

John J. McHugh Dies, Lived Here 15 Years

Well Known Resident of Southern Pines Was Born in Ireland in 1861

John J. McHugh, aged 74 years, well known resident of Southern Pines for the past 15 years, died at 11 o'clock Sunday morning in the Mercy Hospital, Charlotte, where he had gone for treatment ten weeks ago. Funeral services were held in St. Anthony's Roman Catholic church at 10 o'clock Tuesday morning, the Rev. Father E. J. Donnelly coming from Cairo, N. Y., to celebrate the High Mass of Requiem, and to officiate at the grave in Mount Hope cemetery.

John McHugh was born in Ireland in 1861, and came to Southern Pines from Hamlet, being for a time selling agent for automobiles. He soon became a well known figure with his taxi service and hearty greetings. He leaves a widow, the former Miss Mary Keith and one adopted son. Pallbearers were L. V. O'Callaghan, Charles J. Sadler, Dante Montesanti, E. J. Lorenson, Harold Maloney and Omer Williams.

HERE FOR PEACH SEASON

Mr. and Mrs. J. F. Silks of Lakeland, Florida, have leased and moved into the Wrenn house at 55 South Ashe street. Mr. Silks is a peach buyer and expects to be here until the middle of August. The lease was negotiated by E. C. Stevens.

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The President's Decision and the Defense of the Constitution

By WALTER LIPPMANN

The President's announcement comes to this: the question of what, if anything, is to come after the N. R. A. for industry in general, is not to be decided until the country has had about ten months to study the situation and make up its mind. In order to assist that study the N. R. A. organization in skeleton form is to be transformed from a law-making and law-enforcing agency into a fact-finding agency. This is a fair and sensible decision and it ought to satisfy every sincere critic of the N. R. A.

It should satisfy those of us who believe that the N. R. A. went wrong because it was set up thoughtlessly and in a frantic hurry. We should make ourselves ridiculous if we now complained, as some partisans are already complaining, that the President has not pulled a rabbit out of his hat and in a week produced a new N. R. A. with all the virtues and none of the vices of the old one. We cannot have it both ways. If the right course in the summer of 1933 would have been to make haste slowly, then it is surely the right course in the summer of 1935.

It should satisfy those of us who believe that the N. R. A. has retarded recovery by introducing an undesirable rigidity into prices and wages. The President's policy puts this belief to a practical test, and we should be lacking in intellectual integrity if, after criticizing the N. R. A. for its "artificial rigidities" we now became alarmed about "competitive chaos."

It should satisfy those who profess to believe that industry can regulate itself by voluntary agreement. For the President's announcement has the clear moral implication that he will not start wholesale prosecutions under the anti-trust laws before April 1st of next year.

It should satisfy Senator Borah, who asked that no changes in the Federal character of the American government be undertaken until the people have made up their minds.

It should satisfy those who do not wish to see important constitutional changes brought about by indirect means. Any scheme which would have sought to revive the Poultry Code by some indirect device would have been open to this objection.

It will not, however, satisfy the partisans who are interested primarily in finding an issue to beat Mr. Roosevelt in 1936. They would like to have had Mr. Roosevelt go off the deep end, propose some half-baked amendment, and make them a present of the next election. They will be disappointed. Mr. Hoover, too, will be disappointed. His statement about "administration proposals to change to a European form of government" looks wishful in the light of the fact that there are no proposals to change to any other form of government. It does disclose Mr. Hoover's ambitions and his hopes: what a windfall it would be for an eager candidate of the opposition if only Mr. Roosevelt would propose to abolish the Federal Constitution! But it is the idea of an incurable amateur. Mr. Hoover must think that the President is as lacking in political insight as he is himself. He must think the President does not know that an amendment to turn over to the national government omnipotent powers to regulate wages, hours, working conditions, trade practices and prices would not be ratified by ten American states, that it would divide and wreck utterly the Democratic party, that it would be just about the most superlative piece of idiocy by which any public leader ever sought to cut his own throat.

The defense of the American Constitution is a serious matter, not one to be made the football of partisan politics. It cannot be conducted by adjectives, slogans, catchwords and small potatoes. The real defense depends upon demonstrating by actual results that the division of powers between the national and the state governments is such that every real need of the people, in emergencies and in normal times, can be dealt with. Sound constitutionalists, like Senator Borah, hold that all necessary power can be found. For they realize, as Alexander Hamilton pointed out when he was arguing for the constitutionality of the Bank of the United States, that unless adequate powers exist somewhere in our system "the United States would furnish the singular spectacle of a political society without sovereignty, or of a people governed, without government."

There are two questions which are now before the people. One is to determine how much of the N. R. A.

regulation of industry is in fact necessary to the natural welfare. Much of it, like the regulation of the wages of chicken-killers in New York, is not necessary, as General Johnson admitted in his excellent speech on Tuesday night. Some of it, such as the regulation of the coal-mining industry, is by common consent recognized as necessary. Between these two poles lie all sorts of cases, some of which may and some of which may not need Federal control. Each would have to be decided on its merits precisely as the coal and poultry cases are being decided on their merits.

This first question is not a question of law but of fact and of public policy. When it is decided, the second question arises, which is whether, when Federal regulation is deemed necessary, the Federal power—as the Court interprets it—exists. Senator Borah thinks that the power will be found to exist, and our whole constitutional history justifies the belief that where the need of Federal regulation is clearly demonstrated and the method of regulation carefully considered and reasonably administered the Court will sustain Congress. If it did not do that, we should have a dangerously rigid government whereas, in fact, we have a prudently flexible government. If we did not have it, a nation of 120 millions would not have retained and continued to revere a Constitution which has endured longer than any other in modern history.

It can hardly be doubted that immense powers exist for regulating any industry which is truly national in its character. The anti-trust laws are an arsenal of powers which can be used to encourage socially desirable combinations and to discourage socially undesirable ones. Who can doubt that where Congress can prohibit a combination in restraint of

"BUCK" TARLTON INITIATED BY THE KIWANIS CLUB

Richard (Buck) Tarlton was introduced as a new member of the Kiwanis Club of Aberdeen on Wednesday noon by the Rev. J. Fred Stimson of Southern Pines. The club has taken in nine new members since the first of January. Kiwanis met this week in the Community Church at Pinehurst, with Past President E. M. Medlin presiding in the absence in Raleigh of President Willard Dunlop.

trade it can permit one under certain clearly defined conditions? The right to tax and to spend is another great complex of powers. Then there is the tariff: We hear much about the interstate competition of sweatshops. Is there any doubt that Congress can say to sweated industries, all of which are now highly protected, that an industry which cannot stabilize itself by voluntary agreement, trade union regulation and state laws, is a parasite and should be allowed to compete with the sweated labor of Europe and Asia. If, to obtain tariff protection, industries and the states (where those industries are located) had to meet decent standards, the tariff might become, what it is always supposed to be and so often is not, a protection to labor.

There is nothing whatever in the idea that the Supreme Court has stripped the national government of all power over national economic problems. It has stripped it of unlimited and undefined power. Those of us who are glad this has been done must now show that sufficient and exact power do exist in the Constitution. For in the long run no Constitution can be defended except by demonstrating to the people that it preserves their liberties and promotes their welfare.

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