

# THE OMAHA BEE

MORNING-EVENING-SUNDAY

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## Omaha Where the West is at its Best

### CHALLENGE TO THE TRAINED MIND.

Stoughton Bell of Boston, a lawyer and a politician, writes in the September number of the Harvard Graduate Magazine very earnestly on the topic of Americanization. His central idea is one The Omaha Bee has frequently urged. It is not the foreigner who requires attention so much as it is the native born. In the disinclination to vote, Mr. Bell sees the same danger signal that appears to all thoughtful Americans. It is the first sign of weakening of the national fabric. He locates the trouble definitely:

"The greatest menace to American institutions is the so-called intelligent citizen with his entire lack of a realization of his personal responsibilities as a citizen."

Sober thought is focalizing on this point, and the bedrock is being driven home with force. One of the agencies is the Professional Men's club, which has come into existence within the last year, and of which more will likely be heard. At the first International conference of these groups, held at Des Moines a few weeks ago, Thomas R. Kimball of Omaha outlined the objects of the organization. Mr. Kimball served as provisional president during the formative period, and was elected president by the delegates at Des Moines. He puts the purpose of the Professional Men's club in these sentences:

"To discover how to liberate the professions from the domination of selfish interest, both within and without the professions, to devise ways and means of better utilizing the professional heritage of knowledge and skill for the benefit of society, and to create relations between the professions leading to this end."

While the professional men are thus reacting on their class, the greater need is set out by the further argument of Mr. Bell:

"But unless and until all such persons come to a realization that it is their personal influence and example which really count, the movement as a movement will amount to little. When they are willing to place themselves side by side with their fellow citizens, rubbing shoulder to shoulder in the solution of common problems, even as their names are placed on the voting list side by side, without title or rank, we can hope for success in what is now an abortive attempt to teach a definite group of citizens what citizenship means."

Plainly the duty of the trained mind is here shown, just as it is challenged to the service. Society has a claim on every professional man. On the great majority of them because they have benefited through the public schools maintained at the public charge. Some return for the cost of this education other than professional services may rightly be not only expected but exacted. Indeed, it should be a pleasure to the professional man who has received only part of his training in a state-supported school to discharge a portion of his obligation by trying to elevate the general standard of citizenship. It is to the educated to whom the uneducated turns for leadership. And it is clearly up to the trained men and women of America to meet the appeal with such response as will be good for all.

### WHEAT FROM OLD RAMESES' TOMB.

Farmers who have learned about Bohemian oats, Siberian wheat, and a host of similar seed swindles, will smile when they read a story that comes down from Spokane. It is to the effect that a farmer up there has just reaped a crop of wheat averaging 48.6 bushels per acre, the seed for which came from an Egyptian tomb. What tomb is not known.

Perhaps this is true. Scientists say that none of the wheat found in Egyptian tombs has ever germinated, although many efforts have been made to reproduce it by planting. The life of the grain is dead, its vital spark having fled during the long years it lay in the tomb. This is not to be wondered at. It would be marvelous if the germ had retained any part of its virility during so long a time.

The Spokane story will be accepted at its face value, but careful inquiry will probably be made before the Egyptian grain displaces the well known Turkey red, or any of the other varieties that really do produce crops when given even slight encouragement. Meantime it will do no harm to ponder over the possibility of eating the same sort of food as was served in the valley of the Nile when the contractors were still putting up the Pyramids.

### MARS A CHILLY PROPOSITION.

Have you any notion of migrating to Mars? Might as well look into what the astronomers are finding out about the climate, if you do. The subject has been one of fascinating possibilities ever since the Harvard professor sprang the thought that Mars might be inhabited. Many a tale has been spun concerning what manner of creatures exist there. Imaginations have been strained to visualize them. Scientists have taken both sides of the question. Some have argued with vehemence that there is no life on the planet. Others with equal ardor insist there is. A majority decline to commit themselves positively on the point.

However, a few weeks ago Mars just missed colliding with the Earth, only a trifling matter of some 25,000,000 miles separating them. Observers took advantage of this neighborly call to pry into some

of the Martian secrets. A few of these are now being disclosed. From the observatory at Mount Wilson we get a weather bulletin that will interest Mr. Robins. Tests disclose the fact that the tropical heat of Mars runs as high as 42 degrees Fahrenheit, or just above what is considered frost line in Nebraska. Around the planet's south pole Stefanston and his merry crew of blubber eaters would feel at home, the average temperature there being minus 95.

Looking over last winter's coal bills, and facing the prospect for another similar season, the American householder will prefer to keep the ills he has rather than fly to Mars. As a matter of fact, when one gets accustomed to the climate and the ways of the people, this isn't such a bad old world, after all.

### ADVENTURE NOT A BUSINESS.

Raold Amundsen has just been admitted to the bankruptcy court at Copenhagen. His affairs are so hopelessly involved that it is likely when he emerges from the court he will not only be penniless, but many creditors will have sustained substantial losses. Primarily, his plight is ascribed to the failure of his Polar expedition last year, and to his efforts to get the enterprise under way again this season.

The incident will serve to show how different exploring adventures are nowadays from those of old. Marco Polo ventured into China because his uncle had found a profit in the eastern trade. Columbus drew a very careful bargain as to what reward he was to have if his quest returned a profit. Spain subsequently derived some billions from the result, but Columbus got little. Da Gama had a good contract with Dom Manoel when he started from Lisbon for Calcutta. Magellan, the Cabots, and others of the time knew what recompense was to be theirs before they set sail.

On the other hand, Raleigh, Drake, Frobisher and their kind went roaming very much "on their own." Encounter with a Spanish treasure convoy always was a paying proposition. Since their time, the great dives into the unknown have almost invariably been government-supported and undertaken in the name of science. No one has thought of making money out of an exploring expedition, and what profit has come has been incidental, rather than direct. Henry M. Stanley, who went from Omaha to the British parliament, moving by way of Central Africa, is a notable example of how adventure was turned into cash. His books still rank among the best sellers. Yet Stanley set out to find Livingston, not to make money.

Exploration, whether it be to climb Mount Everest, retrieve eggs left by careless dinosaurs, chart the great Greenland ice cap, circumnavigate the globe, or find out what lies between Point Barrow and the pole, is not a business. Great capital is required, and skill and experience in management, but dividends are not expected. When Amundsen gets ready to go again, he will find backers, because men with money are more attracted by the pursuit now than ever, even when the hope of great gain stimulated the imagination and led to contribution.

### ETERNAL, HAPPY YOUTH.

Bishop Hughes of the Methodist Episcopal church has sound judgment on certain matters. At least the sober thinkers will endorse what he has to say about the boys and girls of today:

"We criticize their hair, their skin, their stockings, their shoes, skirts, cosmetics and manners. I suppose when you middle aged people were young, to hear some of you talk, you thought you were gentle little angels sitting around on sofas with your hands folded on your laps."

And there you have it. History does not preserve the facts, but it is not difficult to imagine what they were. Finding that grownups are much the same now as in any period of the past, it is reasonable to conjecture that boys and girls are also changed only in degree and not in nature. The little scamps who shouted at that prophet, "Go up, Baldhead!" would as derisively treat him today, and without incurring the penalty of being devoured by bears. Sometimes we think that story was just put in to scare somebody. It is not impressive, except as showing the nature of the Hebrew children.

Excavations in Egypt and Assyria have disclosed playthings that are much like those in vogue today, at least having similar purposes. Games have come down from antiquity so remote that their origin is lost. And so it is. Youth, happy youth, is eternal. Individuals pass through it, but the stage remains, unchanged and unchanging. Peter Pan embodies something that exists in every human being. And how many times do we realize the poignancy of Leila McIntyre's song:

"Toyland, Joyland—Little Girl and Boyland—  
Once you've passed its borders, you can never return again!"

Bishop Hughes is right. Boys and girls today the just what their fathers and mothers were.

### TAKE A LOOK AT THIS.

Bankers attending the session of the American Bankers' association at Chicago are told that the cost of crime in the United States has reached the respectable sum of \$3,500,000,000. Half a billion dollars more than the president has fixed as the cost of running the federal government for the current year.

Criminologists agree that the principal cause of crime is ignorance. More than half the parents in the United States have only a sixth-grade education or less. School statistics show very little prospect for improvement.

In the year 1919-20, according to the United States census bureau, a total of \$1,155,506,640 was expended for all purposes on public education in the United States. More than \$100,000,000 of this sum went for debt service, leaving but \$1,056,151,209 to be spent in support of the schools.

Less than one-third the cost of crime for a single year. Another fact that may interest. We spend twice as much on schools as we do on churches. So the crime bill for a single year was more than six times as great as the amount spent on religion.

Of the national domestic income, 1/3 of 1 per cent goes to the church; 1 1/2 per cent goes to education; 4 1/2 per cent to government; 8 1/2 per cent to crime; 14 per cent to waste, and 22 per cent to luxuries.

How long can this ratio of expenditure continue without irreparable damage to our civilization?

A South Dakota man lighted a match to see if there was any gas in the tank. When he gets out of the hospital he may look around for a new car.

"Pat" Harrison has trained his mud gun on the president again. He has not had much luck so far.

An earthquake has joggled Maine, but that will not change a vote.

Score in Philadelphia: Butler, first; gang, nowhere.

# Liberty Preserved by Law

By T. W. BLACKBURN

Our government is a system of checks and balances with three distinct and independent departments. The president represents the executive branch, the legislature the legislative and the judicial department can deprive him of certain powers granted him by the constitution. He negotiates with the president. He is commander-in-chief of the army and the navy. He may pardon any federal convict. The senate may refuse to confirm a treaty and congress may override any veto and amend special provisions of the constitution, but the senate cannot negotiate a treaty or select a cabinet officer, or compel executive action upon any matter within his constitutional powers.

The two houses of congress constitute the legislative department of our government. They are independent. No power is exercisable to the president, revision or repeal of any law. The president may suggest and recommend, but congress may and often does ignore his recommendations. The judicial department is the supreme court of the United States. It cannot be coerced by either of the other departments of the government. It has no authority to suggest, amend or repeal any law. There is no procedure of the supreme court which can be construed as a direction to congress to act or refrain from acting. Neither congress nor the president is able to control the enactment of laws. They are independent of each other and of the court and the court is likewise independent of president and congress.

But all these departments of government derive their powers and their authority from the constitution of the United States. Their limitations are fixed by that wonderful instrument. In all the 130 years of our history the rights of these three co-ordinate departments have been maintained and

the balance wheel of the governmental system is the supreme court. It cannot legislate, but it can say to congress, "You are proposing an act which is void because it violates the constitution." The supreme court cannot direct the president in any manner whatsoever, but it can interpret a treaty which the president has negotiated, and it can say to the president, "You may not direct the expenditure of any money from the treasury unless congress has by a specific act authorized the expenditure."

These are simple illustrations intended to show the co-ordination and at the same time the independence of our three great departments of government. Congress has attempted to enact laws not authorized and laws prohibited by the constitution. The supreme court has very properly declared such laws null and void. The supreme court has also held some laws passed by state legislatures to be unconstitutional. It is a provision of some provision of the fundamental law of the nation.

But of 45,000 laws enacted by congress in the last 130 years, just 11 have been declared unconstitutional. While in the same period, of the many thousands of state enactments, only 350 state laws were declared void by the supreme tribunal.

Toward the close of the civil war and thereafter, congress passed many acts penalizing those who followed the confederate flag. One provided that no person should practice before a federal court unless he should first take oath that he had not aided the confederate cause. Hon. A. H. Garland, afterwards a senator and attorney general of the United States, has admitted to practice before the outbreak of the war. He was a confederate officer and fought for the confederacy four years. Subsequently he received a full pardon from the president. The act was held unconstitutional.

As an illustration of a state statute declared void because contrary to the fundamental law of the land, the Nebraska language law is a striking example. This act was an aftermath of the world war. It was extremely offensive to many good citizens of Nebraska. There was never any good reason for its enactment. However, if the supreme court of the United States did not have power to determine the constitutionality of state and congressional acts, the minority in Nebraska and everywhere else would be at the mercy of the majority.

Senator La Follette put first in his program the enactment of the supreme court. He would take away from the judicial department of the United States its independence and subvert to congress. This is dangerous. It is revolutionary. It takes away from minorities the only protection they have.

"Know nothings" swept certain communities in the 90s. A. P. Aism was strong in Nebraska and other states in the 90s. Ku Klux Klanism has demonstrated strength in a dozen states this year. War bitterness is responsible for a lot of unseemly conduct and the enactment of a number of laws which succeeding generations will denounce. The supreme courts of state and nation have saved many good people who could not grow enthusiastic over war and war work. The constitution stood between them and much misery and that same grand old instrument saved Robert M. La Follette and Burton K. Wheeler from incarceration for utterances which many patriotic people are even yet unwilling to forgive.

La Follette descended from French ancestors and Wheeler, leader of the I. W. W.s, cannot draw the Americans of German extraction into their socialistic and revolutionary party. Steadily minded men came from the fatherland and they are steady minded Americans, proud of their adopted land, in spite of some unhappy incidents due to the world war. They want no radical changes, they do not trust radical leaders.

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Colorado—Morton M. David, Denver.  
Iowa—Dare G. Hopkins, Wilmington.  
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Kansas—Frank E. Samuel, Topeka.  
Louisiana—Benjamin T. Waldo, New Orleans.  
Maryland—Gen. Charles F. Macklin, Annapolis.  
Minnesota—Hon. George E. Leach, Maysville.  
New York—Eugene Carroll, Butte.  
Nebraska—Col. John G. Maher, Lincoln.  
Nevada—Hon. Charles B. Henderson, Reno.  
North Carolina—Stewart M. Crumpler, Crumpler.  
New Jersey—W. Parker Runyon, Perth Amboy.  
Ohio—Rear Admiral Louis M. Josephine, New York City.  
Oklahoma—Gen. Roy Hoffman, Oklahoma City.  
Oregon—Judge Wallace McCamant, Portland.  
Pennsylvania—Hon. William C. Sprull, Philadelphia.  
South Carolina—Hon. R. S. McElwee, Charleston.  
Texas—Dr. W. E. Hubbert, Dallas.  
Utah—Gen. Charles R. Mabey, Salt Lake City.  
Virginia—Homer L. Ferguson, Newport News.  
West Virginia—David C. Howard, Charleston.  
Wisconsin—James H. McGilgan, Green Bay.

In the celebration of 1923 more than 1,200 localities arranged Navy day programs and the present celebration promises to exceed this. Preparations are being made for exercises of special significance in Washington, New York city, Boston, Philadelphia, Charleston (S. C.), Galveston, Little Rock, Chicago, San Francisco, Los Angeles, Portland, Seattle and San Diego.

A feature of the Navy day celebration will be the broadcasting of addresses, in which the large and important organizations have agreed to take part. Last year it was estimated that more than 8,000,000 people listened in on this feature of the program and it is expected that a much larger number will be reached this year.

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Blinks—Our fathers didn't have it so hard after all.  
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stitution because (1) It excluded Mr. Garland from one of the ordinary vocations of life on account of past conduct in assisting the confederacy and imposed a punishment by declaration of congress and was equivalent to a bill of attainder, which congress was prohibited to pass; (2) It deprived him of the right to practice his profession as a penalty for aiding the confederacy, which penalty was not in force when the act was committed and, therefore, it was an ex post facto law and prohibited by the constitution; (3) The constitution gives the president power to grant pardons for offenses against the United States and he had pardoned General Garland. The act was, therefore, void in so far as it attempted to prevent a man from practicing law on account of an offense for which he had already been pardoned by the president. Ex parte Garland 4 Wall, 333.

For this decision radical republican reconstructionists assailed the supreme court bitterly, but the supreme court stood between many individual southerners and the violence, malice and wrath of a partisan majority determined to wreak vengeance upon the defeated people of the states composing the southern confederacy.

Most of the decisions holding state statutes unconstitutional in the early years were so held because the states sought to pass laws impairing the obligations of contracts or attempted to infringe upon the exclusive power of congress over commerce between the states. Other laws violating other provisions of the national constitution were such as emitting bills of credit, bill of attainder, ex post facto laws, laying duties on tonnage of imports or exports or failing to give full faith and credit to the acts or judicial proceedings of other states. The fourteenth and fifteenth amendments also gave rise to some efforts at unconstitutional laws.

It may be worth while to note in passing that the courts of the several states declared more than 300 so-called labor laws unconstitutional—though the supreme court of the United States has declared only five of this class unconstitutional.

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# SUNNY SIDE UP

Take Comfort, nor forget,  
That Sunrise never failed us yet.  
Celia Thaxter

On the Wing in Wisconsin, Oct. 2.—Wisconsin politics is a funny thing. Everybody up here admits that La Follette will carry the state, but so far as we have been able to ascertain nobody is going to vote for him. At least we haven't found a single man or woman who will admit it, and we have talked to scores of them.

If Milwaukee is dry then Rhode Island is the largest state in the Union. Inquiry revealed the fact that there are at least a thousand places where one may get anything from beer to whiskey, aged in the wood, at a slight advance over pre-Volstead prices. We have made no personal investigation, but on all sides the information is proffered, and several times by men who gave visible evidence that they knew what they were talking about.

Nebraska overlooked a bet by not having an agricultural exhibit here. Only three or four states have exhibits, and Idaho easily takes the lead. This exhibit was collected and displayed by Louis Volmer of the Union Pacific agricultural department, Omaha. Louis has been doing this kind of work for years and he is an artist. He is responsible for the collection and arrangement of the great exhibit in the headquarters building at Omaha.

To tell the plain and honest truth, Nebraska excursionists are going to feel better when they get on the Burlington rails at Chicago. They have been having a wonderful time, but they are tired. And when they get on the Burlington rails they will feel like they are almost home. And isn't that a grand and glorious feeling after one has been roaming around until weary and homesick?

One of the greatest delights we have had on this trip is to listen in while some stranger is expatiating on the wonderful resources of his state, and then horn in on the conversation and quote him a few statistics about Nebraska. If Nebraskans only knew it, they have the greatest state in the union agriculturally. Outside of the dairy development, Wisconsin isn't in the same class with Nebraska. Why, these Wisconsin dairy men have to get about one-half their alfalfa from our state, and the export of alfalfa from Nebraska is a million dollars. There is one striking difference. In Wisconsin they utilize all of the corn, while in Nebraska we burn the stalks. We are of those who are enthusiastic about the development of the dairy industry in Nebraska, but for energy expended the Wisconsin farmer gets more returns than the Wisconsin farmer or dairyman.

Without dairying Wisconsin would be out of the running. With dairying they have replenished a worn-out soil, and it is that work of maintaining and replenishing soil fertility that Nebraska needs, and dairy development will do it.

Old Nebraska is going to look mighty good to all of us. And every one of the 108 Nebraskans on the trip are now enthusiastic for dairy development. Without exception they say that the trip was worth more than it cost, many times over.

WILL M. MAUPIN.

## Super-Literary Malady

From the St. Louis Post-Dispatch.  
To a person of average culture, one of the advantages of living in a city such as St. Louis is the absence of what may be described as a super-literary set. So far as we have been able to ascertain through travel and reading, New York and Chicago are the only American cities so afflicted. Each of these unfortunate places has a self-selected circle of males and females of the species who arrogate to themselves a superior intellectuality. An acute observer recognizes the symptoms quite readily. These symptoms are indicated in this brief excerpt from an article by a Londoner in the current number of The Bookman, and it is evident that London also suffers:

"I have seen great numbers of high-browed, small-nosed women who speak as if they had plums in their mouths, who have all given me the impression of being rather conceited about their intellects. They insist upon talking in a sort of esthetic jargon about 'art' and 'fawn' and 'Walter de la Mare,' and they assure me more by their assurance than by their limitation. I know there are men who also talk about 'art' and 'fawn,' and I regret equally the existence of these men, who are a menace to any person who really cares about intellectual progress. It is therefore speak reluctantly about either."

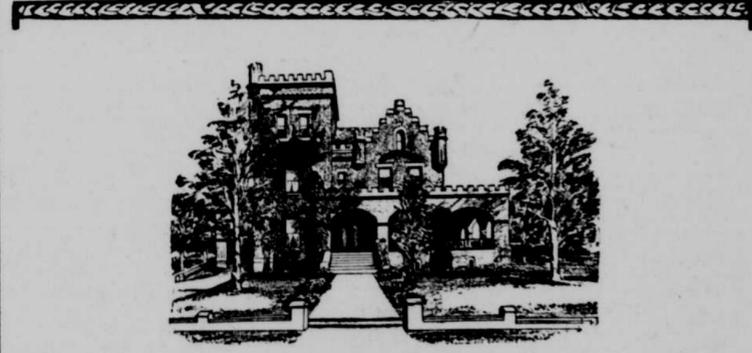
Super-literaryism is a disease due chiefly to mental laziness. Its victims lack the happy rotundity of intellect which includes, as necessary rounding-out ingredients, common sense and a sense of humor. This being the diagnosis, what then is the prognosis? Alas! common sense and the sense of humor are born, not made. The "art" and "fawn" folk are chronic cases. They themselves cannot be cured, but those who come in contact with them can avoid incurring the infection by exhaling a hearty laugh.

Garden Centuries Old.  
A little tract of land in one of the crowded sections of the city of London is thought to have been in continuous cultivation longer than any other in the world, although it is possible that there are small fields or gardens in China with even longer records.

In this London garden, vegetables and fruits are grown with good results. The spot has never been built over, nor had pipes laid beneath it. It has been a garden for at least 2,500 years. The gardener still occasionally digs up bits of Roman pottery and bricks and relics of even earlier ages. Agriculture Review.

Going Some.  
Friend—What's the big box on the front of your machine?  
Automobile—That's a camera for taking moving pictures. You see, I go so fast, I don't have time to look at the scenery, and so I photograph it as I go along.—Illustration Paris.

The Ananias Club.  
"I wish," said the father, "you children would not pore over your nickel work the way you do, but would occasionally go out to a movie or a dance for a little recreation.—Cincinnati Enquirer.



## Why Not Have the Best? Stack Service Costs No More

Because of the unusual beauty of the Stack Funeral Home and the high order and efficiency of Stack Service, a great many people think that the prices must of necessity be higher than elsewhere.

The truth of the matter is that, while Stack Service is the criterion of Mortuary Service, the prices are lower than those asked by other funeral directors and a complete funeral service may be had for as moderate a price as \$85.

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