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Give Light and the People Will Find Their Own Way

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WEDNESDAY, JANUARY 2, 1935.

GIVE HIM A FAIR TRIAL

BRUNO HAUPTMANN, who goes on trial today for murder, is entitled to a fair trial under every safeguard guaranteed an accused person in our Anglo-Saxon law.

The vile crime of which he stands accused has stirred this country more deeply than any crime in recent years. But the courts must try him, not mass opinion.

There is in America a tendency that is menacing to order and law. This is a sort of hair-trigger justice that treats an accused person as a guilty one. For days now certain elements have been seeking to create about Hauptmann an atmosphere of pre-judged guilt. Recently there was flashed on movie screens a series of pictures of the Hauptmann trial scene in New Jersey, and among the pictures was that of an electric chair! This sort of thing is abhorrent to law-loving Americans.

Guilty or innocent, Hauptmann should be tried fairly. His trial must not be made a Roman holiday for sensation mongers and horror hawkers.

BONUS FALLACIES

IN simple language, President Roosevelt stated the case against immediate cash payment of the soldiers' bonus.

He explained that in 1924, Congress voted a bonus of $1,400,000,000 and because veterans at that time asked for deferred payment Congress added a premium of 25 per cent and arranged for the bonus certificates to draw 4 per cent interest, compounded annually, to have a total maturity value of $3,500,000,000 in 1945.

"Suppose," said the President, "that a veteran's original grant by Congress was $400 and the veteran did not borrow on his certificate, permitting the interest to accumulate to maturity, the $400 would grow so that it would pay the veteran, when due in 1945, $1000."

This is the answer to the invalid claims for full payment of the face value of certificates 10 years before due.

The President also answered the argument that immediate payment of the bonus would stimulate business. He recalled that little business improvement resulted when approximately one billion dollars was distributed to veterans who borrowed up to 50 per cent of the face value of their certificates.

The business improvement argument of the bonus champions throws a cloak of patriotism around an attempted raid on the treasury. It is an argument that a majority of the people would be better off if the Government took their money and distributed it among a minority. To confuse the majority, the loudest of the bonus advocates talk about printing the bonus money instead of raising it by taxation. But most people are intelligent enough to realize that inflation would merely mean postponing and making more onerous the day of reckoning.

In this time of emergency, when the finances of the Government are strained caring for the needy and unemployed, the best interests of the veterans are the same as those of the non-veterans.

CHOOSING OUR JUDGES

NEW YORK'S Seabury investigation is ancient history now, and most of us have forgotten the disgraceful things which it revealed about New York's courts of law. But those revelations were a valuable object lesson, and we forgot them just a little too fast for our own good.

Broadly speaking, they showed what happens when the courts are thrust into politics—when the attaining of a judgeship, for instance, is made the subject of a political scramble, so that the man who becomes a judge must either campaign like any other candidate for office or must cultivate the good will of the politicians who have the appointing power.

That is the way American judges are put into office; and a recent article in The American Spectator points out that by following this system we undermine our own confidence in the judiciary and staff the bench with men who aren't always fit for their jobs.

The writer of this article, a New York lawyer named Jerome J. Licari, remarks that England has found a different way of selecting its judges.

"They must not only pass rigid examinations in all branches of the law," he writes, "but they must also be scholars in Latin, Greek, and mathematics, and in most college and university subjects. They must be cultured gentlemen. When they become candidates for the bench, they must take fresh examinations in both legal and academic subjects."

As a result, says Mr. Licari, an English judgeship is a legal career, not a political career. It is attained by the best members of the legal profession, not by the most gifted politicians. Members of the bench owe nothing to any one; they are above influence and above suspicion.

When an English lawyer aspires to the bench, he takes examinations to the lowest court. If he passes and is appointed, he must serve a definite length of time there before he is eligible to promotion to a higher court.

Thus, when he seeks promotion, he must pass new examinations, and his judicial record is carefully scanned, with all reversals counting against him.

In this way, England gets courts that are the despairing admiration of Americans. The method is in sharp contrast with our own.

To be sure, many very excellent men—brilliant, conscientious, and completely independent—are to be found in our American courts. But so, alas, are many who are none of these things.

Until we find some way of divorcing the bench from politics, the average level of our courts will continue to be lower than it should be—and we shall get, occasionally, scandals like those of the Seabury investigation.

SHOUSE AND THE NEW DEAL

WHEN Jouett Shouse organized the American Liberty League he was accused by some critics of being reactionary. But one does not get that idea from reading his book, "You Are the Government" (Little-Brown), just published. He writes, rather, as an old-fashioned middle-of-the-road Democrat, who is equally afraid of Fascism from the right and Socialism from the left.

He declares complete faith in the American system of government as laid down by the Constitution, and is frankly skeptical of changes.

This book is more effective than his recent Liberty League statements because here he stresses civil liberties and human rights as well as property rights. "Essential to popular government are freedom of religion, free speech and the right to engage in political activity without restraint," he says.

But he is not entirely convincing because of his failure to deal with the arguments of progressives that political democracy is hollow without economic democracy. If Mr. Shouse hopes to convert the growing number of citizens who are critical of the American system, he will have to write another book answering the questions of those who have been driven to believe that a regular job is more necessary to individual liberty than an occasional ballot.

Mr. Shouse does not object to most of the New Deal activities. Nor is he interested in mud-slinging. He gives credit to the Administration for doing, on the whole, a good job under most difficult circumstances. But he fears that the new and extended governmental functions, which can be justified as emergency measures, may be fastened upon the American system permanently. To that he is unalterably opposed.

Thus he would take the Government out of business as rapidly as possible, turn the flow of federal relief into Red Cross channels, and encourage the states to assume full responsibility for unemployment insurance, old age pensions and other social security devices.

The substance of Mr. Shouse's argument is that "the trend is toward governmental activities which are identified ordinarily with a socialistic state," to which he objects. In his statement of the issue he is often clearer and franker than many on the other side, who think this trend is absolutely necessary, but who are afraid to admit the obvious fact that much of the New Deal is nearer to socialism than to Jeffersonian democracy.

The Constitution: Ratification

BY TALCOTT POWELL

This is the third in a series on the Constitution.

* * *

THE United States is now in the midst of its fifth great revolutionary movement. The first freed the nation from Great Britain. Although it had an economic tinge its motivating forces were largely social and political.

The second was the writing and adoption of the Constitution, which grew out of the efforts of a minority of business men and creditors to free themselves from the chaos that a majority of debtors and farmers had forced upon them.

Third was the War Between the States which established the economic supremacy of the industrial North over the slave-supported, agrarian society of the South.

The adoption of the Fourteenth Amendment to the Constitution was the fourth. This change in the basic law sharply curbed the powers of the individual states over corporations doing business within them.

Fifth is the New Deal which seeks reasonable regulation of business enterprise, more equitable distribution of wealth and the subjugation of property to human rights.

All but the first upheaval were distinctly economic. All but the first and fifth were almost wholly engineered by privileged minorities.

Fortunately, the battle-ground of the Roosevelt revolution is the aloof and rarefied atmosphere of the United States Supreme Court, which must decide at its present session whether the wishes of the voters are in conflict with the Constitution.

The word "voter" is used advisedly rather than "people." Under the law a corporation is a "person" with all of the legal rights of a human being and the additional gifts of immortality and legal immunity from imprisonment. One of the chief problems confronting the court is the adjustment of the differences which have grown up between flesh-and-blood persons and these synthetic people—corporations.

* * *

SCHOOL textbooks usually gloss over the revolutionary and occasionally disreputable aspects surrounding the adoption of the Constitution. Those who wrote that magnificent document gave no evidence at the time that they realized they were erecting a great bulwark for human rights.

On the contrary they were distressed business men. Many of them were holders of Government securities which would be favorably affected by the adoption of the Constitution, which they called the "New Plan." They suspected the ordinary man and went as far as they dared in curbing his political power.

In writing the document they acted without any legal authority whatever. Martin Van Buren called it "an heroic, but lawless act." Even Alexander Hamilton, father of the Constitution, admitted that its "framers will have to encounter the disrepute of having brought about a revolution in Government."

After they had written the Constitution the founders had to get it adopted. There was an agreement among the thirteen states that no change should be made in their basic government except by unanimous vote. The constitutionalists evaded this by calmly announcing that nine states could adopt.

Advocates of the New Plan never even pretended that a majority of the people of the new nation were favorable to them. In order to corral the necessary nine states some adroit and not very creditable political jockeying was necessary.

The constitutionalists had organization, leadership and money. During their campaign for ratification they even set up an expensive pony express which far outstripped the mails in speed. Robert Morris, who was a heavy financial backer of the New Plan, complained bitterly during the Virginia ratification convention of "the depredations on my purse." He did not explain just what he meant.

* * *

RANGED against the New Planners, or Federalists, was the inert, uninterested majority of citizens who were well satisfied with the existing decentralized Government. Only 25 per cent of the qualified voters of the country even took the trouble to go to the polls and vote for delegates to the several state ratification conventions. Charles Beard, historian, thinks about one-sixth of the voters favored the Constitution.

From the first the Federalists were sure that Connecticut, New Jersey, Delaware and Georgia would ratify. These states were without adequate seaports and had been seriously crippled by the commercial competition of their wealthier neighbors.

They had everything to gain and nothing to lose by going along with the New Plan, since they would be placed on a more equal business footing with their competitors and would receive equal representation in the Senate with the more populous states. Maryland was in nearly the same situation. South Carolina, assured of a continuance of the slave trade for her lethal rice swamps, was complacent.

Three states were needed for the necessary majority of nine. North Carolina and Rhode Island were hopeless. Elections for delegates in New Hampshire, Massachusetts and New York indicated majorities opposed to adoption of the Constitution.

So the Federalists first concentrated on Pennsylvania. Before the legislature of that state had even seen a copy of the New Plan a resolution was introduced for the calling within five weeks of a ratification convention. Indignant opponents of the resolution broke the legislative quorum by immediately retiring to their lodgings.

Thugs broke into their rooms that night, slugged them and dragged them to the legislative hall "with clothes torn and faces white with rage," where they were obliged by main force to sit until the resolution passed.

* * *

WHEN the ratification convention met in Philadelphia the Federalists were uncertain of a majority so they proceeded to offer all sorts of jobs—even generalships in the Army—to delegates who would vote in favor of the New Plan and against the instructions of their constituents.

In selling the Constitution to uncertain delegates from the back country the Federalists did not hesitate to tell some of the most preposterous falsehoods in recorded history.

For instance, the scholarly and well-informed James Wilson was moved to state categorically that the state of Virginia had no bill of rights. Chief Justice McKean, alleged to be a distinguished Pennsylvania jurist, joined the Ananias Club by declaring that none but English-speaking peoples had ever known jury trial!

When Wilson backed the learned justice in this extraordinary remark he was promptly challenged from the floor by another delegate. His reply:

"Young man! I have forgotten more law than ever you learned!"

Which sounds a bit like a pompous evasion by a stuffed shirt.

The floor of the convention was constantly swamped with persons not delegates. The galleries hooted down the opposition. This same Justice McKean elegantly remarked that those opposing the New Plan did nothing more than make a noise "like the working of small beer." So Pennsylvania ratified the Constitution by a disorderly convention whose delegates represented less than a tenth of the voting population of the state.

The methods used in Massachusetts were less obvious, but just as effective. Forty-six towns in that state were so sure that ratification was impossible that they decided to forgo the trouble and expense of sending delegates to Boston. These communities, from their standpoint, made a fatal mistake. For out of a total of 355 delegates the Federalists were finally only able to collect a thin majority of 19.

* * *

THERE were severe criticisms of the extravagance with which wavering delegates were entertained by a committee of Boston merchants.

The records show that the simple visitors from the back country consumed between three and four hogsheads of punch at a single party. Opposition delegates with one voice praised the hospitality of Boston. Several even voted against their instructions. None of that personal bitterness attended ratification in Massachusetts that had marked the proceedings in Pennsylvania.

Outwardly, at least, Virginia conducted her ratification convention on a high, statesmanlike level. Some of the greatest intellects in the New World were ranged against each other. The youth of several is interesting: "Light Horse Harry" Lee, 32; Francis Corbin, 28; Gov. Randolph, 37; James Monroe, 30; John Marshall, 32; all men well under 40.

Virginia was a key point and Federalists from other states hurried to the meeting. Among them were the inflated Wilson and Robert Morris, who made the curious reference to his purse. Patrick Henry led the opposition to the new plan. Debate was cutting. The Constitutionalists won by a majority of only eight votes. As in Massachusetts several delegates violated their specific instructions to achieve this.

The Constitution presents a strange anomaly. It was hugely conceived by a group of self-interested individuals. It was adopted under circumstances which would make a Tammany district leader blush. The majority of the people did not want it and it was designed to curb popular power.

Yet today it is a great sanctuary of human rights. Without it the United States would be little but a precarious principality of Europe.

Tomorrow—The Constitution: Growth.

Capital Capers

BY GEORGE ABELL

"WHAT!" exclaimed tall, elegant Sumner Welles, Assistant Secretary of State, stroking his blond mustache.

"What!" frowned the customarily amiable and benevolent State Secretary Cordell Hull, with his Tennesee mountain drawl.

"What!" boomed President Roosevelt, removing his ivory cigaret holder from his lips and staring at his informant.

"What!" demanded Ambassador Aranha of Brazil, grasping the telephone receiver more firmly.

These expressions of dismay greeted word that the Treaty Division of the State Department failed to inform President Roosevelt, Secretary Hull and Mr. Welles that the Brazilian Congress adjourns on Dec. 31—thus creating a difficult situation for the ratification of the reciprocal trade treaty with the United States.

For weeks, Ambassador Aranha has been negotiating with the State Department. The Administration has been speeding things up so that the treaty could be presented at the formal opening of the United States Congress on Jan. 3 for ratification. And now there will be a six-months' wait, anyhow, all because the Treaty Division neglected to mention an important fact about the Brazilian Congress.

It is mild to report that State Department officials are annoyed. They are, as the saying goes, "burned up." The Treaty Division of the State Department has perhaps less to do than any other division, and now—when a real service might have been rendered—it fell down on the job.

Avanti, Savoia!

* * *

ONE is struck as the season progresses, by the fact that members of the old Hoover Administration never looked more dapper, more radiant or more happy than they do today. If—in fact—as happy.

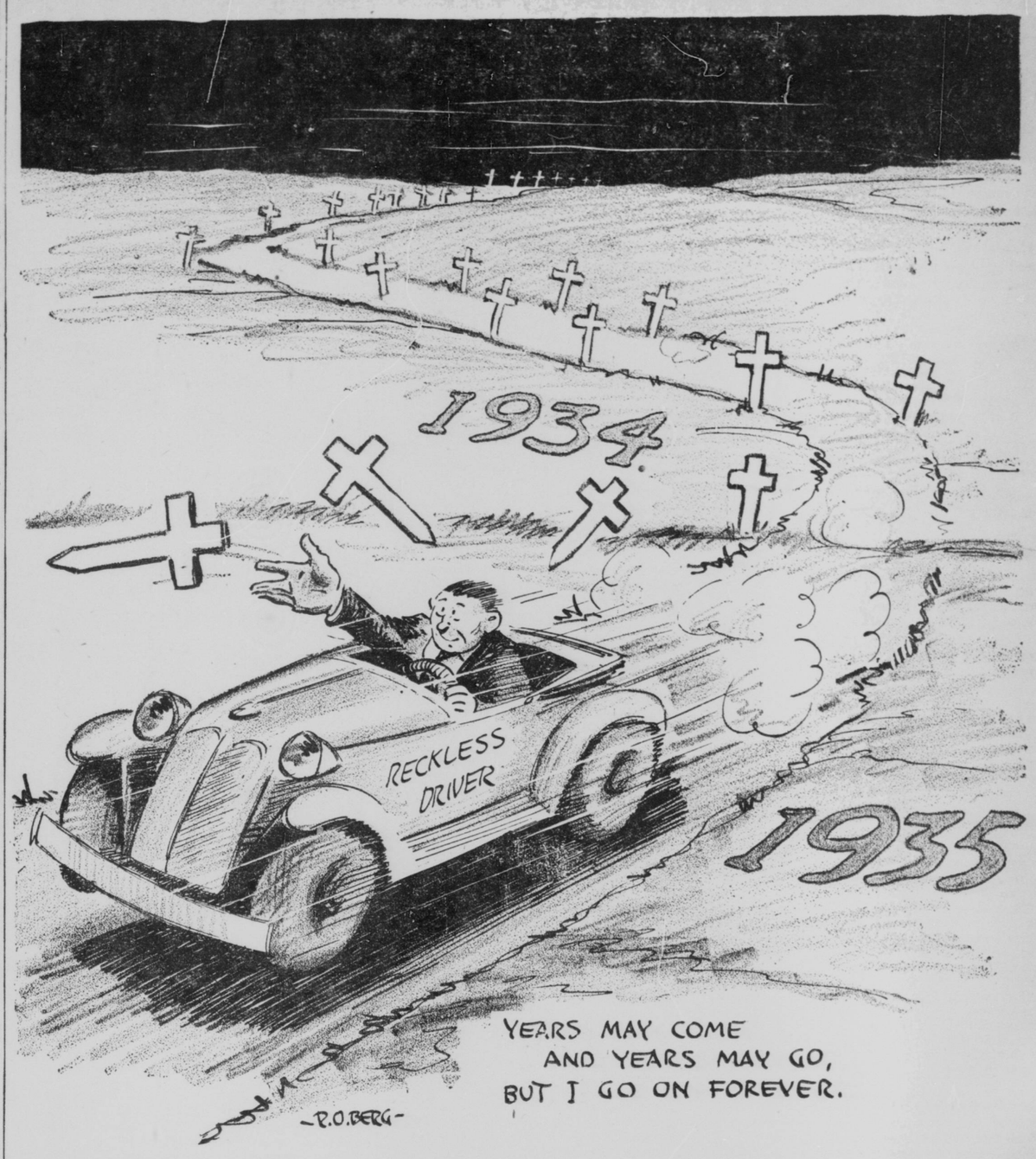
Take, for instance, former Vice President Charles Curtis. In the old days Charlie looked healthy but there were wrinkles of care on his brow. Crowsfeet puckered his eyes and a worried expression hovered about his mouth. He seemed always on the point of challenging somebody to retract an unpleasant statement—as, indeed, he sometimes was.

Today—all is changed.

Charlie appears in all his glory at numerous brilliant functions. At a big Christmas ball the exuberant Kansan exuded gaiety. His dress tie and stiff bosom continually heaved under gales of laughter. He beamed. He twinkled. He nodded. He looked as jubilant as Vice President Jack Garner did on Christmas morning—and that was very jubilant.

Beside Charlie sat his sister, the famed Mrs. Dolly Gann. The wars of precedence are smoothed away, but Mrs. Gann still retains foremost place, the cynosure of all eyes. Diamond ornaments glistened on her bodice. Her rich gown of silver brocaded lame shone like moonlight on the Potomac. She never looked better at any diplomatic function in the old days.

THE SOWER



The Message Center

I wholly disapprove of what you say and will defend to the death your right to say it.—Voltaire.

(Times readers are invited to express their views in these columns. Make your letters short, so all can have a chance. Limit them to 250 words or less.)

* * *

HE LIVES IN COUNTRY BUT SPENDS IN CITY

By a Constant Reader.

I just read letter in Message Center from a Martinsville man who would like a law to force people who work in town to live in the same town.

He must have a lot of idle property he would like to rent for some enormous sum.

I work in Indianapolis and live in the country so that my children can have some freedom and be reasonably safe from speed demons and drunken drivers.

I spend all I make in the city, so where would anybody benefit by my living in the city?

* * *

AT LAST! MAN NOW IS IN THE FOOL AGE!

By W. Williams.

In the long struggle of man from ape up or down—as the case may be—we passed through the stone age, bronze age, iron age, and have at last arrived in the fool age. The situation confronting civilized man is enough to make a long-tailed monkey congratulate himself on the fact that his ancestors remained biological fundamentalists.

The social body is sick unto death. All over the civilized world, men are suffering from cold, hunger and fear of want.

The thoughts uppermost in the mind of the ninety and nine are "When are we going to eat next?" and "What will tomorrow bring?"

Today, there is security for none, be he high or low. Peace has fled from the heart of man. Worry is engraved on every brow. And pray what is the cause of all this world-wide agony? Is it flood, drought, war or pestilence? Banish the thought, my fellow fools. It is none of these. What our fool race is suffering from is an abundance of the good things that support its life. Bellies growl because there is too much food. Toes flirt with snow and slush because there are too many shoes. Cold shakes the bones because there is too much wool and cotton. Wherever we may look, we behold the crazy spectacle, the most insane of all insane contradictions, of want in the midst of plenty for all. So I say, agitate, educate and organize, for you have a world to gain and nothing to lose but your ball and chain.

* * *

DEMANDS TO KNOW COMMERCE CHAMBER POLICY

By a Reader.

I see by the papers that Mr. Borinstein has been re-elected president of the Chamber of Commerce for the fifth time. Too bad that that office isn't elective by the people, for it concerns the welfare of the mass as well as the city.

If Indianapolis is to grow out of being just an overgrown country town, it must have more industries to support the people who are already here.

I have heard this city termed as a no mean city. It is just what our Chamber of Commerce makes it. If the Chamber's of Commerce plea is business is bad everywhere, Mr. Bornstein, let's celebrate your reappointment by answering some questions:

What policy have you adopted in gaining industries for this city? What policy have you in dealing with those already here? Has not this city many advantages that would benefit industry? Then why did Delco-Remy, International Harvester, and Fairbanks, Morse & Co. and others move from this city? Was it not because of the policies you adopted toward them? Why, when a factory does move here, are you so anxious that they do not pay their employes too much? What do you get out of it all besides protection of you and your colleagues' interests?

Mr. Editor, you have crusaded for the masses before and you have their admiration. Is the Chamber of Commerce too big or its influence too great for you to get the answers, then the answers of the corporations that have moved? It would be interesting to compare the two.

* * *

PROTESTS EDITORIAL ON UNION SALARIES

By a Times Reader.

I thought I never would write to the Message Center, because so many other fools do. But your editorials against high wages in the building trades has gotten under my hide. I will be brief.

The high wages you refer to are union wages, but the union men are not doing the work. The majority of the union men who are working are taking a good deal less than the scale and saying nothing about it.

I am a building trade's mechanic, first class, nonunion, and wouldn't be working today if I weren't. My wages are 50 cents an hour. I helped to build a 30-room palace for one of our millionaires at that rate. My wages for the last year, including next Monday, amount to $13.50 a week. I have had as much time as a carpenter usually gets. Now, Mr. Editor, do you think I ought to take less than that?

Your contention about high wages might be all right if the majority of the building work were being done by union men; but I repeat, it is being done mostly by 40 and 50-cent nonunion men.

High grade, hard working mechanics can be had in droves at 50 cents an hour, and our best people know it quite well and act accordingly.

I read your paper. All my family reads it. We always did read it. We always will read it, except grandpa, and he will as soon as he gets his glasses fixed.

* * *

ANOTHER VETERAN SCORES VETERAN'S LETTER

By a World War Veteran.

In your paper Dec. 20 I note you say that the 384,438 men who were dropped from the pension rolls on June 30, 1933, were classed as non-service connected claims, were men who enlisted after the Armistice was signed. This statement is incorrect, as I was in France for eight months and I was drawing the $12 pension a month and they dropped me from the rolls May 1, 1933. I was on the front lines in Belgium when the Armistice was signed and I have 14 affidavits on file to show that my disability is service connected, but I can not get anything. I don't think there is anything fair about that.

* * *

SUGGESTS TIMES GO AFTER STOCK PROMOTERS

By J. Charlton Smith.

Your cartoon, "Something More For His Collection," in The Times Saturday, Dec. 29, is probably as timely and hard-hitting as anything of the sort ever published.

I got stuck with one of Insull's $1,000 bonds, a National Electric Power 5, of 1928, which I salvaged in 1934 for 2 cents on the dollar, less brokerage.

For nearly a year I tried in vain to get criminal action against the promoters of one organization. But about all the satisfaction I got was a lot of evasions, platitudes and buck passing. The statute of limitations has now barred all prosecution, otherwise I'd probably still be trying to get revenge for the loss of about $340 in the "preferred" stock.

Could The Times do a better service to humanity than by exposing some of the blue-sky peddlers who infest not only Chicago, but Monument Circle, Indianapolis, and its environs?

As a promising lead, try the promoters of a certain brewery stock, unloaded on suckers at $3 a share; now selling at 30 cents or less on the Chicago Curb. No, I didn't get any of this junk.

President Does His Best

By Tom Berling.

This is an answer to a reader who asks what objection any one in an ordinary position of life can have to the efforts of Father Coughlin.

The last election proves that the people as a whole approve of our present Government and its policies.

It is true that there is a triangular blah-blah duel between the Chamber of Commerce, Father Coughlin and the Communist Party. It is true that each of the above has some good ideas on social justice. It also gives me great pleasure to point out to each of the above mentioned that you are all radical in your respective spheres.

To be frank, I consider all these groups too radical and self-centered to be entrusted to make Federal laws or run the Government. As I see it your only quarrel is with each other. You can all do the present and future generations of our country a real service by patching up your differences and observing the law of live and let live.

I observed with pride and respect the United States infantry from Ft. Harrison in the Armistice Day parade. Physically strong, mentally alert, well clothed and fed and equipped with the best of arms, they are the official guardians of liberty.

With such an army I see no need of a sedition law and no place in America for a one-party aristocracy, a dictator or minority rule.

I have heard so much about the greedy and inhuman capitalists that it is getting monotonous. Such business men as I have had the pleasure of knowing are very human and likable.

Why not be sensible enough to realize that all the greed is not under the roofs of the wealthy but that it is born as a part of every human being? Is it wealthy people who ride to and from work under police protection to take the bread from the strikers' families? Is the selfish attitude sometimes taken by organized labor toward the acts of wealthy men. Who is perfect?

Keep your hands off the Government. It is the best in the world. Work on the people. The depression will end tomorrow if we will share our food and coal with those who have none. Let their blood be where it belongs, upon our hands, for our indifference and greed.

In the soft glow of our Christmas tree smiles a picture of our President Roosevelt. A Happy New Year to you, Mr. President, and if tonight little children are hungry and cold it is not your fault but that of ours who will not share.

A joint committee in Indianapolis composed of Chamber of Commerce, Communist Party, N. U. S. J. and organized labor for the relief of the distressed by personal attention would give you all the opportunity to get acquainted and do something useful which would be followed throughout the nation.

So They Say

We are improving and repairing and making humanly tolerable under the old system; we are not building a new one.—Raymond Moley.

What would become of German music if political denunciation should interfere with art?—Wilhelm Furtwaengler, resigned leader of the Berlin Philharmonic Orchestra.

While admiring President Roosevelt . . . I feel that we need some one who can diagnose our ills and use a surgeon's knife—some one who is, not an eighteenth century family doctor.—Max Eastman, poet and philosopher.

The Eighteenth Amendment has not been repealed in the hearts and minds of the American people. Repeal has not restored prosperity.—Sergt. Alvin C. York.

We must have money for the higher things.—Bruno Walter, famous conductor.

Only God can bend the Fascist will; men and things, never.—Premier Mussolini.

We who have daily contacts with American youth find that the overwhelming majority of students are a decent lot with a magnificent vitality, which makes them the hope of tomorrow.—Dean Albert K. Heckel of the University of Missouri.

If war occurs between Japan and Russia, Japan will certainly be defeated, and that will be the end of Japan.—Dr. Sherwood Eddy, secretary in Asia for the Y. M. C. A.

DISCARDED

BY BLANCHE POYSER

In an attic old, midst relics and dust
Dwelt a calico dog, a china cat,
A teddy bear, a baby's chair,
A picture book and a little white rat.

Said the picture book to the teddy bear,
The calico dog and the china cat:
"I know we're much the worse for wear.
We're not as clean as the little white rat.

"But don't you believe we might brush up a bit,
Use some skill, that no one would guess
We're not from Santa's latest pack,
Even knowing, would love us no less?"

But the teddy bear, the dog and the cat
Raised a dreadful fuss—they were quite distressed,
For they loved the old attic—dreams and dust;
Forgotten ones, once fondly caressed!

Daily Thought

When the unclean spirit is gone out of a man, he walketh through dry places, seeking rest; and finding none, he saith, I will return unto my house whence I came out.—St. Luke, 11:24.

REST is the sweet sauce of labor.—Plutarch.