

which makes it apparently so hard to educate people to a decent respect for the law. It is never the duty of the jury to do anything except follow the law and the facts. The settled convictions and customs of a community have nothing to do with a juror's duty. If statutes are too severe and unreasonable, they should be repealed or modified, but the jury has no such right or duty as to set aside a statute simply because it is somebody's opinion that it is severe. A juror is not an official, but he is serving in a very important place and it will be very difficult to enforce the law unless he has a proper conception of this important duty. When jurors will not do their duty, law enforcement is impossible and there are certain well known violations and certain well known cities and communities where the law is not enforced and will not be because it is not respected. We will never make any progress in respect and enforcement of law until we get a different conception from that advanced by this writer. It is the most dangerous theory that could be advanced.

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 "It is certain that in the more congested districts of our city many of the inhabitants suffer what is tantamount to a premature burial, and people with a delicate sense of hearing will tell you they often hear these poor souls knocking inside their tenement coffins and calling piteously for deliverance."—L. P. Jacks.

FIG LEAVES, LEGS AND CULTURE.

THE editor of the Bookman takes a fling at our fig leaf culture and the frantic efforts made here and there for a smattering of knowledge on various subjects. There is a mad scramble on the part of pretentious people to hide their intellectual nudity and they are grabbing at convenient fig leaves in the hope that they may at least present a passable appearance on occasions when some degree of culture is necessary or desirable.

Our friend Brown quotes poetry by the ream and is not at all ignorant of some of the dicta of the great philosophers and yet he is known to be a very busy man. The truth is that he has a few select excerpts here and there which give him the necessary polish for all occasions.

It is no longer necessary to know how to dance to enter society, but one must know the philosophy of Tiglath-Pileser. The Bookman assures us that we have a race of bores and pedants hopping about the drawing room in fig leaves. We are endeavoring to put on a formidable intellectual front when the dorsal aspect of our anatomy looks like the alley back of the poor house.

There is always a question as to what constitutes culture. Occasionally we meet those who are unlettered, yet possessed of a high degree of culture. Something depends on the point of view. There is moreover some dispute about whether culture is more desirable than some other things that are very much in evidence these days. For example, according to our esteemed contemporary, the New York American, Dr. Marie Charlotte Davenport, a 102 year old physician, recently advised girls in Washington to cultivate their legs against their minds, that they were their most important asset. She was able herself to make an exhibit of a trim ankle at her extreme age, and she pointed to it as an asset which enabled her to capture a husband 47 years her junior.

I listened the other evening to Madam Francis Alda, the famous prima donna, also said to be the possessor of beautiful legs, but I could not tell it from her singing over the radio. I concluded that her legs and voice make a pretty good combination. Madam Alda disagrees with Dr.

Davenport and does not believe that the modern woman showing her legs to her knees, is more attractive than her cousins of other days, who held their admirers by mystery and subtle charm.

Ann Pennington, who is said to possess the shapeliest legs in the world, also disagrees with Dr. Davenport, and also Louise Hunter, of the Metropolitan Opera Co., who declares that she is glad if she has good looking legs, but admits that they alone do not get her into Grand Opera. She says that it takes talent and brains today to get ahead.

Other modern women are quoted by the American as saying that shapely limbs constitute a woman's greatest charm.

All of which indicates that we are given to a good deal of mere nonsense, as it is perfectly evident that legs can have little to do with true culture. It would be a foolish sort of person, who would suggest that they are unimportant or in any sense a drawback to feminine beauty, but it is very doubtful if exposing them to such an alarming extent adds anything to her charm.

In perfect candor, Dr. Davenport is too old to have an opinion about such things. If she had been asked about this a half century ago, her reply might have been quite different. She was doubtless a grandmother then, and her husband had never thought about being born.

The pseudo culture that we possess is based on a smattering here, a fig leaf there and a large element of glitter and glare. This fig leaf culture which the Bookman complains of may be of some value, however, if it does little more than merely impress us with the extent of our ignorance, our disgraceful inefficiency and alarming inadequacy. After all, fig leaf culture is better than no culture.

THERE is pending in the Arkansas Legislature a bill providing for extension of the service of circulating libraries in the department of education. As to importance, such legislation ranks with rural mail service. It will mean a great deal to many worthy people, who do not have the opportunity under present conditions to read books.

MY observation is that the radical and the anarchistic press have the conservatives cowed. The lawless free lancing and the harplings of twaddle-mongers are read for their style and sensational bursts by many who do not believe what they read. The danger is that they continue to

ANNOUNCEMENTS AND SUGGESTIONS

It is about as foolish to be easy as it is easy to be a fool.

People generally speak of trouble by the peck as though it did not also come frequently in liquid form.

We call attention again to our department of "Other Opinions." It is our purpose to put here some of the best current thought on timely subjects.

Some judges have a way of turning legal lights down so they will not shine so bright.

Man is not a chattel until he allows a price tag to be pinned to himself.

These days we hear more about college youths making the Phi Beta Kappa than we do making the Y. M. C. A.

Speaking of inventive literary genius, who can rival Arthur Brisbane, who declares that if Benjamin Franklin had lived until the last anniversary of his birth, he would have been 221 years old?

There is no trouble about a warm reception if you have a cool million.

What some people call drowning sorrow is nothing more than a good process of irrigation.

read and gather poison by absorption. Seriously speaking, this press is the most dangerous thing in this government, and is doing more to undermine the government than any other one agency. Under the old cry of liberty, liberty in speech, in opinion, in press and everything else, they are running wide open. It were time that the constitutionalists, the law observers and believers, the Christian citizen were turning their powers of invective, of ridicule, of merciless denunciation against the unprincipled scoundrels who look principally for loot. There is a way these things can be done when we are bold enough to call names as they do and denounce indecency and anarchy straight from the shoulder. There is such a thing as being too modest to serve God or the state.

Lay down this law to yourself: I can live on not quite all I earn as well as I can on all I earn or more than I earn. If you only make a dollar a day, save 10c of it.—*Dr. Frank Crane.*

MEN sometimes speak of the power of habit as though it were always something to be dreaded. It depends of course on the habit. The power of habit may serve some very worthy ends if it be the power of a good habit. It is told of Horace Greeley that only a thin wall separated his editorial room from a hoopskirt factory where boys and girls were all day hammering and bradding little rivets. When the factory moved away, Greeley had to hire a boy to go in the adjoining room and hammer on tin while he wrote. His nerves were set to the tune of the daily noise and routine. Our best work is often done—indeed it is usually done, where the hum drum of accustomed surroundings make us feel at ease in doing the things which ought to be done.

"Notwithstanding all of the delights of youthful osculation, it is, nevertheless, loaded with noxious germs, especially with germs of influenza, sore throat, and particularly tonsillitis."—*Hudson Maxim, D. Sc., LL. D., Inventor, Engineer, Member of Naval Consulting Board.*

OVER the protests of President Coolidge, the Senate by a vote of 49 to 27, adopted an amendment providing for three cruisers. Thus there is no change in the victory which militarism has been having for the past few thousand years. It does not mean quite, that the cruisers will be built, but it does mean that we still have war in our blood.

AL SMITH—THE MAN WITH THE BROWN DERBY.

By W. Hugh Peel.

Mr. Peel is a New York attorney, a graduate of the University of Kentucky, and of Oxford in law. Everybody is interested in Al. Smith whether they are for or against him. This Journal believes in his honesty and ability as a leader. It doesn't, however, believe in his wetness. It thinks it unfortunate that there is no outstanding Democrat at this particular moment, who stands a chance to be elected President. The South and West will not accept Smith.—*Editor*

Written for Candid Opinion.

JUST before the last election in New York a friend of mine invited me to attend a political meeting with him. We arrived there early, but we found that all seats had been gone for hours. At last however, by dint of force and fraud we got a good place in the hall, and were at leisure to observe the audience. It was the most variegated possible. Irish truckdrivers and washwomen rubbed elbows with Armenian ditchdiggers and Italian greengrocers. Nor were there wanting many of the old English stock, although these were chiefly apparent in the reserved seats. One thing was common to all—a feeling of excitement and goodwill as if in anticipation of victory.

After we had waited for what seemed to me almost an

intolerable time the band struck up "The Sidewalks of Old New York." A door opened at the back of the stage and a long line of people filed into the auditorium. Instantly the house was in an uproar. Gnarled and ugly old women shook hands with jeweled ladies from Park Avenue. Although I hail from Kentucky where we take our politics seriously, I have never seen anything like the ovation given to "Al," New York's own "Al," the invincible Hero of the East Side. And yet I realized that the West Side was there too—as many of them as could get in. We looked at each other and smiled. The election was won.

Alfred E. Smith was born on the East Side in 1873, the son of a truck driver. What little schooling he received was in St. James Parochial School, from which he graduated at an early age to become a workman in the Fulton Fish Market. When he was 29 years of age he was elected to the lower house of the New York Legislature, a post which he held twelve years. This was the seed-time of Smith's life, the time during which he built up a knowledge of the government of the State of New York exceeding that of any other man. In 1911 he became the Democratic leader of the Assembly, and in the same year he was appointed Vice-Chairman of the Factory Investigating Committee. This Committee made an exhaustive study of the factory system of the state and its report resulted in the enactment of a series of factory laws which have long kept New York at the head of the American states in this respect. It may have been his work on this Committee which first interested Smith in the problems of the worker. However that may be, there is probably no other living American who has fathered so much legislation intended to ameliorate the condition of the worker.

In 1913 Smith was elected Speaker of the New York Assembly. In 1915 he was a delegate to the State Constitutional Convention where he so distinguished himself as to be complimented both by Elihu Root and George W. Wickersham, the former saying that the young Assemblyman knew more about the government of New York than any other person. The observation was probably true then and is certainly true now, as so many of his opponents have discovered when it is too late. Many of his greatest triumphs have been due to the fact that he remembered something which his opponents had forgotten. Only two or three days ago the newspapers carried a story of a friendly argument between the Governor and one of the most distinguished judges of the highest court of the state as to whether or not there was a provision of a certain kind in the state constitution. The Governor was right.

In 1915 Smith was elected Sheriff of New York County, almost the only lucrative office that he has ever held. In 1917 he was elected President of the Board of Aldermen. Finally in 1918 he was elected Governor of New York.

Smith's record during his first term marked him as one of the outstanding progressives of his time. In June 1919 he called a Special Session of the Legislature to ratify the amendment to the Federal Constitution which gave women the right to vote. During the same term important emergency rent laws, child labor laws and amendments to the Banking Code were enacted.

In 1920 the Harding landslide swept all Democrats out of office but Smith ran almost a million votes ahead of his Party. In 1922 he had his revenge, defeating Miller, the Republican incumbent, by the largest majority ever given in a race for that office. In 1922 he defeated Theodore Roosevelt, Jr., by a large majority, again leading the ticket by a tremendous vote. Early in 1926 he announced his

intention of retiring. It was well known that he had re-entered politics in 1922 at a great personal sacrifice as he had been the head of a large New York Trucking Company at a salary, it is said, of fifty thousand dollars per year. The Democrats of New York, however, were determined not to let him go and he was practically forced to accept a fifth nomination. At the ensuing election he not only took into office all the state officials except one, but he enabled Robert F. Wagner, an old friend and co-worker to defeat James W. Wadsworth, Jr., one of the most popular and prominent of Republican senators.

The latest and perhaps most beneficial of all Smith's reforms is the Re-organization Plan. The Governor's political skill has never been better demonstrated than in the way in which he anticipated all Republican opposition by inducing Charles Evans Hughes and Nathan L. Miller to serve on the Committee which formulated the plan. Almost at the time of this writing the newspapers both Democratic and Republican are complimenting him on the excellent and non-partisan character of his appointments to fill the new offices.

If long and distinguished services, if well-earned and immense popularity are to carry any weight in the Democratic Convention in 1928, the claims of Governor Smith must be considered. No other man will go to the Convention with so many friends and so much in the way of achievement and executive ability to offer.

The chief reason why marriage is rarely a success is that it is contracted while the partners are insane.—*Dr. Joseph Collins.*

STALE BREAD.

By Lilith Shell

Written for *Candid Opinion*.

I

OLD Father Spray tap-tapped with his stout cane into Boyle's bakery, waited his turn for service and then in his husky voice made known his wants:

"A loaf of stale bread," he said.

That was all. He received his package, paid the half price asked for the loaf of stale bread and departed.

Now at the back of the room where Father Spray's dim old eyes did not see him stood Dr. Jethro Bowman, pastor of the big Seventh Avenue Church. Dr. Bowman was in the prime of his manhood, strong and upstanding; he was able and he was popular and he commanded a salary which many of his brethren envied.

It happened when the city was young, in a little box of a church the construction of which he had entirely overseen and, in a large part, actually built, young Robert Spray had organized and conducted a Sunday School. Later as the city grew this Sunday School developed into a church with Robert, then an ordained minister, as pastor. Here he had married; here his children had been born and had grown to manhood; here he had served through his youth and his maturity. Now the little church had grown into the wealthy and influential Seventh Avenue edifice with Dr. Bowman as pastor and Father Spray had long since become superannuated.

When Dr. Bowman heard that low request for stale bread a hot flush mounted his face.

"What a condition," he muttered. "Father Spray in such circumstances that he must publicly buy stale bread at half price and that in the very shadow of the Seventh Avenue Church. It is a shame."

He beckoned to him Mr. Royle, proprietor of the bakery

and member of the Seventh Avenue Church.

"Does Father Spray always buy stale bread?" he demanded.

"Yes, I always try to lay up a loaf or two for him,—he gets it at half price, you know," answered the baker. "It's not at all bad—not really stale; it's yesterday's bread."

"Well, it's not good enough for the man who founded and for so many years carried on the work of the Seventh Avenue Church," said the reverend doctor and a shade of compositeness was discernible in his voice. He placed in the hands of the baker a sum of money sufficient to pay for fresh bread for a good many weeks. "Say nothing about it," he said, "but just you lay up a fresh loaf or two for him from now on instead of the stale ones."

But somehow the story leaked out—that poor old Father Spray and his wife were having to economize to such an extent that they were actually using **stale bread**—were getting it at Royle's at **half price** and right in the shadow of Seventh Avenue Church. Dr. Bowman was "doing something about it" with the result that within a few days so many other kind souls had begun "doing something" that a perfectly amazing sum was provided to buy **fresh bread** for the Spray household.

II

"You brought the bread, did you Father," asked Mother Spray.

"Yes, but I'm afraid it's fresh again," answered the old man.

Mother Spray's shaky old fingers untied the string.

"Well, it is fresh," she cried. "We'll just have to go to Smith's hereafter. He advertises stale bread. I'm just tired of keeping extra bread in the house so we can have it stale. If Royle's don't have it I don't see why they can't say so," and Mother Spray's voice took on a slightly querulous note. "The first thing I know your stomach's going to be all upset again."

So the next morning Father Spray went to Smith's bakery, bought two loaves of stale bread at half price and left an order for the baker to save him one loaf each day except Saturday. That day he would take two.

"The whole secret of life is to be interested in one thing profoundly and in a thousand other things as well."—*Hugh Walpole, Eng. Novelist and Lecturer.*

THE GOVERNMENT AT WORK

"Laws cannot succeed in rekindling the ardor of an extinguished faith, but men may be interested in the fate of their country by the laws."—*M. de Tocqueville.*

(Edited by Professor Charles W. Pipkin, Department of Government, Louisiana State University, Baton Rouge, Louisiana.)

This department attempts to bring problems of the government to the attention of the readers of *Candid Opinion*, in such a way that the principles of state action and public policy may become better understood. It is hoped that this department will be found of help to teachers of civics and government in the high schools, to special study groups in clubs, and to the general reader who is concerned about the work of his municipal, state and national government. The editor of this department will be glad to answer questions concerning the problems under discussion, and to supply information upon topics of public interest to those who desire it. A stamped addressed envelope should accompany each request, and all letters pertaining to this department should be addressed to the Department of Government, Louisiana State University, Baton Rouge, Louisiana.

REORGANIZATION OF STATE GOVERNMENT—A NECESSITY OF AMERICAN ADMINISTRATION

The Problem of State Administrative Reorganization.

SINCE 1912 more than a third of the states, beginning with New Jersey in 1912, have had official investigating

bodies on the reorganization of the administrative agencies of state government. This is a matter of much importance to every citizen; for government today through its public services has taken upon itself many new functions which call for the most efficient administration. The development of new administrative agencies during the period from 1850 to 1915 has caused the executive branch of state government to become an exceedingly complicated mechanism. There has been unfortunately no guiding principle in American state government with regard to the various boards, departments and agencies created from time to time by the state legislature. Sometimes they were created to give a job to a supporter; often they were called into being for a special reason now no longer at all sufficient for their present organization being understood. There has been waste and inefficiency at best, and, where evil tendencies allowed, there has been graft and corruption. But most important of all to students of good government has been the lack of responsibility that the administrative agencies of state government work under, and the fact that there has been no efficient control by the legislature, the governor, or the people. Honest administration has been rendered extremely difficult. Public officials have not been altogether at fault; the people have been constantly demanding wider services from every government department. Yet no legislature could give the serious thought to unified state administration that an American state in the twentieth century needed. There was no special effort to understand the principle of administration or the aims of control in state government until the burdens of taxation convinced the plain democrat that he was supporting the most expensive business in the whole country—state government. The combined costs of state government are much more in the United States than those of the federal government. And due to the grants-in-aid given to the states by the federal government, some of the expenditures can properly be charged to state government.

The conclusion must be forced home that unless administrative principles are made clear and unless the costs of state government are justified, that the administration of state government in the United States will become a serious hindrance to sound political life in our nation. Though the aims of government are fundamentally different from those of business (and this must always be kept in mind), there is no reason why state government should not be as efficiently administered as the affairs of the United Steel Company or Brown Brothers' financial ventures in Latin America.

Accepted Principles of Reorganization in State Government.

General principles of administrative reorganization have been worked out in the United States along the following lines. In the first place, all departments, each comprehending a major function of government such as finance, education, or public works. The internal organization of each department should be such as to allow closely related activities to be grouped under appropriate bureaus and divisions. Secondly, definite lines of responsibility should be established for all administrative undertakings. Each department should be headed by a single official appointed and removed at the discretion of the governor who in turn is responsible to the people. This reform, as Professor Holcombe points out, would result in electoral as well as administrative reform since it would introduce the short ballot. The governor and an independent auditor or comptroller would be the only elective officials. This principle is what Governor Byrd of Virginia is now advoc-

ating, and his messages are very clear in their statement of the case for centralized administration. Of course, there should be a responsible relation between the department head, appointed by the governor, and his bureau and division chiefs. Interdepartmental cooperation should be secured through the medium of the governor's cabinet, a body consisting of the department heads and advising the governor in administrative and financial matters. Thirdly, the term of office of the principal administrative officials should be coordinated with that of the chief executive. It is desirable that such officials be designated to serve at the governor's pleasure, but, if this is not politically practicable, then their terms should not be longer than that of the governor, who should be elected for a four-year period and should be eligible for reelection. However, for members of boards or commissions having quasi-legislative, quasi-judicial, or advisory powers, where continuity of personnel is of importance, it may be preferable to provide for longer or overlapping terms. Finally, boards or commissions should not be used for purely administrative work, but where quasi-legislative, quasi-judicial, advisory, or inspectional functions are involved, a board may advantageously be attached to the department to perform such functions.

What is to Hinder This Reform?

It is only necessary to read this summary of possible reforms to know the opposition they would arouse from legislators and politicians. There is a hard duty of education of the popular will before substantial changes can be made. But the progress of administrative reorganization goes on, led by such states as Illinois under Lowden, New York under Hughes and Smith, and the program of unifying state administration in New Jersey, California, Michigan and Tennessee. Information can be had from the secretary of state of these above named states on the progress of the movement in their respective state governments. Progress can be classified under three heads: (1) States where there has been piecemeal consolidation, (2) States where there has been reorganization without materially increasing the power of the governor, and (3) states where reorganization has been designed to make the governor more clearly the head of the state administration. It must of course be kept in mind that if the governor is to be made the real head of the administration of a state with a lengthened term of office (a very marked tendency in state government), then more effective ways than now exist for holding him responsible will have to be devised.

One other fact besides that of the laziness of legislators in thinking through a program of administrative reform, is the fact that in most states a complete reorganization of state administration cannot possibly be made without constitutional amendment. This is of course a barrier in the states where the amending process of the constitution is difficult. Behind this whole problem of reform is the question of creating an honest political leadership which can direct public opinion. Men like Frank O. Lowden and Charles E. Hughes can really lead in creating a public opinion which supports modern administration for our states. They make the problem appear as a whole to the thinking voters of the state, a very necessary way in which to look at the problem of state government. Governor Byrd is wise in convincing Virginia's business men that their businesses managed under principles of state administration would in thirty days be bankrupt. He rightly demands that state administration be as intelligent as the direction of a chain of grocery stores or the control of a railway.