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Judges Are Human

In the Outlook of March 13 Ex-President Roosevelt gives the public a leaf from the book of his experience. He tells how he entered politics with a prejudice against laboring men and against those who plead the cause of the toilers. He says that he had studied "what were then considered the orthodox political economists" and that his associates "were for the most part lawyers or business men of wealth who quite sincerely took the ordinary wealthy business man's view of labor matters." He describes his connection with an investigation which opened his eyes to the unsanitary conditions surrounding cigar-works, and how he joined in reporting a bill for the improvement of these conditions. He gives a picture of the contest with the lawyers of the various employers and tenement house owners against the law and he and a few representatives of the cigarmakers' union in favor of the law. He continues his story by citing the contest before the court in which the judges took the sides of the employers and tenement house owners:

"The judges, as was quite natural, shared the feelings of the classes from which they were drawn, and with which they associated. The decision went against the dwellers in the tenement houses. Anything like an effective reformation of tenement house conditions was thereby deferred for fifteen or twenty years, and during that time men, women, and children were guaranteed their 'liberty' to fester in sordid misery."

His reason for entering upon this narrative is given as follows:

"My reason for relating this anecdote is because from that day to this I have felt an ever-growing conviction of the need of having on the bench men who, in addition to being learned in the law and upright, shall possess a broad understanding of and sympathy with their countrymen as a whole, so that the questions of humanity and of social justice shall not be considered by them as wholly inferior to the defense of vested rights or the upholding of liberty of contract. A hair-splitting refinement in decisions may result in as much damage to the community as if the judge were actually corrupt. Freedom of contract should be permitted only so far as is compatible with the best interests of the community; and when vested rights become entrenched wrongs, they should be overturned. I do not for one moment believe that the mass of our judges are actuated by any but worthy motives. Nevertheless, I do believe that they often signally fail to protect the laboring man and the laboring man's widow and children in their just rights, and that heart-breaking and pitiful injustice too often results

therefrom; and this primarily because our judges lack either the opportunity or the power thoroughly to understand the working man's and working woman's position and vital needs."

Mr. Roosevelt has rendered a service in calling attention to the fact that judges are simply human and that their sympathies must be taken into account, as well as their legal knowledge. No one who has watched the course of judicial procedure needs to be told that a man who has spent his lifetime in the service of a predatory corporation, defending the corporation against suits just or unjust and wearing out litigants—as some of the great corporations have been in the habit of doing—can not enter without bias upon the discharge of the duties of a judicial position, especially if his appointment has been secured by the influence of his clients. It is not necessary to believe that such men intentionally violate their oath or purposely do injustice, but the influence of their environment and of their associates is likely to cloud their vision, as Mr. Roosevelt suggests.

In the late campaign the papers nearest to the trusts were constantly insisting that Mr. Taft ought to be elected because of his acquaintance with the bar and because he would appoint the right kind of men to the bench. These editors were not interested in having "the right kind of men appointed to the bench," they were interested in having men appointed to the bench who would be prejudiced in advance against the unorganized and defenseless victims of monopoly who do not meet the judges either in society or at the summer resorts. There is an increasing sentiment in favor of the election of United States judges by direct vote of the people because of the abuses of the appointing power and the bias of judges who are chosen through the influence of powerful interests, and when chosen, hold office for life.

"Insurgent" Republicans

The Commoner congratulates the republican "insurgents" upon the courage they have shown in risking committee appointments in their effort to secure a modification of the rules of the house of representatives. Owing to the desertion of a few democrats they did not win the victory to which they were entitled, but let them not be discouraged; they represent a growing protest against the plutocracy which has been holding the republican party in its grip. The republican reformer is the salt of his party; without the reformer any party will die. If the insurgents succeed in rescuing their party from its downward course they will be hailed as heroes; if they fail they will at least have the satisfaction of having done their best to protect their constituents from the exploiting interests which are now in control of the organization of their party.

Might Have Been

'Way out in the Sea of Vain Regret
Lies the Island of Might Have Been.
It is walled about by the Cliffs of Remorse,
Which are lashed by the Waves of Sin.

We who live in this flowery world,
And have ever hope before,
Know not of those hearts in anguish wrung
Who dwell there evermore;

Whose each sad smile tells a woeful tale
Of years that were spent in vain,
In the empty search of the joys of life,
— And woke from the dream in pain.

Not a murmur tells of their poignant grief,
Only a weary smile;
But they long to flit on the Wings of Death
Away from the sunless isle.

'Way out in the Sea of Vain Regret,
On the Island of Might Have Been,
That is walled about by the Cliffs of Remorse,
Which are lashed by the Waves of Sin.
— Clarence Richard Lindner, in Leslie's Weekly.

A New Alignment

The vote in congress on the adoption of the rules indicates a new alignment. Twenty-eight republicans voted with 144 democrats for such a revision of the rules as would lessen the power of the speaker and increase the power of the members; twenty-three democrats voted with 188 republicans to prevent any material revision in the rules. On another page will be found the names of the democrats who voted with the republicans and the names of the republicans who voted with the democrats. It would be well for the democratic constituents of the bolting democrats to keep their eyes upon their members and learn just what reasons led them to join the republicans on so important a question. It is known that Mr. Cannon is the representative of the standpatters; he is in close sympathy with the corporate elements which have been controlling the country through the republican party; he can be depended upon to use whatever power he has to thwart any remedial legislation and to prevent any interference with the exploitation of the country by the monopolists. The democrats who voted with him were in a position to know these facts, and it will be difficult for them to explain to their constituents why they deserted their democratic brethren and aided the republicans. The speaker has already taken care of some of them and it remains to be seen whether he will take care of the rest. It is hard to believe that any democratic member of congress could be influenced upon a public question by a committee appointment, and yet that would be less of a reflection upon him than to say that he is in sympathy with the Cannon program and with the reactionary policies.

We are in the midst of a great fight—a fight of tremendous importance to the country. The republican party has won a national victory by misrepresentation and false pretense. In the middle west President Roosevelt's endorsement of Mr. Taft was accepted by the republicans as proof conclusive that the latter was a reformer. No one ought to have been deceived because both Mr. Taft's record and his environment raised a presumption against him, but with an overwhelming preponderance of newspapers on their side, they convinced the people that Mr. Taft's election would mean reform. The personnel of the new cabinet ought to convince any fair minded man that the president has gone into partnership with the Wall Street interests. If any doubt was left that ought to have been removed by the action of the president in endorsing the Cannon program. The "insurgents" looked for some encouragement from the White House, but they looked in vain, and Congressman Norris of Nebraska voiced the disappointment of the republican congressmen who are opposing the reactionary crowd which is in control of the republican organization.

Minority Leader Clark is making a manly fight, and he has five-sixths of the democrats with him. Strength to his arm! The democrats ought to be united in their struggle against the Cannon program and it is to be hoped that the five-sixths will continue their battle, notwithstanding the desertion of the few democrats who are now enjoying the congratulations of the speaker.

But the People!

Walter Wellman says that the reason the late administration was so secretive with respect to the papers relating to the steel trust's acquisition of the Tennessee Coal and Iron company was that "Mr. Roosevelt respects the promise made to the corporation."

And let it not be forgotten that Mr. Roosevelt had much to say in his public speeches about "publicity." Is a promise to the corporation to take precedence of a promise to the people?

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