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SYRACUSE JOURNAL

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Chairman

Monday, Oct. 30, 1933

FORMER U.S. SOLICITOR BECK DECLARES NRA UNCONSTITUTIONAL

FRANK MATTY As Told to JAMES GORDON FRASER

(Foreword)

XPECTS HIGH MATTY'S MEMOIRS

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 brickbats 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 new. 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. he request of Fortune magazine. 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 rove the greatest in American his- 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 in a St. Patrick's day parade when Mathy. The "h" became a second I went down to, the first meeting "t" about the time I was born. of the Common Council to see what uestions which go far beyond the I was born in a little house in it was all about. I guess you know

nere mechanics of government, French st., Mexico. When I was hard to realize that it's 50 years and points out that the purpose of old enough, I went to the district ago-half a century! school about two miles from home. (Tomorrow Mr. Matty's reminis-

people's rights by limiting the pow-ers of government and to set up a leadline beyond which a govern-ment could not go. He said: "It attempted to give concrete expression to our deathless dec-laration of independence, that a man had certain inalienable rights which no government can take

school In his heyday as boss of Syracuse, Frank Matty owned the

SCHOOLS REAL CRIME FOE.

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 apace with the deevlopment of other fields. We couldn't go back to the days of our fathers in commerce, communication, trans-portation and industry. We must keep apace 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 Rolland Marvin and Mrs. Edward L. Robertson, members of the Syracuse Board of Education.

sessions were split into The three groups-conferences on city districts, conferences on and common school districts HUNTERS BLAZE AWAY INSIDE

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, thief Cadin issued orders to all adio scout car officers to arrest nyone found hunting inside the ity limits.

Under a ruling passed several /ears ago it is a violation of the ity ordinances to fire a gun within he city limits. Any hunter doing this, the chief said, will be proseuted to the limit of the law.

Operators on the switchboard bean getting complaints as early at :30 o'clock this morning. In several instances irate persons told of unters in the extreme south side of he 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 hiefly from the North and South ides of the city, while a few were eccived from the eastern section. It was from Seeley rd., in the Salt Springs section, that the reports ame 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 itizen said, the hunter leveled off und fired.

In the Court st. section the boom of shotguns reverberated through he 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.



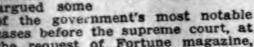
MRS. CALEB CANDEE

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which presents it in the issue to be blished tomorrow.

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COURT WILL

SO RULE

NEW YORK, Oct. 30 (Universal).

The national industrial recovery

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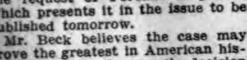
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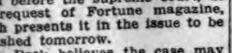
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Page 2



RIGHTS IMPERILED.

He holds that the N.I.R.A. raises



which no government can take school like that would be considered "Among these inalienable rights

is that of liberty of contract and the greater liberty to pursue any lawful business free from unreasonable governmental interferince. The supreme court has said on innumerable occasions."

The lawyer specifically refers to efforts to compel Henry Ford to went to school in old No. 9 School, ign the automobile manufacturers' ode of the NRA as emphasizing ber very much about it. point upon which the whole conitutionality of the N.I.R.A. hangs. He explains the power vested in the President by the act and says: COURT TO BE FAIR.

good

"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 mmerce without a license, and can then deny Mr. Ford a ense unless Mr. Ford shall sign the code and comply with any other conditions that the President may prescribe. These con-ditions are without limit. They may refer to hours and wages of abor, minimum or maximum proluction, the price of the product, "It is this feature of the law

which inevitably raises the grave question of constitutionality."

Unquestionably, Mr. Beck ob. es, the supreme court will find

in a position of unparalleled sament when called te the validity of the N.I.R.A. there he time of such decision the some of the ecoresults desired. In any event, ves the liberalism of some justices as compared to the which is commonly supposed East of the yard was the canal ide them in their decisions, packet dock, where the boats tied no effect in a decision on I.R.A., explaining.

such conflict between adsociology and conservaconceptions of government is ved in the national recovery for the legal question is not of economics or of social sophy, but of the powers of federal government as defined the Constitution."

AINST PREVIOUS ACTS

He suggests that if the national nent of some minor limitation mechanical detail of the Conution, the supreme court might astute to justify an exercise of wer which seemed to be demanded by public opinion. But this is not the case, he opines, and explains:

"The national recovery act of-fends both the letter and spirit of the entire Constitution. It effectually destroys in the sphere of sconomics our dual form of government. For that was based on a clear distinction between interstate and foreign commerce on the one hand, as to which the federal government was given plenary power, and on the other federal production and domestic trade within the borders of a state, as to which the governmental power was reserved to the states. It oreates an economic dictatorship over the business interests of the United States without respect to in those days, and when he got over this territorial division of authe bay a little, as folks sometimes thority. "It gives the national adminisdid, he used to deliver long speeches tration the power, through a system of codes, to regulate the about what a great man Jackson was. I just naturally drifted into the Democratic party, the way most minutiae, of production, although the decisions of the supreme court everybody else does. from the beginning of government have consistently held the pro-duction of articles of merchandise I have always thought that men who tell you they belong to one party or another because of its princould not be regulated by federal power. In the two child labor ciples are liars. If a child has a good father and mother, he will be cases, the supreme court held the whatever they are in nine cases out federal government was impotent of 10. either by its taxing or commerce Anthony Webb was then alderman of the old Third ward, where powers to regulate such a condiwas located. Some of the people tion of labor because it was wholly without power to regulate the conditions of production; and in two notable labor cases it deon 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 the cided with equal clearness that the federal government could not caucus, they came and asked me if regulate the relations of employer I wouldn't like to have the Demoand employe. To sustain the nacratic nomination for alderman. I said I would, as was natural. They tional recovery act it would be necessary for the supreme court weren't very confident I could get elected, but I thought I could, if I to repudiate these decisions, and this would mean an act of ungot into it. And I was right. precedented self-stultification of I won by seven votes-the closest which the court seems to me insqueak I ever had in politics. And I was about as green as the flags capable."

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 **Debate School Topic** moved to Colosse, a little village north of Central Square, and lived A panel jury discussion on the there-I think-three years. Then we came to Syracuse and moved present and future of the public into a house at 73 Seymour st. I but to tell the truth, I can't remem-

school will be conducted in May Memorial Unitarian Church auditorium Monday, November 6, under the direction of the Laymen's League of My father started a wood yard the church.

near the canal bank, on part of the A supper for league members land that is now occupied by the will be served at 6:30 o'clock, fol-Federal Building. At that time, the lowing which the public meeting people all used wood for heating. will get under way at 7:45 o'clock. Coal was unheard of in most aver- Dr. Harry S. Ganders, dean of age homes. Our wood came from Teachers College, Syracuse Univer-

the Black River country and it was sity, will act as jury chairman. wood. There wasn't much Taking part in the discussion will profit in it, though. be Dr. G. Carl Alverson, superin-

When I was old enough to get tendent of Syracuse schools; Wilaway with it, I quit school and be-gan to learn the cooper's trade. It Syracuse Property Owners Associawas a good trade in those days and tion; Mrs. Harold D. Dyke, presi-I liked it. I was in a shop in Liver- dent of the Syracuse League of pool, kept by Daniel Matthews. By Women Voters; Stewart F. Hanthe time I was 18 years old, I was earning \$35 or \$36 a week, which cock, attorney, and Ralph W. Sweatman, president of the Oswego State Normal College. 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 **Reviews** Election well off.

Decision Wednesday We got paid after we had the trade learned, by the piece. The top rate was 121 cents a barrel, and Justice Edward N. Smith's dethe fast workers could turn out 50

cision in supreme court here in the a day. The barrels were mainly case of the Square Deal party upon used for packing salt, although ticket in Manlius township will be was always a demand for reviewed by the court of appeals at beer and ale barrels. special session Wednesday in Al-

When I was 26 years old, I had to take over the management of my The decision permitted the candifather's wood business, and I can dates of the Square Deal party to remember the day I moved in there. have a place on the ballots next week, in spite of the fact that the designating petitions filed by them

up, and beside it was the old public did not contain the required nummarket, right where the Soldiers ber of signatures. The deficiency and Sailors monument is now. was due, Justice Smith held, to mis-There were big high bridges over information given by the party the canal at Clinton and Salina sts. managers at the office of the com-The hotel on the corner, where the missioners of election. Empire House is, was one of the The case reaches the court of apbusiest places in town, and the old peals. Syracuse House, which was over in Wednesday to adjudicate election disputes, on appeal filed by Anthony Genesee st, east of Salina, was the

real center of everything. I hadn't been in the wood bus-

iness long before I decided to get Preston, county attorney. out of it, and I opened what they very act involved only the im- 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

eam. 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 Kirk Park Driving Club Assoclation, 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 in man." as they

finest racing stable in upstate New York, but when, after the fate of all bosses overtook him, he forsook the city for a farm at 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.

Board of Supervisors said the mat-

was now being discussed, but no had been employed almost entirely men on building gravel highways, while the county department was

Scenting an opportpnity 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 emergncy administrations. The community itself would pay the re-

maining 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 holding a special session be no reason for appropriating between \$500,000 to \$750,000 in 1934 for roads to be built by the county. Richards, regular Republican nomitself on which there would be no ince for superintendent of highways.

He is represented by Truman H. refunds of any nature. Chairman Virgil H. Clymer of the



(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.

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 service, the increase in the size of high school classes to lecision reached. He pointed out, maximum of 55 pupils, and the however, that the welfare workers dropping of various "frill" depart-

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

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. Hutchin-

son, Mrs. Winthrop Denison, Mrs. Robert Butler, Mrs. Horace F. Candee and Miss Jane Searl.

NEW POSTOFFICE

BOSTON, Oct. 30 .- Approximately 0,000 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.



TF 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.