

This Week in Washington

By Ralph E. Church Representative, Tenth Congressional District

Chicago, Dec. 28.—In a well-organized society of "law and order" the actual writing and enactment of a law is only one function of a government. According to the theory of the division of powers upon which our governmental system is based, it is the duty and responsibility of the people's representatives in the Congress to enact such legislation as would be responsive to the changing needs and wishes of the people. Once placed upon the statute books it becomes the duty and responsibility of the executive branch of the government to enforce it and likewise it is the function of the judicial branch to interpret. One function is as important as the other. As experience has taught us, without adequate enforcement a law upon the statute books is meaningless and without judicial interpretation there would be confusion.

This re-statement of the principles of American government seems hardly necessary. In view of the tendency in recent years for the legislative branch of the government to delegate "quasi-legislative" powers to the executive branch, it has been the subject of much discussion. With this rapid growth of administrative legislation and administrative adjudication, authorities have seen the gradual breakdown of the traditional "separation of powers" and the development of a "government of men" to supplant a "government of laws." The New Deal administration has often been charged with the responsibility for this development.

One of the severest charges leveled against the New Deal is its apparent disregard for the American constitutional principles. In substantiation of the charge it has often been pointed out that the President has not only demanded legislation of questionable constitutionality but has gone so far as to ask the Congress to set aside the question of constitutionality in considering the legislation.

Now it is charged that the New Deal administration is refusing to enforce a law which Congress passed and the President signed. There is no denying the fact that there is no authority vested in the President or any official of the executive branch of the government to suspend the operation of an Act of Congress. If such were the case we would truly have a "government of men" rather than a "government of laws." The laws written by the people's representatives in the Congress would be meaningless. If the operation of the law could be suspended by the President, our government would be dependent entirely upon personal will.

This recent charge arises out of the controversial Public Utility Holding Company Act, the court litigation, and the formal order of the Postmaster General to the postmasters of the United States, dated December 4, 1935, which in effect

amounts to a governmental order by a cabinet officer not to enforce the Act of Congress at this time. It is contended that even though the law itself may be unpopular and undesirable, and even though it may be the opinion of the Attorney General that it is not constitutional, so long as it remains on the statute books it is not within the power and authority of the President to suspend its operation. That must be done by Congress itself, either by way of an amendment or repeal, or by the Supreme Court.

The order of the Postmaster General which has precipitated this criticism of the administration reads in part as follows: "The Public Utility Holding Company Act of 1935 makes it unlawful for certain holding companies to use the mails for specific purposes after December 1, 1935, unless such companies are registered with the Securities and Exchange Commission. It is probable that a number of such holding companies will not register under the act."

"Whatever may be the authority, if any, of the Postmaster General to exclude from the mails matter sent in violation of the act, the Postmaster General does not intend to exclude any company from using the mails, at least not before the validity of the act is judicially determined by the Supreme Court. You will accordingly take no steps to exclude unregistered holding companies from the use of the mails."

The explanation made for this unprecedented procedure is that the administration wishes to prevent the public utility holding companies from getting a good test case into the Supreme Court. Rather it is endeavoring to get into the court a case of its own choosing in order that it may have the strongest grounds possible for its contentions. Students of government vigorously state that this order of the Postmaster General, suspending the operation of a mandatory Act of Congress, it is a dangerous precedent, however justified the government may feel in taking such action to realize its purpose. Carried to its logical conclusions it means that Congress may enact a law, the President may sign it, but when the President through his cabinet officers suspends operation whenever he so desires, a free democracy ceases to exist and our government is simply a dictatorship. It ceases to be a "government of laws" and becomes a "government of men."

"400" Completes First Year of Service Today

Today is the first birthday of the "400." One year ago, the Chicago and North Western Railway took a daring step in cutting two hours and 50 minutes off the fastest running time on trains between Chicago and St. Paul-Minneapolis via Milwaukee, Wis.—a step that placed America in the fore as having the world's fastest long-distance passenger trains.

After four months of operation, during which time the "400" made a creditable "on time" record in the face of severe weather conditions and carried an average of between 150 and 160 passengers each way on each trip, the officials of the North Western trimmed another 30 minutes off the running time of the train—it now makes its daily trip, each way, in six and one-half hours—409 miles in 390 minutes.

Planned as a five-car train, the "400" carried six cars on its first trip and has operated since that day, every day, as at least a six-car train. Many times it has carried seven or eight cars and during certain summer and holiday periods has operated as a two section train in each direction.

Although the "400" was experimental in some respects, when placed in service, it is now a thoroughly established train. It has "set the pace" in America and in the world for a tightening of train schedules, for an introduction of new service, and for a new day in railroad passenger train operation.

The "400" then, as now, is a standard train, pulled by speedy and powerful E-2-A locomotives, specially built for this type of run. While only three stops were scheduled during the first part of its year, the "400" now makes four intermediate stops—Milwaukee, South Beaver Dam, Eau Claire and Adams, Wis., in spite of the 30 minute reduction in running time made on April 28.

While the equipment placed in service January 2, 1935, was considered the "latest word," new lounge cars and new parlor cars have been added since that time, both introducing new ideas in lighting and furnishing. The lounge car in particular, with its modernistic tubular furniture, is looked upon as symbolic of a new trend in railroad equipment.

Special Light Installed Not significant from the standpoint of operating efficiency but spectacular to those who nightly watch it "stretch its legs" through the suburban towns north of Chicago, is the special headlight—shooting a beam of light at a skyward angle in front of the train—which was installed just in front of the locomotive stack. Although the "400" was the first of a series of spectacular innovations on American railroads in 1935, officials of the Chicago and North Western Railway feel that 1936 will see a continued improvement in passenger facilities led by the establishment of four streamlined trains over the North Western and Union Pacific between Chicago and Denver and Chicago and the Pacific Coast. These "Streamliners" will be called, "City of Portland," "City of Los Angeles," "City of Denver" and "City of San Francisco"—the latter being operated in conjunction with the Southern Pacific. All trains are now nearing completion.

Recital Series Jan. 6 At New Trier High

Due to illness Mme. Vallin has been compelled to cancel her entire American tour, and will not appear in the Artist's Recital Series, sponsored by the Winnetka Music club. The club has been most fortunate in securing Queena Mario, Metropolitan soprano, to take her place. Mr. and Mrs. Fuermann will of course appear in the joint recital at New Trier high school, Monday evening, Jan. 6. Genevieve Whitman, Chairman of Artists Recital Committee.

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Edgewater Beach Has New Policy

A new policy which will provide a complete new show each week in the marine dining room, with a presentation of numerous novelty acts from vaudeville, stage and radio, is announced by William M. Dewey, managing director of the Edgewater Beach Hotel. Going into effect next Saturday Jan. 4, the new year's entertainment programs are expected to prove particularly popular with the hotel's dinner dancing public because of the great number of regular patrons. While an act or star scoring what theatrical agents call a smash hit may be held over an extra week occasionally, the new hard and fast rule will call for a completely new bill opening each Saturday.

The initial debut of the weekly change idea presents Miss Kay Picture, lovely danseuse of the musical films, and Tommy Lowe and Harry Hite, comedy team known as the "extremes in fun." Hite is 7 ft. 9 in. and his partner 5 ft. 4 in. Miss Shirley Lloyd, exotic singing star of Herbie Kay's popular band, is also featured in the floor show with Phil Shuken, tenor. With the avowed intention of signing outstanding novelty acts for future engagements, Jay A. Jones, resident manager of the hotel, has thrown open the booking privilege to all recognized agencies. Agents are interviewed each Monday. The best acts are selected and ratings made on others for future engagements.

Erosion Projects Employ 425 Workers

Four hundred and twenty-five relief workers are employed on five soil erosion projects in Illinois, according to a report made by R. A. Fisher, regional director of the soil conservation service. The projects and the number employed on each are as follows: Freeport, 96; Bloomington, 133; Edwardsville, 100; Golconda, 51; Havana, 45. The first of the relief workers were employed Sept. 2 and by Sept. 15, 139 were at work; Sept. 30, 378, and Oct. 15, 425. Thirty-two CCC camps have been assigned to Illinois to do soil erosion work, the report states, and to date these camps have co-operated with approximately 3500 farms, consisting of 455,000 acres. They have built 500 miles of terraces, constructed 120,000 temporary gully structures and 900 permanent gully structures. Two thousand acres of eroding banks have been seeded and sodded and trees has been planted on 15,600 acres throughout the state. The erosion control program is of a demonstrational nature the report states, and is designed to show Illinois farmers the seriousness of the soil erosion problem.

Read The Want-Ads

Bull's Eyes TRUTH BY PLAIN-SPOKEN PETE WELL, FOLKS, HERE'S HOPING AS WE STEP INTO THE NEW YEAR, WE'LL LEAVE OUR PAINS AND ACHES BEHIND AND EXCUSE OTHERS THEIR MISTAKES EVEN AS WE'RE HOPING TO GET BY WITH OUR OWN SHORTCOMINGS OLD NEW We wish our patrons, one and all, a very Happy and Prosperous New Year. Don't forget to make it a safe one, too, by having us keep your car perfectly aligned. We feature the BEE LINE SYSTEM—absolutely accurate! AUTO-RECONSTRUCTION DAHL'S 322 NO. FIRST ST. HIGHLAND PARK 77

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