

House of Representatives will expire at midnight, March 3. Recently he was appointed Under-Secretary of the Treasury. The appointment was confirmed by the Senate. He tendered his resignation as Representative to Governor Smith, of New York. It was understood that he had ceased to be a Representative and had become an official of the Treasury Department. But he withdrew his resignation and announced that he would serve out his term as Representative. His appointment and confirmation as Under-Secretary of the Treasury, however, stood, and he indicated that he would assume the duties of that office on March 4. He was even quoted by the Associated Press as saying that until that time he would "divide his attention between duties at the Treasury and looking after certain administrative measures at the Capitol." Other despatches said authorities agreed that Mr. Mills had the right to do this.

A layman is inclined to wonder what becomes of that provision of the Constitution of the United States which declares that "no person holding any office under the United States shall be a member of either house during his continuance in office." The houses of Congress have not always been particularly expert in construing the Constitution, and it is perhaps just as well that they refrain from debating this question during the little time that remains of this Congress and of Mr. Mills's term.

Mr. Mills is recognized as having unusual knowledge of matters pertaining to taxation, and he will no doubt be highly serviceable to the Treasury Department as Under-Secretary. His knowledge of taxation is also useful to the Administration in connection with bills pending in Congress. He is a member of the Ways and Means Committee, in which tax legislation originates, and has been particularly active in connection with the Green-Andrews Medicinal Liquor Bill, which the Ways and Means Committee has refused to support and for which it will draft a substitute.

Medicinal Liquor Bill Dies

THE Government will not buy whisky trade-marks and distillery good will.

The Green-Andrews Medicinal Liquor Bill is as good as dead. The Ways and Means Committee of the House voted 16 to 8 against reporting it, and Chairman Green, whose name it bears, himself was among those in opposition. But the measure was not, in fact, Chairman Green's bill. It was the Prohibition Unit's bill, approved and urged by Gen-

eral Andrews, Assistant Secretary of the Treasury in charge of prohibition enforcement.

Opposition in the Committee was led by Representative Garner, a Democrat, but the party line was not drawn. Members of both parties voted on both sides. The objections urged were, principally, that the proposed corporation would have a perpetual monopoly, not only of existing spirits, but of future supplies, and that the bill would legislate probably fifty million dollars of fictitious value into about twelve million gallons of liquor now in warehouses. As The Outlook pointed out a few weeks ago, the corporation would have had authority to buy, not merely liquor, but brands, trade-marks, trade names, and good will of distilleries; and, since payment was to have been made largely in stock of the corporation, the owners of these brands and trade names would have become in large part the owners of the Medicinal Liquor Corporation, essentially a private corporation financed with Government money.

The Ways and Means Committee, when it rejected the Green-Andrews Bill, appointed a sub-committee to draft a new measure. The purpose of the sub-committee will be to draft a bill which will avoid two dangers—first, that of putting the Government into the liquor business; and, second, that of creating a monopoly corporation under the wing of the Government. The substitute bill will provide for concentration and control of the present supply of liquor and, when additional supplies of medicinal spirits are needed, for their manufacture and distribution under Government direction at reasonable prices. There is no probability that such a bill will emerge in time for passage at this session of Congress. There is, however, a sincere disposition to give the Prohibition Unit the kind of legislation it needs if not the kind it has asked for, and the new bill will probably be in a favorable position for passage early in the first session of the Seventieth Congress.

Echoes of Mr. McAdoo's Speech

THE Toledo speech of William G. McAdoo has been, by those who oppose not alone prohibition but enforcement of the law, condemned as illogical and absurd. It has been, by Mr. McAdoo's admirers, lauded as "the Cooper Union speech" of the campaign for upholding the dignity of the Constitution. It may be neither the one thing nor the other, but that it has had a profound effect is proved by the number of

statements that it has called forth on the other side.

Two Democrats of considerable prominence, first Bainbridge Colby and then Governor Ritchie, of Maryland, attacked Mr. McAdoo's position and advanced proposals of their own for getting rid, in one way or another, of the necessity for enforcing a part of the Constitution of the United States.

Mr. Colby, in language very crisp and clear, made proposals which were rather turgid. The "intolerable evil" must be got rid of, but he did not undertake to say how. He held out the hope, however, that prohibition will not endure. It is an interesting coincidence that E. & J. Burke, Limited, disagreed with him by their actions. Before prohibition went into effect they shipped from Ireland and stored in New York 7,000 cases of ale and stout, in order to have it ready when the Prohibition Law should be modified. At about the time that Mr. Colby was issuing his statement the Burkes, having given up hope, put their ale and stout aboard ship and sent it back to Ireland.

Albert C. Ritchie, Governor of the only State that has not at any time done anything toward enforcement of the Volstead Law and which has objected most strenuously to having the Federal Government do anything, was much more definite than Mr. Colby in his proposals. If he was correctly quoted, his program is one of out-and-out nullification—of permitting each State to violate the Eighteenth Amendment at its pleasure.

Nicholas Murray Butler, President of Columbia University, Republican, found occasion to say at a club meeting that no man not a wet can be elected President in 1928.

Will Those in Favor of the Constitution Please Stand Up?

AT about the same time as these statements came the report of Dr. Charles Norris, chief medical examiner of the Health Department of New York City, on deaths from alcoholism. The timing of this report, doubtless, was entirely independent of the political utterances, preceding and concurrent, but it may have helped along the cumulative effect. The report is extremely detailed and technical. It showed that 741 persons died of drink in New York City in 1926. It had much to say of poisoned alcohol—which, after all, means about as much as "poisoned strychnine" would.

The fact may be depended upon that all of these statements and the various

others that may have been called forth by Mr. McDoo's speech will be used for all they are worth by the organizations which seek to overthrow—or to override—the law. May the organizations that seek to uphold the law be relied upon to make similar use of all the material on their side? General Smedley D. Butler is quoted as saying not. In a statement sent to Philadelphia, where he once was in charge of public safety, he declared, according to press reports, that those who stand for decency in America will not stand together, that they do not know how to fight, that they are suspicious of one another and are likely to "get trimmed."

General Butler's warning ought to be taken to heart. The thing at issue is not merely prohibition but a thing tremendously bigger. Those who believe in maintaining the Constitution and enforcing the law—believe, in General Butler's terse phrase, in decency—should be able to forget their minor differences, forget even wet and dry, if necessary, and use their united powers for maintaining the dignity of the Constitution.

Limits to Indecency

LIKE small boys trying the sensation of being naughty, certain stage managers, newspaper editors, and book publishers from time to time experiment with the exploitation of moral filth, mental disease, and physical abnormalities. Like the small boys who write on walls, these theatrical managers, editors, and publishers find an inquisitive and giggling public. They discover that for a time at least such ventures pay.

Perhaps the most offensive of recent experiments in exploiting degradation has been the report of the Browning separation suit in Westchester County, New York. Not only have newspapers notoriously vulgar descended to the depths in publishing the noisome testimony in this case, but papers that have avowed some regard for good taste. The public revulsion against this sort of thing has brought most of these editors to their senses. The New York "Daily News," a tabloid which has not gone as far as the "Mirror" and "Graphic," acknowledged editorially that it had gone too far, and added: "Unless the minds of the children in New York are to be drenched in obscenity it seems to us that a censorship of the press as well as of the theater must come."

Indeed, censorship of the theater has gained recruits from unexpected sources. Some theatrical managers have virtually confessed that the only restraint upon the excesses of the stage that is likely to

be effective must come from outside. The trouble with the censor is not primarily that he limits freedom that should be permitted, but that he suppresses what is offensive because it is obvious and leaves untouched what is less obviously offensive but more poisonous.

Restraint cannot be the final cure of this evil. There is no way of driving out evil except by introduction of good. If the Church, for example, were half as active in support of what is right and wholesome and great on the stage as it has been in merely fighting what is degrading, such a situation as that which has come to pass in New York would be much less likely to arise. If preachers could become good judges of drama, and recommend not merely the teachy and preachy play but the soundly dramatic or the wholesomely entertaining, they could do better service than by preaching scores of fault-finding sermons.

The Tennis Warfare

FAILURE to rank Vincent Richards and other members of C. C. Pyle's professional traveling tennis circus is the first gun in bitter and open warfare by the United States Tennis Association against the professional game as played for exhibition purposes. At first blush it seemed to many followers of the game a rank injustice not to rate Richards at the top of the heap on his season's record as an amateur. It seemed a cruel and unusual punishment for honestly turning professional. That might have been true in the case of all the Pyle players had it not turned out that they sold to the professional promoter, not merely their tennis skill, but also their rancor against the Association under whose aegis they had made their reputations. Just as Red Grange sold to Pyle, not merely his football ability, but also the prestige of his coach, Bob Zuppke, and the prestige of Illinois University, so Richards *et al.* sold the prestige of the National tennis championships and that of the Davis Cup, without which they would have been worth no more than the honest out-and-out professional instructors, such as Agutter, McNeill, and Burns.

Tennis, as every one knows, is rooted in amateurism as deeply as any game that can be played. Amateurism, after all, is a thing of the spirit. Some of the honest professional instructors who have grown up with the game are in the spirit of play more nearly amateur to-day than are the members of the Pyle troupe. These professionals do play in professional tournaments, especially on the

Riviera, but they do not draw the crowds brought out by the amateurs. George Agutter once said: "My job is that of instructor. It is to me that my employers look for the development of the youngsters of to-day who are to be the champions of the future. I am also hired to instruct members of the club who play for pleasure only, but who still like to feel that they can play acceptably correct tennis and thus not be a drag on any man they may meet. For that reason we professionals must pay more attention to our stroking than to winning points. Every move we make must be correct, whether the ball goes over or into the net. You can see, then, that some of our matches are pretty dull. We must be constantly thinking of our style and our strokes. You would learn a lot of tennis from one of our matches, but you probably would not give three rousing cheers."

Yet these men have done, and are doing, more for American tennis than a hundred Vincent Richardses and Mary Brownes. If Pyle's people care to regain the respect of the tennis public and still need the money, they might well set up shop as instructors at so much an hour. Then their previous amateur-rating would make no difference, and they would earn a comfortable living on their immediate tennis merits. As it is, they can no longer expect the United States Tennis Association to furnish the professional promoter with more free advertising.

The Rules of the Road Through the Air

PERHAPS the most interesting point established by the new air commerce regulations, effective December 31, 1926, is the fact that the new traffic element is definitely aligned with the sea, and not with the land. This code for air pilots, issued by the United States Department of Commerce, resembles closely the code under which the pilots of the deep manage their ships.

None but men of proved competence will hereafter be permitted to sail the air, just as none but men with a navigator's license are put in command of a ship. Standards of airworthiness are established, just as long ago were set up standards of seaworthiness. Air lanes are mapped out and made available, just as the seas have been charted for the safety of navigators. The right of way is determined in three dimensions. Land beacons are to be provided to guide fliers by night, just as lighthouses offshore protect mariners. Encouragement of the establishment of air ports is being