

and no one knows whether the latter is or not. So with many others. Put their theory to a genuine test and they themselves line up with its opponents.

But not Ritchie. Ritchie is that rare present-day politician, a man of prin-

ciple and conviction, whose beliefs dictate his acts. Ritchie sticks to his platform, defending it vigorously and persuasively. You know where to find him, that he means what he says and that you can trust him till the cows come home.

Backstage in Washington

WASHINGTON, D. C.

WE ARE surprised that anybody of discernment should have been perplexed or pained by the confusing conclusions of the Wickersham Commission. It has, we happen to know, been a facing-both-ways body from the start, and it was conceived in a spirit of political expediency. We have mentioned this before, but recent developments have made it pertinent again, and that is that it was designed by President Hoover and his advisers as one means of straddling the prohibition issue in 1928. According to William J. Donovan, who is generally regarded as the author of the whole idea, it was intended to be a piece of machinery which would reconcile both wet and dry Republicans to Mr. Hoover's attitude in the last presidential campaign. As explained by Mr. Donovan at that time, Republican wets of the North could point to the proposed inquiry as a means whereby prohibition could be discredited, whereas dries of the Bible Belt could hail the commission idea as a method whereby ways of making enforcement more effective could be devised. That strategy proved successful in 1928, and, with some modifications, the White House cohorts hope that it will work again in 1932.

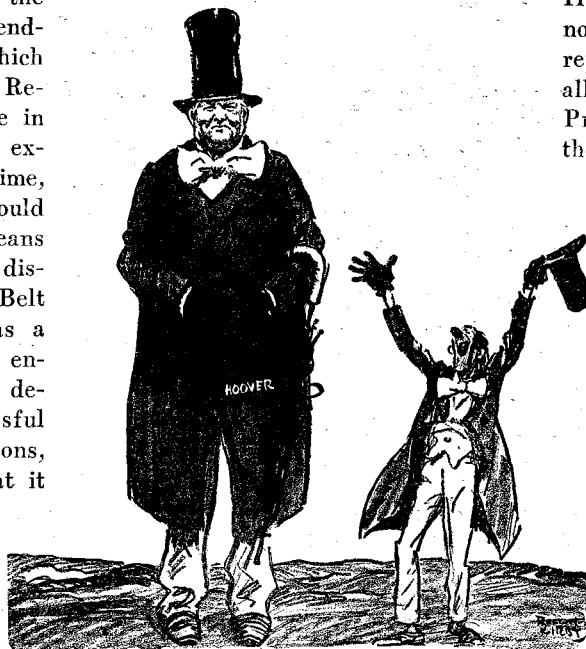
That the commission would bow before partisan and presidential exigencies was proved long ago. We recall, for instance, that when Chairman Wickersham informed the House Appropriations Committee of his plan to make a searching study of the wisdom of the dry laws, Anti-Saloon Leaguers on the committee threatened to withhold funds. No sooner had this threat been uttered than Mr. Wickersham beat a quick retreat, and concurred in the dries' opinion that the commission was not empowered to subject the Eighteenth Amendment to intellectual scrutiny. Subsequently, when Senator Borah delivered his thunderous attack against the Administration's prohibition policies, the commission rushed to the President's rescue with half a dozen emergency and ill-

considered enforcement measures designed to placate the dries. This was, as everybody here knew, a purely political move that was made in a mad hope of pulling Mr. Hoover out of a deep hole. In their appearances before the House Judiciary Committee, Commissioners Wickersham and Pound conceded that their legislative suggestions were half-baked, and should be radically changed before enactment. Only one of the commission's proposals—that for scaling down offenses under the Jones law—has become law, and it is doubtful if any of the other politico-legislative sugges-

that the commission would propose a loosening of the dry laws, and the flood of newspaper stories to this effect early in December were inspired by his talkativeness. In view of the deception of the final report, it may be of interest that, while Dean Pound was predicting a wet recommendation, Judge William S. Kenyon was giving out word that the document would be dry. It was, and is, as Mr. Hoover undoubtedly hoped it would be, all things to all men—in short, an ideal political platform for a President seeking reelection in the face of adverse circumstances.

Now, there can be no doubt of Mr. Hoover's desire to make capital of this ambiguity. In his message transmitting the report to Congress he labeled himself as a dry, and was so accepted by the nation, which had not then been given the real import of the commission's recommendations. It is, to our mind, idle to accept the view of certain presidential spokesmen that Mr. Hoover, like the rest of the country, did not have access to that portion of the report which condemned prohibition and all its works. As often happens, the President acted hastily and without thought of the consequences.

Overnight, however, the White House received thousands of telegrams of protest for its indorsement of the commission's left-handed eulogy of the "noble experiment." Influential politicians telegraphed that he had signed his own death warrant and that of the Republican party, too. It was then that Mr. Hoover and his friends began to beat a retreat—a manoeuvre which is still in progress. Mr. Hoover himself sent for one correspondent of a wet Republican newspaper—Theodore C. Wallen of the New York *Herald Tribune*—to inform him that he simply meant to oppose the plan of revision sponsored by the commission, and to emphasize that he was not a bone dry. With such an example, Walter F. Newton, the President's secretary, and all his close friends, moved quickly to spread the gospel of an "open-minded Hoover." Every wire the White House can pull to influence public opinion was tugged frantically to prevent a serious split in the G. O. P. So that, despite all the fine promises of subjecting prohibition to scientific treatment and taking it out of politics, Mr. Hoover has mired it deeper in political mud and misrepresentation than ever before. A. F. C.



N. Y. World

Hosanna!

tions will be accepted even by an overwhelmingly dry Congress.

Despite Mr. Wickersham's denial, which would have carried more weight had it not been for his previous performances, the Capital firmly believes that Mr. Hoover intervened to block a recommendation for revision of the Eighteenth Amendment. In fact, Henry W. Anderson, who fathered a specific plan of revision, is authority for the statement that at one time six commissioners had agreed upon his proposal. Dean Roscoe Pound also let it be known

Lawbreakers in High Office

By WILLIAM PICKETT HELM

IN THE early days of 1918 there came to the White House one afternoon a confidential agent of the Treasury on a personal mission to Woodrow Wilson.

"I have been sent over, Mr. President," the caller explained, "to offer you any assistance you may desire in making out your income tax return."

The President frowned. He leaned back in his swivel chair. His eyes rested briefly and disapprovingly on his visitor, then strayed to the Virginia hills across the Potomac, purpling in the growing dusk. Presently he spoke, somewhat crisply.

"I need no assistance," he said. "Let me suggest that you read the Constitution of the United States."

In some confusion the visitor withdrew. Outside, he groped in a mental fog for the President's meaning. "The Constitution; read the Constitution!" That was what Mr. Wilson had said. The words raced through his mind. Now what did the President mean by that?

Back at the Treasury, he sat down at his desk and turned the pages of a book, obtained with some difficulty, containing a copy of the Constitution. He started to read the document from its beginning. When he came to Article II, Section 1, Paragraph 7, he stopped. Here is what he read:

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected.

He put the book aside. That, undoubtedly, was what the President meant him to read. Its meaning was clear. Woodrow Wilson thus had announced he was above the workings of a tax law passed by Congress after he had taken office. His salary was to be neither "increased nor diminished" during his term, directly or indirectly.

So Woodrow Wilson's compensation as President remained unaffected by the federal income tax laws passed between March 4, 1917, the beginning of his second term, and the day, four years later, when he retired to private life. He probably was the only \$75,000-a-year man in the country who did not feel the burden of the heavy federal

Is our Constitution, bulwark of John Citizen's vanishing liberties, becoming an archaic instrument, honored more in the breach than in the observance? Here a section is ignored, there an amendment nullified, elsewhere a provision openly and shamelessly flaunted, and not always through ignorance. Not only John Citizen but the law makers and the law enforcers as well have become law breakers, as Mr. Helm points out in this article.

income taxes levied during that period.

Warren Harding succeeded him; and not long thereafter death elevated Calvin Coolidge to the presidency. In Harding's term and again and again while Coolidge was President Congress cut taxes. The process continued into the days of Herbert Hoover's administration. Did Harding, Coolidge or Hoover accept the varying reductions authorized by Congress during their terms? If so, were they right, or was Wilson? I do not pretend to know. The point is raised here merely to illustrate a minor phase of the workings of the Constitution as it relates to the President. It is quite conceivable that one or more of Mr. Wilson's successors, without thought of the point involved, followed the changing schedules of the income tax as the law was changed from time to time by Congress.

There have been five tax cuts since the latter part of 1921. The indirect effect of each one has been to increase the net compensation of the President, along with other salaried persons. If any President availed himself of the current reduction, enacted within his term, it seems obvious that either he or Wilson was wrong. Both certainly could not be right in their opposing interpretations of the Constitution.

Such possible deviation from the letter of the fundamental law on its face would be due to oversight, but that is beside the point. Nobody questions the President's sincerity; everybody knows he tries punctiliously to obey letter and spirit of the federal laws of which he is the chief enforcement officer. Here, however, is a situation in which even the most careful President easily could deviate from the law without even knowing it. If the President is placed in such plight, what about the ordinary citizen?

The incident is unusual, but there is nothing unusual in the frequent disre-

gard of the law by Congress, governors, legislatures and the courts. Time after time these high exponents of law observance, wittingly or otherwise have broken the laws they have sworn to uphold. Almost without exception they have preached law observance to the general public, thundering their creed from bench and hustings. They have not always practiced what they preached. Possibly,

therefore, some of the prevailing contempt for the law with which we, the common herd, are charged, has its ancestry in the law's disregard by its own high priests. When the shepherd wanders off, the flock may go astray.

I am not thinking now of the prohibition laws or of the multitude of evils they have spawned. The wreckage of broken laws lies all around and in it the prohibition laws are conspicuous; but let us forget about them for the time and consider only other legislation dishonored by its chief trustees. So without thought of prohibition, we take notes on law observance or non-observance in the light of other statutes.

We have mentioned the President. How about the Senate? We turn to the Constitution and early in our perusal of that document we find (Article I, Section 3, Paragraph 1) the following language:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof

And, in the Seventeenth Amendment it is found that the method of choosing Senators by the legislatures has been altered so that they are now elected by direct vote of the people. Two Senators from each State, says the Constitution. Yet from March 4, 1927, to December 12, 1929, a period of nearly three years, the Senate accorded Pennsylvania but one Senator. There was no question as to the election of William S. Vare. Every one admitted it. Vare, however, was not permitted to take his seat; and many Constitutional lawyers hold that the Senate flaunted the plain provisions of the Constitution in denying it to him. Huge sums were spent in nominating and electing him, but even his foes admit he was elected in the manner prescribed by the basic law.