

# WHY NOT "RESPECT SANCTITY OF THE COURT"

It has recently developed that for twenty-one years Rufus W. Peckham, one of the justices of the United States supreme court, has been a trustee of McCurdy's Mutual Life Insurance company.

Some of the eastern newspapers who make it a point to fight special interests between election days, while on election day they throw their powerful influence to the support of the preferred candidates of these special interests, are just now having considerable to say with respect to Mr. Justice Peckham's connection with the Mutual Life. We are told by these newspapers that during Mr. Justice Peckham's trusteeship the McCurdys took \$4,918,607 of the trust funds which properly belonged to the policyholders, and which was practically in the keeping of Mr. Justice Peckham and his fellow trustees. We are told by these newspapers that the McCurdys made much of the fact that a justice of the United States supreme court serves as a trustee of their concern. We are told that while trustees are supposed to be responsible for the acts of the administrative officers, and are presumed to represent the policyholders, these trustees elected McCurdy president, and have not, so far, made

an effort to remove him. We are told that during all the years of the McCurdy iniquities the name of Mr. Justice Peckham has been used as "a cloak" and that Mr. Justice Peckham's sanction of the use of his name has been "in itself a certificate of honesty and a guarantee of respectability." We are told that it is "all the more a mystery why, after full exposure and confession, Mr. Justice Peckham has permitted the abuse of his name and his office to continue." We are told that although the McCurdys have confessed, no one has heard from Mr. Justice Peckham either a demand that the McCurdys resign or a request that his name be disassociated from all connection with the concern.

All these things call to mind the fact that in 1896 when democrats made bold to criticize some of the acts of mere men holding positions on the bench they were told by these same newspapers that the judge could do no wrong, and that it was little short of treason for any individual or political party to criticize or to call in question the acts of a judicial officer.

With what reason, then, do these newspapers question the propriety of an associate justice of the United States supreme court holding an office in connection with a commercial concern? With what reason do these newspapers criticize

an associate justice of the United States supreme court because, while serving as a trustee charged with the responsibility for policyholders' money, he made no effort to protect the funds of the people whose fortunes were entrusted to him? With what reason do these newspapers seek to drag the ermine into the dust? Why not "let well enough alone?" Why not have some concern for the "sanctity of the courts?" Why not "stand up for the dignity and honor of the judiciary?" Why should any newspaper editor "lay foul hand upon sacred precincts?"

Concluding an editorial personally addressed to Rufus W. Peckham, justice of the supreme court of the United States, the New York World says: "The McCurdys have confessed. They plead guilty. Out with them!"

Well, what about Mr. Justice Peckham? According to the World, during all the time that McCurdy was president Mr. Justice Peckham was trustee. The McCurdys have confessed, it is true, but it seems that during all of his trusteeship Mr. Justice Peckham never raised a hand for the protection of the policyholders, and since the McCurdys have confessed, Mr. Justice Peckham has not registered a protest.

Out with the McCurdys, of course! But why not out with the Peckhams?

## AN AMBASSADOR'S FALSE CERTIFICATE

David E. Thompson is the American ambassador to Brazil. Newspaper dispatches say that Ambassador Thompson has recently issued over his official signature a letter which he says is in reply to questions that have been asked him by New York Life Insurance policyholders, and all "indicating an uneasy frame of mind."

The London Times is authority for the statement that Mr. Thompson's letter is signed by him as American ambassador. In that letter Mr. Thompson said that the New York Life Insurance company "is one of the great institutions of the world, and is conducted by good men." He said: "The company is of such magnitude that irregularities might occur within its limits, as so unfortunately do occur in the lives of most great concerns, without the knowledge of more than a sub-chief, and perhaps without the knowledge of any one of the chiefs in control." He added that such irregularities "could not be more than insignificant," and concluded: "There may be dishonest employees of the government, but the government is sound, and the same is true of the New York Life company."

It is to be hoped that Mr. Roosevelt will cause to be sent to his ambassador at Brazil a reminder that it is not the province of an American diplomat to rush to the defense of insurance magnates who, in the parlance of the street, have

been "caught with the goods."

Referring to the New York Life, Mr. Thompson says: "The company is of such magnitude that irregularities might occur within its limits as so unfortunately do occur in the lives of most great concerns without the knowledge of more than a sub-chief and perhaps without the knowledge of any one of the chiefs in control. There may be dishonest employees of the government, but the government is sound, and the same is true of the New York Life Insurance company."

But there would not be great confidence in the soundness of the government if it were shown of the president of the United States, as it has been shown of the president of the New York Life Insurance company that he places no value upon the principles of common honesty. If any fact has been established with respect to the discreditable transactions in the New York Life Insurance company's affairs, it is that the president of that concern rather than any "sub-chiefs" had a guilty knowledge of the most conspicuous of the dishonest transactions.

Governor Culberson of Texas made a demand upon President McCall personally that he give the amount, if any, paid by or on behalf of his insurance company for political purposes during the presidential campaign of 1896. Responding to Governor Culberson's demand, President McCall, caused the cashier of his company to make affi-

davit to the effect that "no moneys were directly or indirectly paid by this company (the New York Life) to the republican campaign fund during the recent (1896) presidential election." The cashier was doubtless honest in making this affidavit, but according to Mr. McCall's own testimony before the insurance committee he knew that his cashier had certified to a misstatement.

The Commoner recently reproduced extracts from a circular issued by the New York Life Insurance company, and pointed out at least eighteen falsehoods told in that circular. No one would for one moment imagine that that circular was issued without the knowledge and consent of President McCall. It was there shown in extracts from testimony introduced before the insurance committee that in every material statement made in that circular the attempt was made to deceive not only the policyholders but the agents of the New York Life Insurance company.

These falsehoods and these frauds are not to be charged to any sub-chief. They were made and entered into evidently with the full knowledge and consent of Mr. McCall and other men high in authority; and when an American ambassador seeks to use his official position in the effort to deceive the public he is guilty of an offense so flagrant that the administration responsible for his official career owes it to the people to cancel his commission.

### WHY NOT MUTUALIZE?

In an article written for Harpers, Grover Cleveland says: "Our business men seem lamentably willing, if not anxious, to accept trusteeships and directorships, more to add to their prominence and importance among their fellows than to do actual, conscientious duties in protecting the interests confided to their care. \* \* \* The passing of the term 'dummy director' with the conditions which gave it life is certainly a consummation devoutly to be wished."

Has any one observed a mutualization of the Equitable Assurance society since Mr. Ryan chose Mr. Cleveland as one of the "trustees?" Is Mr. Cleveland, in truth, any more than a "dummy" trustee under the Ryan management? If he has real power, why does he not exercise it for the advancement of genuine reforms? Mutualization is the thing for which the policyholders of the Equitable have long sought, yet under the Ryan management and the Cleveland trusteeship, the policyholders—the men whose welfare should be the chief concern of their trustees—are as far away as ever from a realization of their dream.

### RARE GENEROSITY

With an air of exceeding generosity President McCurdy of the Mutual announces that hereafter he will accept only one-half of his recent salary for his services to the Mutual. He has been drawing—mark the distinction between

drawing and earning—a salary of \$150,000 a year. He now says he will accept but \$75,000 a year. President McCurdy acts as if he thought this rare generosity on his part, and doubtless he believes it. There are others, however, who will think otherwise. They will consider it as merely a partial acknowledgement that he has been exploiting the policyholders.

The McCurdy family seems to have looked upon the Mutual as an orange to be squeezed for their own particular benefit, and President McCurdy's action in trying to pose as a liberal man merely because he has been forced to take his mouth from the fruit will only add to the general conviction that he should be compelled to give way altogether.

### RAILROAD REGULATION

On page 7 of this issue The Commoner prints an interview relating to the visit to the White House of the delegation claiming to represent railroad employees. Like former interviews, the one presented this week will be interesting to all who are anxious to become well informed upon the question which is just now attracting public attention.

The broad and fundamental dissimilarities between private business enterprises and public service corporations are distinctly and unmistakably defined in the quotations made. These dissimilarities have been universally recognized for

ages, and no intelligent man of this day and age has any right to plead ignorance of these facts in justification of such rash and absurd expressions as emanated from this delegation in presenting their objections to President Roosevelt.

### A GREAT POWER

Referring to the great power of the railroads the Denver News says: "In the consideration of the railway rate question it must not be forgotten that continental America contains 212,000 miles of railway, with control centralized in the persons of eight or ten great financiers, who keep dividends in view. These arteries of trade represent a total of capital stock and funded debt aggregating more than \$13,000,000,000. They carry over 700,000,000 passengers and 1,300,000,000 tons of freight each year, earning in a single twelve months \$2,000,000,000, an amount only a little less than the entire foreign commerce of the United States in 1902. Their net earnings are much in excess of the ordinary receipts of the United States government, while their employes number about 600,000, a service larger than that of the federal system."

The News then gives this timely warning: "Collectively they constitute a power that may fairly be brought into comparison with that of the nation itself. If the nation fails to regulate this power it is a question of very brief time when the power referred to will regulate the nation."