

## Breaking Down the Big Alliance

James L. O'Connor, a prominent lawyer of Milwaukee, has written for The Commoner the following interesting article:

I read with profound interest the speech of Senator Reed of Missouri, published in The Commoner last fall. The propositions therein stated may well be read and pondered upon by every citizen of this country. It strikes at one of the great scandals in our national government.

The time is not far distant when the principles so ably enunciated in Senator Reed's speech, will be incorporated into a national law. The idea that members of congress and senators can participate in framing laws which will enable them to plunder their neighbors, is one of the most scandalous proceedings in the government of this country.

It has been well said of the alliance between the industrial captains of the country and the political leaders, that "there was never a greater danger to government than has come from this unholy alliance. This alliance unites the two most powerful tendencies in our national life, the pursuit of wealth on the one hand, and the pursuit of political power upon the other. The affiliation is one which will corrupt the people, and eventually wreck the government. Christ, with a profound knowledge of human nature, taught his disciples to pray that they should not be led into temptation; though a considerable proportion of the American people profess His teachings, yet they have deliberately given to their legislators the power by congressional enactment of transferring millions of dollars from the hands of the people to the pockets of a few industrial leaders. A more stupendous instrument for corrupting congressmen than the lodging of this power in them was never conceived by the perverse ingenuity of man. \* \* \*

\* This commercial avarice, the fiercest passion that burns in the heart of man, is closely allied with that other passion for power and place, but little less terrible in its intensity."

In speaking of the combination of the ambition for power and place, with the greed for gain in the individual, the author truthfully says: "United States senators and representatives are themselves frequently the owners of manufacturing interests which are largely affected by tariff legislation; and notwithstanding the fact that these men are personally interested in the passage of a bill allowing them to mulct the American people, they deliberately vote upon such measures in the senate and the house. Many an afflicted man or woman, in raising a memorial to their dead, have paid, by reason of the tariff, a considerably increased price to a United States senator interested in quarries. Many a consumer, in the purchase of clothing, has paid another tribute to a member of the house of representatives who is engaged in manufacturing."

The question raised by Senator Reed is simply this: Can a United States senator or member of congress, elected to discharge a public duty, honestly discharge that duty when it comes in conflict with his private interest?

The supreme court of the United States has answered this question, in substance, by saying that no man shall be permitted to place his private interest, in conflict with public duty, because in all such cases, duty is apt to be lost in the struggle.

As a corollary to Senator Reed's suggestion, permit me to direct attention to another situation at the national capital, little discussed.

The entire country is aware of the fact that a man as high-minded and scrupulously honest as Senator Gore of Oklahoma, was offered a bribe of fifty thousand dollars for his support of a dishonest measure pending before congress. Senator Gore, with his sublime courage made the crime public; but who shall say how many members of congress and of the United States senate, have been offered and rejected similar propositions—men who did not have the courage to expose the infamy or defend themselves from the anticipated attacks? Who shall say how many members of congress and the United States senate, during the past twenty-five years, have been bribed and re-bribed in one form or another? Think of the farce of holding secret meetings of a committee where the "captains of industry" and beneficiaries of the high protec-

tive tariff are admitted to place before the committee, or a part of the committee, rates which their greed prompts them to desire!

I believe that the official who makes the law, should be as free from secret conferences and influences as the judge who construes the law. From the foundation of this government it has been deemed an act of infamy for any person having before the court a pending case, to secretly approach the judge, with the view of inducing him to find the facts or construe the law in favor of one of the litigants. No judge worthy of his position would permit such litigant or the litigant's friends to approach him secretly or discuss with him either the law or the facts in a pending case.

As a comparison between the judges of courts who are now so widely discussed, I beg to suggest the conduct of members of congress and of the United States senate, on the right of interested parties to secretly meet them in hotels, in the lobbies and in the committee rooms to urge upon them the enactment of laws favorable to those who are holding these secret conferences.

If any legislator, state or national, should propose a law granting the right of litigants to private interviews with a judge, he would be denounced from one end of this country to the other, as an enemy of government.

Litigants are debarred from holding secret conferences with the judge who is called upon to construe the law. They are barred by moral considerations so strong as to require no specific enactment of law to prohibit them. If it is deemed so abhorrent, that a party interested in litigation, should have private interviews and secret arguments with the judge who construes the law, who can or will defend the practice so prevalent in all legislative bodies, and which has reached its climax at the national capital, of interested parties holding secret interviews and secretly presenting arguments to officials who make the laws.

I sincerely hope that Senator Reed will introduce a bill making it a penal offense for any member of either house to vote in favor of or against any law, in the enactment or defeat of which, such member has directly or indirectly, a private interest; and that either he or Senator Owen or some other democratic senator or member of congress, will introduce a bill for the abolishment and penalizing of secret lobbying at the national capital—a bill which shall absolutely prohibit any person secretly approaching any member of congress or the United States senate, in support of or opposition to the enactment of any legislation, and requiring all persons who appear before committees, to register in some designated office in a record kept for that purpose, and open to the public, the name of such lobbyist, the name of the individual or concern whom he represents, the amount or consideration which he has or is to receive for his services; also requiring those who are represented by such agents or lobbyists, within 30 days after the close of each session of congress to make and file a sworn statement to be filed in the designated office giving the total amount of money expended in support of or in opposition to any law, the names of the persons to whom paid, the purpose thereof, and such other items of interest as the framers of such bill may deem proper. This report to be open to public inspection.

The law should also require the parties and their representatives to present their arguments for or against any measure publicly before the committees of congress and the United States senate and if required by such committees to reduce such arguments to writing, file the same with some designated officer, and mail a copy thereof to each member of congress and each member of the United States senate.

Lobbyists should be absolutely prohibited from discussing pending legislation, except in the manner indicated.

The bill should provide severe penalties for the violation of such law, or the making of any false report under the law.

If these two acts of legislation suggested were placed upon the statute books of the nation, honestly enforced, they would eliminate from our government the scandal of men introducing and voting in favor of laws which enable them to plunder their neighbors, and would eliminate or at least reduce to a minimum, the conceded corruption so prevalent in the enactment of certain national legislation.

Such legislation in my judgment, should be proposed by the democrats. It can be put up

to President Taft, and he would hardly have the excuse of vetoing either measure because of "the tyranny of majorities," or upon the claim that they should first be investigated by his "infallible tariff board."

J. L. O'CONNOR.

## Harmon's Record

How the Ohio Governor Dodged on Important Measures

Progressive legislation is along so many different lines and embraces so many different topics that when one carefully scans the record of a legislature before which bills coming under this designation are debated and of the governor whose duty it is to pass upon them after they have passed the law-making body, it is not difficult to decide whether the legislators and the executive are standing pat or moving forward.

As The Commoner has before stated, some fifty bills became laws in Ohio without the signature of Governor Harmon. Many of these were important measures which a progressive executive—progressive as everybody accepts the term—would have been glad to sign. Many showed by this that the governor in withholding his approval, is not in full step with progress. Aside from these were a number of others that became laws in the same way, which, considering each by itself, would bear little testimony one way or the other, but grouped together they form corroborative proof that the Ohio executive is what his critics claim he is—a conservative.

The legislature of Ohio passed a law (page 81, laws 1911) prohibiting rebates in fire insurance premiums and designed to stop the practice of giving any special favor or advantage to any person. It also provides that no person shall be excused from producing books or papers or from testifying on the ground that he might thereby be incriminated. This law was not approved by Governor Harmon.

The question of developing internal waterways as a means of restricting rate extortion by railroad companies occupied some attention at the last session of the legislature of Ohio. That body, among other things, passed a law enabling counties to appropriate money or to issue bonds in aid of the construction by public authority and control of canals or waterways suitable for steamships, barges, steamboats or other vessels and providing a mode of procedure in such cases. This action was taken for the purpose of enabling Ohio to join with any other state or states or the federal government in a waterway to connect the great lakes or the ocean with the navigable waters of the state. This bill became a law without the signature of Governor Harmon.

Another law passed by the Ohio legislature provided that each of the persons for whom marriage license is sought shall make application therefor in person, in order to avoid fraud and make the marriage statistics really valuable by supplying proper data. Governor Harmon allowed it to become a law without his signature.

Another law passed by the Ohio legislature that Governor Harmon allowed to become a part of the statutes without his signature was a revision of the law relating to the practices of life insurance companies. It prohibited rebates, discriminations, misrepresentations on the part of solicitors and provided heavy penalties for violation of the various sections. This is one of a series of reforms in the insurance business that have been pushed, having primarily the protection of the purchasers of insurance by compelling agents to tell the truth about what they were selling.

Still another reform that Governor Harmon was not interested in related to the examination of applicants for certificates to practice medicine or surgery. It required each applicant to be examined by members of the board representing the school of medicine in which he desired to practice, thus preventing any one school from monopolizing healing in the state. It became a law without the governor's signature.

Still another bill that the governor was not sufficiently interested in to approve or disapprove provided for the regulation and control of fraternal benefit societies. This is the bill agreed upon by the national association of insurance commissioners as representing what is necessary to perpetuate fraternal insurance in the country by requiring the maintenance of reserve funds adequate for the payment of all policies written. The governor allowed it to become a law without his signature.

C. Q. D.