

FORMER U.S. SOLICITOR BECK DECLARES NRA UNCONSTITUTIONAL

EXPECTS HIGH COURT WILL SO RULE



JAMES M. BECK

NEW YORK, Oct. 30 (Universal).—The national industrial recovery act, progenitor of the NRA, is unconstitutional and will be so ruled by the U. S. Supreme Court, James M. Beck, former solicitor general of the United States and a representative of the present Congress from Pennsylvania, declared today.

The opinion was written by Mr. Beck, who was a member of the Supreme Court in 1925, and was a member of the Supreme Court in 1925, and was a member of the Supreme Court in 1925.

He holds that the N.R.A. raises questions which go far beyond the mere mechanics of government, and points out that the purpose of the Constitution was to protect the people's rights by limiting the powers of government and to set up a standard beyond which a government could not go.

He said: "I attempted to give concrete expression to our deathless declaration of independence, that a man had certain inalienable rights which no government can take away from him."

"Among these inalienable rights is that of liberty of contract and the greater liberty to pursue any lawful business free from unreasonable governmental interference. The Supreme Court has said so on innumerable occasions."

The lawyer specifically refers to the efforts to compel Henry Ford to sign the automobile manufacturers' code of the NRA as emphasizing a point upon which the whole constitutionality of the N.R.A. hangs. He explains the power vested in the President by the act and says: COURT TO BE FAIR.

"If the President desires to compel him to do so, he can by executive edict provide that no automobile factory shall ship its products, in interstate or foreign commerce without a license, and he can then deny Mr. Ford a license unless Mr. Ford shall sign the code and comply with any other conditions that the President may prescribe. These conditions are without limit. They may relate to hours and wages of labor, minimum or maximum production, the price of the product, or any other condition."

"It is this feature of the law which inevitably raises the grave question of constitutionality."

Unquestionably, Mr. Beck observes, the Supreme Court will find in a position of unparalleled prominence when called upon to decide the validity of the N.R.A. the time of such decision the results desired. In any event, he believes the liberalism of some of the justices as compared to the N.R.A., which is commonly supposed to have no effect in a decision on the N.R.A., explaining:

"The conflict between advanced sociology and conservative conceptions of government is involved in the national recovery act, for the legal question is not one of economics or of social philosophy, but of the power of the federal government as defined in the Constitution."

He suggests that if the national recovery act involved only the impairment of some minor limitation on the mechanical detail of the Constitution, the Supreme Court might be astute to justify an exercise of power which seemed to be demanded by public opinion. But this is not the case, he opines, and explains:

"The national recovery act offends both the letter and spirit of the entire Constitution. It effectually destroys in the sphere of economics our dual form of government. For that was based on a clear distinction between interstate and foreign commerce on the one hand, and to which the federal government was given plenary power, and on the other production and domestic trade within the borders of a state, as to which the governmental power was reserved to the states. It creates an economic dictatorship over the business interests of the United States without respect to this territorial division of authority."

He gives the national administration the power, through a system of codes, to regulate the minutiae of production, although the decisions of the Supreme Court from the beginning of government have consistently held the production of articles of merchandise could not be regulated by federal power. In the two chief labor cases, the Supreme Court held the federal government was impotent either by its taxing or commerce powers to regulate such a condition of labor, because it was wholly without power to regulate the conditions of production; and in two notable labor cases it decided with equal clearness that the federal government could not regulate the relations of employer and employee. To sustain the national recovery act it would be necessary for the Supreme Court to repudiate these decisions, and this would mean an act of unprecedented self-stultification of which the Court seems to me incapable."

MATTY'S MEMOIRS ::

By FRANK MATTY As Told to JAMES GORDON FRASER

(Foreword)

I will be 83 years old next month—Nov. 19, 1933—and if I am ever going to write the reminiscences of what has been a fairly busy and interesting life, it is time I got started.

A great many people in Syracuse know me. A great many more know of me. For more than 20 years I probably saw my name in the Syracuse newspapers more often than any living man. My scrapbooks are heavier than any one man can carry. Nobody lived in Syracuse during the last 20 years of the nineteenth century, and the first 10 years of the twentieth, without knowing that Frank Matty existed.

I know as well as anyone else that most people have the wrong impression of me. They could hardly have any other kind. For years I was cartooned and lampooned and denounced by newspaper men—but I am not complaining about that. I never held a grudge on that account. You can't accomplish anything in this world, especially in politics, without treading on somebody's toes, and you have to take the bricks along with the bouquets.

The point I am getting at is that I am going to have my say about things this time. I am going to tell the truth about a lot of things for the first time it was ever told anywhere—and that goes, even if it is not especially complimentary to me. Nobody can look back over a career like mine without realizing the mistakes that are bound to be made. I made my share of them, and I'm sorry for it now. But I don't believe in trying to hide such things. I hate a liar worse than anything else in this world.

They said I held the destiny of Syracuse in the hollow of my hand for more than 10 years—and they were right! But they were wrong about some of the things they said I did with the power I had. And I have always wanted a chance like this to say so.

If what I say in these memoirs hurts anybody, I am sorry. But I am going to tell the truth, just the same. Long after I'm gone, it may help to keep the record straight.

CHAPTER I

My full name is Francis Victor Matty.

My mother's family was French Huguenot—Protestants. They came here almost 100 years ago, settling in what was the village of Salina. My grandfather worked in the salt mills.

My father's family were French Catholics. They came to this country about the same time and settled in Mexico, a little village in the North Country. My father's name was like my grandfather's—Francis Victor Matty. The "h" became a second "t" about the time I was born.

I was born in a little house in French st. Mexico. When I was old enough, I went to the district school about two miles from home. It was a little one-room affair, with a chunk stove, and in the winter, it was never warm. Nowadays, when the kids expect to be carried from their front door to a million-dollar schoolhouse in comfortable buses, and back home again, the school like that would be considered a joke, but I wonder sometimes if that two-mile hike, twice a day, wasn't a grand thing for me.

When I was six years old, we moved to a little village north of Central Square, and lived there—I think—three years. Then we came to Syracuse and moved into a house at 73 Seymour st. I went to school in old No. 9 School, but to tell the truth, I can't remember very much about it.

My father started a wood yard near the canal bank, on part of the land that is now occupied by the Federal Building. At that time, the people all used wood for heating. Coal was unheard of in most average homes. Our wood came from the Black River country and it was good wood. There wasn't much profit in it, though.

When I was old enough to get away with it, I quit school and began to learn the cooper's trade. It was a good trade in those days and I liked it. I was in a shop in Liverpool, kept by Daniel Matthews. By the time I was 13 years old, I was earning \$35 or \$36 a week, which was a lot of money for those times—just after the Civil War. Many a man was supporting a family on less than that—and thought himself well off.

We got paid after we had the trade learned, by the piece. The top rate was 12½ cents a barrel, and the fast workers could turn out 50 a day. The barrels were mainly used for packing salt, although there was always a demand for beer and ale barrels.

When I was 28 years old, I had to take over the management of my father's wood business, and I can remember the day I moved there. It was a little shed business, with the canal at Clinton and Salina sts. The hotel on the corner, where the Empire House is, was one of the busiest places in town, and the old Syracuse House, which was over in Genesee st. east of Salina, was the real center of everything.

I hadn't been in the wood business long before I decided to get out of it, and I opened what they called an "open shed business" at Clinton and Genesee sts., where the educational building stands today. It was really a sort of livery. The farmers drove in and put up their horses, while they did their shopping in town. The rate was 10 cents for one horse or 15 cents for a team. Feed cost extra.

From the hitch sheds, I progressed into the livery business, with a place in Willow st. at the corner of Clinton, across the road from police headquarters today. I had always liked horses, and a little later, I got to own some good ones. At one time, when I was head of the Klink Park Driving Club Association, I had the biggest stable of fast ones in this section. The livery business made money.

It was after I got set in the livery business that I got into politics. I had always been a Democrat. My grandfather had been "an Andrew Jackson man," as they called them in those days, and when he got over the bay a little, as folks sometimes did, he used to deliver long speeches about what a great man Jackson was. I just naturally drifted into the Democratic party, the way most everybody else does.

I have always thought that men who tell you they belong to one party or another because of its principles are liars. If a child has a good father and mother, he will be whatever they are in nine cases out of 10.

Anthony Webb was then alderman of the old Third ward, where I was located. Some of the people on West Genesee st.—the Pecks, the Beldens, the Geres and the Crouses—were on the outs with him. And one day, just two days before he was elected, they came and asked me if I wouldn't like to have the Democratic nomination for alderman. I said I would, as was natural. They weren't very confident I could get elected, but I thought I could, if I got into it. And I was right.

I won by seven votes—the closest squeak I ever had in politics. And I was about as green as the flags



In his heyday as boss of Syracuse, Frank Matty owned the finest racing stable in upstate New York, but when, after the fate of Mattydale, just Old Bill was left. After 24 years of comradeship, there was never a question of possible separation. "Where Matty goes, there goes Old Bill," was accepted by both as a matter of course.

Unitarian Group to Debate School Topic

A panel jury discussion on the present and future of the public school will be conducted in May Memorial Unitarian Church auditorium Monday, November 6, under the direction of the Laymen's League of the church.

A supper for league members will be served at 6:30 o'clock, following which the public meeting will get under way at 7:45 o'clock. Dr. Harry S. Ganders, dean of Teachers College, Syracuse University, will act as jury chairman. Taking part in the discussion will be Dr. G. Carl Alverson, superintendent of Syracuse schools; William F. Canough, president of the Syracuse Property Owners Association; Mrs. Harold D. Dyke, president of the Syracuse League of Women Voters; Stewart F. Hancock, attorney, and Ralph W. Sweetman, president of the Oswego State Normal College.

Reviews Election Decision Wednesday

Justice Edward N. Smith's decision in supreme court here in the case of the Square Deal party ticket in Manlius township will be reviewed by the court of appeals at a special session Wednesday in Albany.

The decision permitted the candidates of the Square Deal party to have a place on the ballots next week, in spite of the fact that the designating petitions filed by them did not contain the required number of signatures. The deficiency was due, Justice Smith held, to misinformation given by the party managers at the office of the commissioners of election.

The case reaches the court of appeals, holding a special session Wednesday to adjudicate election disputes on appeal filed by Anthony Richards, regular Republican nominee for superintendent of highways. He is represented by Truman H. Preston, county attorney.

Chairman Virgil H. Clymer of the

COUNTY SCENTS BIG SAVING

Scenting an opportunity for Onondaga County to save upwards of \$500,000 next year in its highway department, the Board of Supervisors will postpone action on the 1934 highway budget until the federal and state governments explain more fully its plans for refunding to municipalities two-thirds of the cost of welfare relief projects.

Under the plan as outlined by the state and federal governments, the state will refund one-third and the federal government one-third to communities undertaking welfare relief projects approved by the state emergency administrations. The community itself would pay the remaining one-third.

During the past summer the county highway department has been operating along two different lines, one that of building roads by the county itself with men hired by the county and the other building roads with welfare relief workers. In the first type the county received no refunds whatever from any sources. In the second type the state refunded up to 40 per cent, and sometimes more of the labor costs.

Board leaders say if the state and federal government will refund two-thirds of the cost there would be no reason for appropriating between \$500,000 to \$750,000 in 1934 for roads to be built by the county itself on which there would be no refunds of any nature.

Chairman Virgil H. Clymer of the

Board of Supervisors said the matter was now being discussed, but no decision reached. He pointed out, however, that the welfare workers had been employed almost entirely on building gravel highways, while the county department was equipped for concrete construction.

The Threat to a Free Press

(Continued from Page 1.)

centralized control which the device offers have been made abundantly plain. Whether NRA threatens only to withdraw its emblem, as today, or, in a later and grimmer phase, threatens to withdraw a license, its power to intimidate a newspaper, to discourage honest criticism and procure insincere support is so plain that not even Professor Rogers' optimistic pleasantries can make it a laughing matter to any editor or publisher who believes in the integrity of his profession and views it, as does the Constitution, as a fundamental condition of democracy.

IF Professor Rogers still thinks that such fears are chimerical, he might try his theories as to the innocuousness of a licensing system on the broadcasting companies of the country and study the utterances of the Federal Radio Commission. The radio act gives no right of censorship to that commission. Yet criticism of the NRA has been stilled on the air. How? Because that commission has the power to license—or not license.

We repeat what we said in an earlier editorial: Freedom cannot be licensed. Ask the broadcasting companies. They know.

SCHOOLS REAL CRIME FOE, SAYS FLINT

The potential criminal of 1943 is either in the streets being trained in anti-social activities or he is in the school, Dr. Charles Wesley Flint, chancellor of Syracuse University, told 700 of the state's leading educators attending the New York State School Boards Association convention which opened in Hotel Syracuse Monday.

"If the school is crowded with inadequate equipment and teaching staff," the chancellor said, "this makes education unattractive to the pupil and he may develop the anti-social attitude in school."

Chancellor Flint expressed his views after going over the reports of the national anti-crime conference at Washington, of which he was chairman of the committee on education.

In discussing the common expression of "fads and frills in education," Chancellor Flint said: "Education must keep pace with the development of other fields. We couldn't go back to the days of our fathers in commerce, communication, transportation and industry. We must keep pace with the times."

The convention, which will mark the merger of the Associated School Boards and Trustees of the State of New York and the New York State Association of Central and Rural School District Boards, opened at 9 o'clock this morning with an address by President Guy W. Cheney, and was followed by welcoming addresses by Mayor Roland Marvin and Mrs. Edward L. Robertson, members of the Syracuse Board of Education.

The sessions were split into three groups—conferences on city school districts, conferences on union and common school districts and conferences of central school districts.

Speaking before the first group, Dr. G. Carl Alverson, superintendent of public schools, outlined the part Syracuse has done in the line of cutting school operation costs. In this he cited the "more nearly complete utilization of rooms and teaching services, the increase in the size of high school classes to a maximum of 55 pupils, and the dropping of various 'frill' departments."

"Until education is financed 100 per cent. by the state, our present educational standards (Continued on Page 8, Column 4.)

Chairman



MRS. CALEB CANDEE BROWN JR.

Gingerbread men and fancy ice cream will entice children of Hillcrest camp tomorrow afternoon when members of the Syracuse Junior League will give a Halloween party for them from 4 to 6 o'clock. Mrs. Edward D. Cutler will tell fortunes and games will be played. Mrs. Brown is chairman and is assisted by Mrs. M. B. Hutchinson, Mrs. Winthrop Denison, Mrs. Robert Butler, Mrs. Horace F. Candee and Miss Jane Searl.

HUNTERS BLAZE AWAY INSIDE CITY LIMITS

The pheasant season got under way with a bang Monday and with the opening of the season came hundreds of reports to police headquarters from an aroused citizenry demanding action be taken to put a halt to hunting within the city limits.

Ired by the numerous complaints and the carelessness of the hunters, Chief Cadin issued orders to all auto scout car officers to arrest anyone found hunting inside the city limits.

Under a ruling passed several years ago it is a violation of the city ordinance to fire a gun within city limits. Any hunter doing this, the chief said, will be prosecuted to the limit of the law.

Operators on the switchboard began getting complaints as early as 3:30 o'clock this morning. In several instances irate persons told of hunters in the extreme south side of the city shooting at birds from the paved streets.

Although several of the shots came close to private homes no damage was reported.

Reports came to headquarters chiefly from the North and South sides of the city, while a few were received from the eastern section.

It was from Seelye rd., in the Salt Springs section, that the reports came of hunters standing in the street and firing at birds. One citizen said a hunter had just stepped out of his car when he saw a pheasant in the street near the edge of the city line.

Without waiting to see if anyone was in the range of his gun, the hunter said, the hunter leveled off and fired.

In the Court st. section the boom of shotguns reverberated through the district as hunters fired at game birds from daybreak until late in the morning.

Residents of Chaffee av. in the Valley district also complained of the carelessness of hunters and the reckless abandon with which they shoot at the birds.

The pheasant season this year will run for six full days and the chief is determined to put a halt to the use of city streets as a shooting gallery for careless hunters.

NEW POSTOFFICE

BOSTON, Oct. 30.—Approximately 9,000 persons filed through the new \$6,000,000 postoffice and federal building at Postoffice sq., on the final day of public inspection. Thirty-five postal men acted as guides and conducted the visitors over the big building.

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