of Prayer," addressed to the laymen of all communions. The movement for Church unity must first be won among the laity.

The fact that the rector of St. Bar-

<sup>1</sup> The Crisis of the Churches. By Leighton Parks, D.D. Charles Scribner's Sons, New York. \$2.50.