

The Story of the Constitution

by CALEB JOHNSON

WHAT CONGRESS MAY AND MAY NOT DO

The powers granted by the States to the Congress under the Constitution are strictly defined and limited. In brief, they include the following:

1. To lay and collect taxes, duties, imposts and excises.
2. To pay the debts and provide for the common defense and general welfare of the United States.
3. To borrow money on the credit of the United States.
4. To regulate commerce with foreign nations and among the several States.
5. To coin money and fix standards of weights and measures.
6. To establish postoffices and post roads.
7. To grant patents to inventors and copyrights to authors.
8. To declare war, and to raise and support armies and a navy and make rules for the government of military forces.
9. To call out the militia in case of emergency.

In general, Congress has authority to make all laws necessary to carry into execution the powers granted to the Federal Government by the Constitution. But throughout the document the rights of the individual States are carefully safeguarded.

For example, each State has the sole right of appointing the officers and prescribing the training of its militia. Each State can determine for itself who constitutes its militia. In New York the militia consists of every able-bodied male between the ages of 18 and 45, whether enrolled in the National Guard or not. Congress has exclusive jurisdiction over military reservations, but has no power to establish them except by the consent of the States in which they are located.

Congress was given power to establish a uniform rule of naturalization, but that does not carry with it the right to say who may vote in any given State. Each State sets up its own qualifications for voters and can change them at will. At the time of the adoption of the Constitution practically every State limited the franchise to taxpayers or property-holders.

Other important restrictions are placed upon the power of Congress by the Constitution. It cannot enact a law retroactive in its application—an "ex post facto" law. That is, it cannot make illegal any act committed before the law prohibiting it was passed. It cannot impose taxes or duties upon articles exported from any State. It cannot suspend the writ of habeas corpus. This does not sound so important today, but the framers of the Constitution had a vivid recollection of the custom of their British rulers of putting people in jail and refusing to produce them in court. The purpose of the Constitution to vest supreme power in Congress, except for the rights reserved to the States, is indicated in the provision for the passage of laws over the veto of the Executive. An act of Congress does not become effective until it has been signed by the President, with the exception that if the President refuses to sign it, Congress may, by a two-thirds vote,

repas: the bill. It thereupon becomes a law regardless of the President's dissent.

It is also within the power of the Congress to dismiss from office any member of Executive or Judicial branches of the Government, including the President. This is done by the process of impeachment, in which the House of Representatives has the sole power to indict and the Senate the sole power to try any official indicted or impeached by the House. Numerous Federal Judges have thus been impeached and dismissed from the public service and one President, Andrew Jackson, was impeached by the House of Representatives but was acquitted by the Senate.

THE FUNCTIONS OF THE PRESIDENT

No one major phase of the Constitution gave the delegates to the Convention of 1787 more trouble than that of working out a feasible plan for the execution of the laws adopted by the Congress. There had been no executive authority under the Articles of Confederation. One of the first things the Convention decided was that the new Government should consist of three independent branches, Legislative, Executive and Judicial. But how should the Executive power be set up?

Should we have a king? That was seriously debated, and rejected. Should there be an executive committee of three to administer the laws? That was considered, but dismissed. It was finally decided that the Executive would consist of one man. Then for weeks the debate went on as to how that one man should be chosen and for how long. Some delegates wanted the Executive to be appointed by the Senate and removable at pleasure. Another group wanted the Executive elected by the House of Representatives. There was a strong element in favor of a seven-year term for the Executive. Several other delegates thought he should be chosen for life.

Agreement was reached at last upon the plan of vesting the Executive power in one man, with the title of President. He must be 35 years old and a natural born citizen of the United States. He is elected by the States, for a term of four years. A Vice President is chosen at the same time to provide against the President's death or disability. Under the original Constitution, the States voted only for President, and the candidate getting the second highest number of votes became Vice-President.

Each State has as many electors as it has Senators and Representatives in Congress. If a State wants to have its Presidential electors appointed by the Governor or the Legislature, as was the early way of doing it, it can still do so. In practice, every State permits all voters to vote for Presidential electors, but the President is not elected by the national popular vote. The electors of each State meet and vote as State body, and the candidate who gets the votes of the larger number of electors—not of citizens—is elected President. Several Presidents have thus been elected by a minority of voters.

The President is Commander-in-Chief of the army and navy. He has authority to pardon offenders against the laws of the United States. He can make treaties, provided two thirds of the Senators concur, and this same two-thirds vote of the Senate is required to confirm his appointment of Ambassadors and

judicial officers and others. He is required to "report to Congress from time to time on the state of the Union" and to recommend such legislation as he thinks necessary. He can call Congress together in a special session, and if they don't agree as to the time of adjournment, he can declare Congress adjourned. And he is required, in the language of the Constitution to "take care that the laws be faithfully executed."

Very early in our national history conflicts began to develop between the President and Congress. Some Presidents have acted upon the theory that they were authorized to do whatever was not forbidden by the Constitution and the laws of Congress. Others have taken the opposite attitude, that they had no authority beyond that specifically granted in the Constitution and statutes. In the course of 147 years, however, the powers of the Executive have been gradually enlarged by custom, statutory law and judicial interpretations, until the Executive is no longer merely the servant of Congress for the execution of Congressional enactments, but is also responsible for the initiation of policies.

Next installment: The Supreme Court And Its Powers.

YOUR CHILD AND THE SCHOOL

By Dr. ALLEN G. IRELAND
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Preparing for School—III.

The third step I advise you to take in preparing your child for school is to consult your family physician or local health department regarding the "tuberculin test."

Perhaps you know it as the "Mantoux Test."

It would be surprising if you are not already familiar with this test and its values. The story has been told repeatedly in all the parents' and household magazines, in newspapers, and over the radio. Many school districts have introduced it as a routine measure. And, unquestionably, many more will do so this year.

Remember what I said last week about overconfidence? Most parents are too sure when they think, "My child can't have tuberculosis." I say, "too sure" because seldom do you really know. You are merely guessing. The psychologist would say you are hiding a fear. Think that over, and see if it applies to you.

Now, being afraid and doing nothing about it is ridiculous. More than that, it's the worst kind of neglect and inexcusable. If you fear tuberculosis, isn't it more sensible to meet it with every defense at your disposal? Bring it out in the open. Don't let it work in the dark. In short, be prepared. And in the case of children, the "Tuberculin Test," is right at hand. It is simple, harmless, and very accurate.

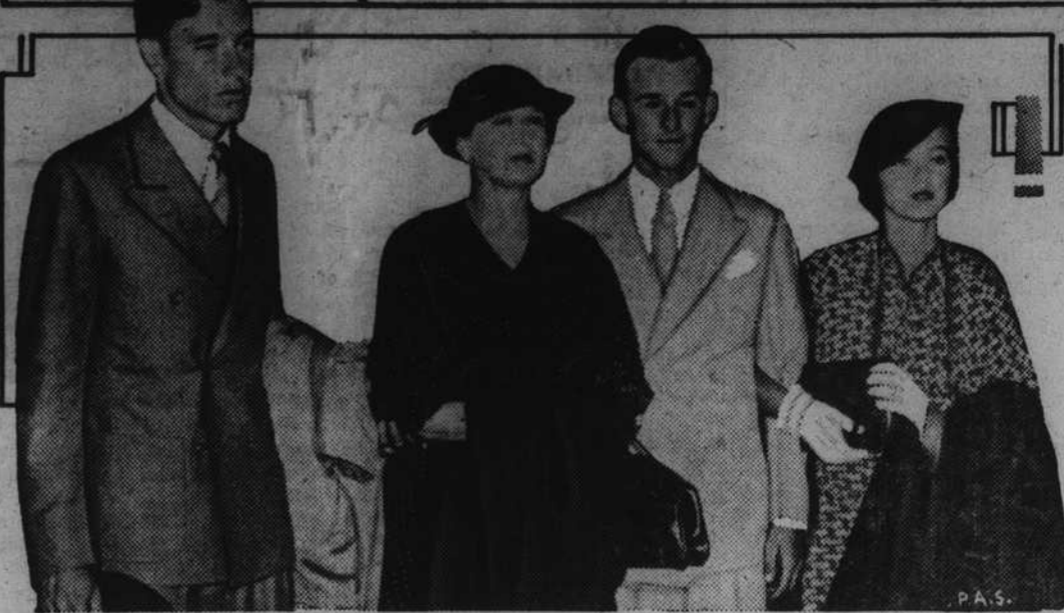
Publicizing the total of motorizing injuries—almost a million last year, with 36,000 deaths—never gets to first base in jarring the motorist into a realization of the appalling risks of motorizing. He does not translate dry statistics into a reality of blood and agony. —From Reader's Digest for August.

His Alibi

First Lawyer—How did that murder case come out—the one where the man talked his victim to death?

Second Lawyer—The jury decided that it was a case of justifiable homicide. The victim was only a brush agent.

The Family of the Late Beloved Will Rogers



NEW YORK . . . Though widely separated when word arrived that the husband and father, Will Rogers, had been killed in an airplane crash with Wiley Post in Alaska, the members of the Rogers family met here to start the trip home to Hollywood. Photo shows, left to right, Will Rogers, Jr., Mrs. Rogers, her son James and daughter Mary, as they boarded a train for the West.

Washington News For U. S. Farmers

Items of news, recently appearing in the press and in official statements, are used this week in the belief that farmers generally will find them interesting.

PROCESSING TAX IDEA

Extract from report of the cabinet committee, appointed by the President to study the cotton textile situation, dealing with the processing tax on cotton, which gives the general argument for all processing taxes:

During the economic emergency as reflected by existing price disparities, we recommend against the discontinuance of the processing tax, which, after due consideration of the alternatives, we regard as the most practical among the available means of securing to the cotton farmers of the nation a return from cotton equivalent in terms of purchasing power to that which existed in the pre-war period and which has enabled them to increase their purchases of the products of other industries, including the cotton industry, thereby benefiting the workers in these industries.

FARM INCOME BETTER

The Bureau of Agricultural Economics reports that Indiana, Illinois and Ohio made the greatest increases of income from the sale of principal farm products for the first six months of this year.

Cash receipts for the country as a whole for the six months were \$2,585,000,000, as compared with \$2,330,000,000 for the same period of 1934. The rental and benefit payments for the six months in 1935 were \$285,998,000 as compared with \$148,780,000 a year, bringing the total cash farm income for the first half of 1935 to \$2,956,000,000.

The total for 1934 was \$6,387,000,000 and the bureau said it is expected that the income from farm products in the second half of the year will exceed that of the latter part of 1934.

The greatest decline in receipts was in North Dakota, where the reduction in marketings of wheat was greatest.

AAA AMENDMENTS

Amendments to the AAA have three main points:

- (1) Price-fixing has been eliminated in the case of all commodities except milk.
- (2) Licensing powers, as such, have also been eliminated, though the Secretary of Agriculture is given limited authority to issue certain marketing "orders."
- (3) Suits for the recovery of processing taxes are permitted when it can be proved that the tax was neither passed forward to the consumer nor backward to the farmer.

HEARINGS INVOLVE PARITY

AAA officials are preparing for a series of hearings at which representatives of industry and the consuming public as well as the farmers will be given an opportunity to voice their views on the economic bases for the wheat, cotton, tobacco and corn-hog adjustment programs.

No changes in the basic AAA scheme are involved, for the amendments contain a mandate from Congress for the continuance of that plan to boost farm prices to "parity" levels. However, they also direct the Secretary of Agriculture to see that the price boosting is done so gradually that consumer interests are not injured, and they also require him to consider what effect higher prices may have in the way of curtailing consumption.

PRODUCTION PRINCIPLE

Henry A. Wallace, Secretary of Agriculture, has proclaimed as a primary principle of AAA operation that crop production shall at

all time be maintained at levels assuring "the same quantity of food per capita as during the decade of the '20s."

This statement followed announcement that restrictions on wheat planting for 1936 would be loosened, restoring 5,200,000 acres of wheat land to production, with the result that for 1936 wheat farmers in this country will plant ninety-five per cent of their base acreage instead of eighty-five per cent as originally announced.

Mt. Zion

Piney Creek P. O., Aug. 19.—A. J. Pugh and niece, Mary Jones, of Clendennon, W. Va., Mr. and Mrs. T. E. Pugh and children, Logene and Fred, Mr. and Mrs. R. M. Pugh and Mrs. George F. Smith and granddaughter, Edna Rae, visited in the home of Mr. and Mrs. W. F. Pugh Sunday.

Mrs. Mollie Atwood is ill. Mr. and Mrs. P. C. Edwards, Topia, spent Sunday with George and John Black.

T. E. Pugh made a business trip to Sparta Friday.

Edith Rose Crouse, of Mary-land, and Opal Mae Edwards spent last week with Edna Rae Smith.

D. J. Grubb, Nathans Creek, spent Thursday night with S. E. Smith.

Mr. and Mrs. Dale Wilson and daughter, of Welch, W. Va., spent the week-end with Mr. and Mrs. Will Woodie.

Many a little cottage has given the world a hero.

GOODWILL TALE

Peter had long since given up hope that he would ever get employment at his old trade. "A blacksmith?" he used to say, "who in this country could employ a blacksmith?" In fact when his wife, Bess, was living she often remarked, "Peter, you are doin' the right thing to learn something about tin-smithin'." If not a 'blacksmith,' then a tin-smith." Stubbornly, however, he figured this "tin-smithin'" business sort of "sissy-work" and what little he learned at first was of slight value. Later on, though, he saw the wisdom of his wife's counsel and did become an adept tin-smith.

That was many years ago. After his wife's death, the light seemed to go out of his life. The shock was tremendous. With all the grief, he was glad for the war in Cuba and in that new land under new conditions he tried to forget. But back home again, amid familiar scenes, he became morose and of no earthly good to himself or to anyone else for that matter. He took the cue from this experience and found a certain amount of peace in traveling up and down the land.

Another war shattered across the world and Peter was one of the first to seek its doubtful glory. He simply couldn't shake the pall of his loneliness. To be sure there were varying degrees of his gloom, but he never was able to forget.

One happy day for Peter, though sad in its first unfolding, he saw a way out. He had been

on the road, getting a small job here and another there. On this day he was riding a freight when he slipped while jumping off and in a twinkling lost a foot under the grinding wheels. When he recovered consciousness in the hospital, a kindly man was sitting by his bed. No! He knew no one in this town. No! There was no message he wanted sent. No one to send any to. And then the old flood of loneliness surged in upon him and he broke down completely.

On subsequent visits, the kindly man learned all about Peter. Upon his release from the hospital, arrangements were made for his convalescence and many were the pleasant chats together. The man wanted nothing from Peter. He simply happened by. He was a Goodwill Secretary and interested in human beings. Peter was strangely drawn to him and the idea of helping someone else had never occurred to him as much of a doctrine of life. But now—but let Peter tell it.

"Mister, this job you've given me fixin' up ice-boxes, the many kindnesses you've shown me, everything you've done for me with these good people is nothing—not a thing to something else you've given me."

"What's that, Peter?" asked the Secretary.

"Well, you've given me a new idea. When my Bess died, I died, and I just stopped doing things for other people. That's why I wasn't happy. Now I know. Now I'll be happy because everything you do at Goodwill is for somebody else."

Goodwill steps into many a breach and saves desperate, hopeless situations. It is a sound philosophy of life to help someone else. You can further this idea by saving for your Goodwill Industries those goods that you no longer need. They will be a blessing to those who seek an opportunity to provide for loved ones.

About the only place now to find "home cooking" is at the restaurant.

Reins - Sturdivant Funeral Home

Ambulance Service Day or Night
Licensed Embalmers
SPARTA, N. C.
Telephone 22

checks
666 MALARIA
in 3 days
Liquid Tablets
Salve
Nose Drops
COLDS
first day.
TONIC and LAXATIVE

Ruth: Do you like Bailey's Ice Cream?

Jean: Yes. They always give you so much.

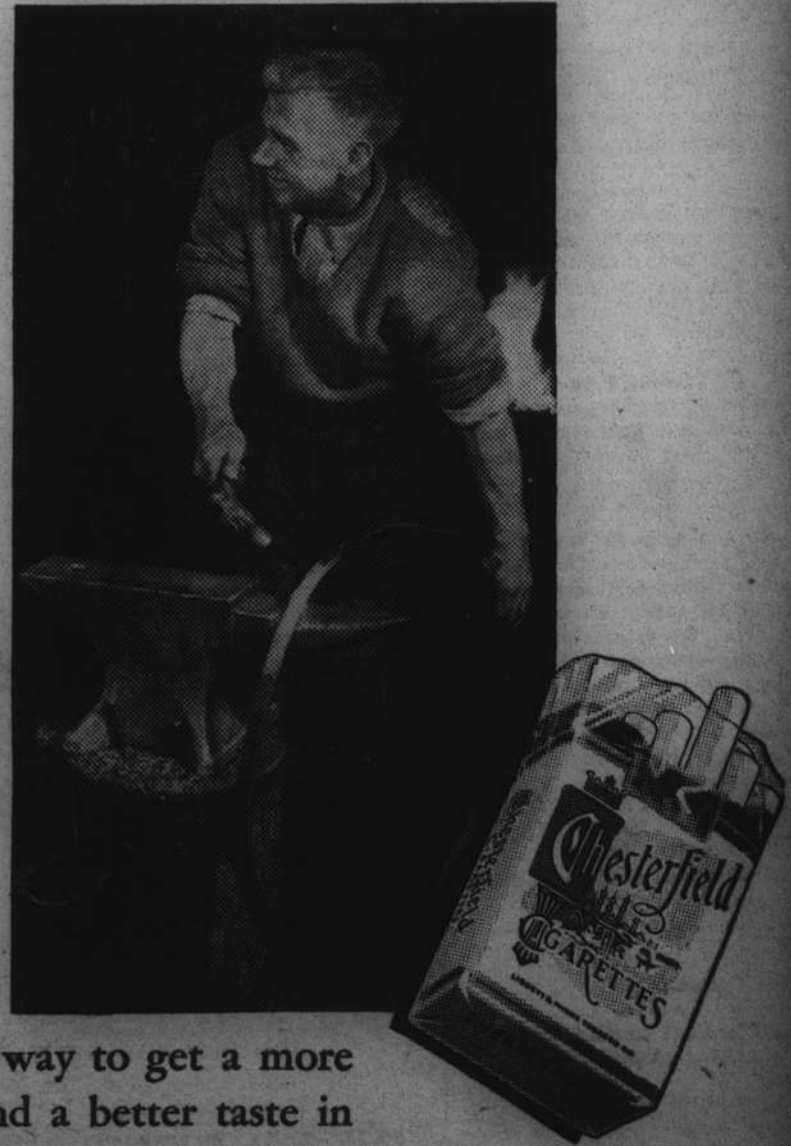


When in Galax give the kiddies a treat—bring them to the "Polar Bear." They won't forget.

Bailey's

"The Home of the Polar Bear"
GALAX, VA.

Welding
... the best way to make a perfect union of two pieces of metal is by welding them together.



... and the best way to get a more pleasing flavor and a better taste in a cigarette is by welding together the different types of tobacco . . .

That is just what we do in making CHESTERFIELD Cigarettes—the three types of mild ripe home-grown tobaccos, that is tobaccos grown in this country, are welded together. Then they are welded with aromatic Turkish. When these tobaccos are welded

together you get a combined flavor which is entirely different from any one type of tobacco.

It is this welding of the right amounts of the right kind of tobaccos that makes CHESTERFIELD a milder and better-tasting cigarette.

Chesterfield ... the cigarette that's MILDER
Chesterfield ... the cigarette that TASTES BETTER