

Case History of Bad Congressmen

Rep. Day, Chicago Tribune's 'Throttlebottom' . . .

This is another report in a series of CASE HISTORIES OF BAD CONGRESSMEN. The subject this time, Rep. Stephen A. Day, represents the whole state of Illinois. The way he votes affects the whole U. S. A.

Hence, whether you live in Illinois or not, you should know about Stephen A. Day. Such knowledge may help you and your friends decide what to do when you go to the polls to vote for a Congressman to represent your district and possibly a Representative-at-Large, too.

Stephen A. Day has been in Congress only two years, but is one of the most interesting cases there.

By VOLTA TORREY

Very few of the people's Representatives write books, but Rep. Stephen A. Day is notorious for his literary works, which are an outgrowth of his life with father.

He is the son of William Rufus Day who was Secretary of State under McKinley and a Justice of the Supreme Court from 1903 until 1923. It was Father Day who wrote the 1918 opinion that Congress could not forbid interstate traffic in the products of child labor. Father Day thought such legislation would destroy the states' power over local matters and thus wreck our entire system of government.

Stephen A. Day took naturally to such Constitutionalism and, as a youth, was the secretary of Melville Weston Fuller, who was Chief Justice of the Supreme Court from 1888 to 1910.

Shocked by FDR

So you can imagine how Franklin D. Roosevelt shocked Stephen A. Day. The result was two books: *The Constitutionalist* in 1936, and *We Must Save the Republic* in 1941. (Opposite page.) Both are surprisingly short and lively, and both show that it was Father Day's thinking that made Stephen A. Day's mind tick.

The Constitutionalist, for instance, says: "To obtain the extent of control that the New Dealers demand over the interstate corporations, it will be necessary to so amend the Constitution that the entire Bill of Rights will be involved. . . . If the freedom of the corporations is destroyed so also is the freedom of the citizen."

Hence, Stephen A. Day interpreted the 1936 campaign as a struggle between "a set of men who would distort the Constitution" and those who would defend it.

"In Soviet Russia," he noted, "2,000,000 hold 160,000,000 in subjection."

Then, with characteristic overoptimism, Day estimated that there were only 2,000,000 New Dealers in America, leaving 126,000,000 people from which he and other friends of corporations could recruit an "army of defense."

Misrepresented

There were, it turned out, 27,000,000 votes for FDR that year and only 16,000,000 for Landon. But the New Dealers' "court-packing scheme, the purge, and their attendant and adjunct proposals," all of which were thoroughly misrepresented by the *Chicago Tribune*, deepened Stephen A. Day's conviction that Roosevelt meant to scrap "sovereignty of the people" for, of all things, "sovereignty of Congress."

And in 1940, the fact that Stephen A. Day himself was elected to Congress after years of struggling probably overshadowed in his mind the fact that FDR won that year, too, 27,000,000 to 22,000,000. So Day wrote another book.

The only inconsistency between *We Must*

Save the Republic and his previous dissertation is a slight one—an expression of surprise that the President should have dared to "attack" the Supreme Court. This might be the result of editing.

We Must Save the Republic repeated the thesis of *The Constitutionalist*—declaring, for instance, that "the Blue Eagle was not an American bird, it came from Moscow"—then carried the argument a step farther, to warn Americans against "the serpent of internationalism."

This serpent, according to Rep. Day, was Clarence Streit's proposal for "Union Now."

"This time," he wrote, "internationalism will not only be brought into our midst . . . it is to engulf us. . . . What are to be the steps? . . . A gigantic scheme to aid Britain is in the offing. . . . We are to try to get back into the Empire that we left in 1776."

This was better bunk for America than *Mein Kampf*. The Nazis lost no time. Rep. Day's book was published by their New Jersey branch house, Flanders Hall, with a red, white and blue cover calling it an "America First Book." Even I, an obscure newspaperman, got a free copy of the \$1 "popular edition." Look in your basement—maybe you got one, too.

You should know about this book now, because it is the one-year-old brainchild of a man seeking re-election to the Congress that our country's Commander-in-Chief must rely on for support in the war against Fascism.

CHAPTER I, entitled *Unmasking a Fraud: How the New Deal Stacks the Cards*, said the New Dealers "created" the crises of the 1930s and then seized upon the European conflict as "something to conjure with" in electing FDR a third time.

CHAPTER II, *Independent America vs. Fifth Column Federationists*, was mainly a rehash of 1919 speeches against the League of Nations.

CHAPTER III, entitled *The Invasion Myth, a Bogey for Suckers*, said "we are in no danger from any invasion of our American shores by Hitler," and quoted Herbert Hoover at great length.

CHAPTER IV, *Some Answers to Union Now With Britain: Shall We Follow George Washington or Benedict Arnold?*, declared that a rift between Hitler and Mussolini was "no longer even thinkable," so an AEF would be "nothing less than criminal and utterly disastrous."

CHAPTER V, *Some Observations on the Proposal to Wreck the Constitution to Put Over 'Union Now'*, called Clarence Streit's movement "treasonable," and said "such un-American activities . . . do more to adulterate and dilute the loyalty and affection of the American people for their form of government than do all of the Communists, Fascists and Nazis within our borders."

CHAPTER VI, entitled *New Deal International Law: Hungarian Goulash*, was an



Rep. Day—rarely has a Congressman attracted a more Fascistic following.

Photo by Harris and Ewing

attempt to trace the views of Attorney General Jackson and Secretary of War Stimson back to a 1934 conference of international lawyers in Budapest, which "not a single American attended."

CHAPTER VII, *Congress Must Not Abdicate*, held that there was neither a limited nor an unlimited emergency because the President had no power to declare either, and asserted:

"It is quite likely that we shall never be engaged in the foreign wars now raging. . . . We do not intend to enforce the four freedoms and could not if we wanted to."

Day's publisher, the president of Flanders Hall, has testified that he and George Sylvester Viereck edited the manuscript of this book.

But Day OK'd it, talked the same way in the House, on the radio, to America Firsters, to Prescott Dennett's crowd, and others who, consciously or unconsciously, befriended Fascism. The *Deutscher Weckruf und Beobachter* recommended his treatise as "a practical handbook of information about the Anglomaniacs." And many of the pro-Fascist publications that flourished last year spoke highly of the author.

Axis Propaganda

With such encouragement, Day kept the government printing presses clanking. The *New Republic* estimates that more Axis propaganda went out under his frank than under that of any other member of Congress.

He even sent out 50,000 postcards, asking people to check one or the other of two statements:

U. S. SHOULD ENTER THE WAR.

U. S. SHOULD STAY OUT OF WAR.

Rarely has a newcomer in Congress made such a stir. Rarely has any Congressman attracted a more Fascistic following.

And Day voted the way he talked, *against* Lend-Lease, extension of the draft, arming of merchant ships, reopening of combat zones, price-control and property-seizure legislation.

Now, however, Day's name seldom appears in the minutes of the House, and there are no longer such insertions in the *Appendix of the Record* as he put there last year. But in the silence of his office, he still muses on "sovereignty."

When I interviewed him this Summer, he expressed surprise that PM, the *Chicago Sun*, the *New Republic* and other friends of labor should be opposed to the re-election of a man of the people such as he. This is how he reasons:

Without a free economy, labor would suffer, because the unions' gains are based on contracts and our whole high standard of living, in fact, has been based upon "the sacredness of contracts."

"You could not have a free America in a collectivist setup."

Therefore, Rep. Day summed up, when he fought the advocates of Union Now, he was fighting to preserve our sovereignty, our free economy and our high standard of living.

The fact that he was fighting windmills while tanks, submarines and bombers were being readied to attack free America did not seem to have dawned fully on Day yet.

He was 60 this Summer, but I left convinced that he was still living mentally with father.