

dual form of government, and believed in the wisdom of and the necessity for this division of power. Those who held to the strict construction of the constitution on this subject obtained control of the government eleven years after the constitution was framed, and retained control for a quarter of a century.

But admitting that the framers of the constitution and those who lived in the early days were champions of the dual idea, an important question presents itself, viz.: Have time and events so altered conditions as to make it wise or necessary to disturb this equilibrium between the state and the nation? The framers of the constitution recognized the possibility of error in themselves and the possibility of change in conditions, and therefore provided a way of amending the constitution. If the time has come for obliterating state lines and consolidating all authority, legislative, judicial and executive, at Washington, it can be done by constitutional amendment whenever three-fourths of the states are willing to ratify such an amendment.

But is there any demand for a surrender by the states of the powers reserved to them? On the contrary, every reason which existed one hundred and eighteen years ago exists now, and those reasons are even stronger than they formerly were, because of the increase in the area and population of the nation. Then there were a few million people scattered along the eastern coast. The thirteen states have grown to forty-six, and eighty millions of people are now governing themselves through the machinery set in motion by the constitutional convention of 1789.

The states are even more needed than they formerly were for the administration of domestic affairs. As a matter of theory, that government is best which is nearest to the people. If there is any soundness at all in the doctrine of self-government, the people can act most intelligently upon matters with which they are most familiar. There are a multitude of things which can be done better by the county than by state authority, and there are a multitude of things which can be done better by the state than by the federal government.

The logical result of the decision in the Minnesota and North Carolina cases is the transfer, ultimately, to the national capitol of the business now conducted at the state capitols, and to this—in the opinion of The Commoner—the American people will never consent.



#### NO WONDER

After considerable effort congress passed a bill that stopped rebates and enabled the railroads to keep what they had formerly returned in the way of rebates to favored shippers. The railroads weakened the bill as much as possible and no one knows yet how valuable or valueless the measure will prove.

But the state legislatures went in to work in the effort to lower rates. A number of legislatures enacted two cent fare laws and some reduced freight rates.

Immediately railroad magnates began to plead for "federal regulation" meaning exclusive federal regulation and the decision of the supreme court in the Minnesota and North Carolina cases is spoken of by these railroad magnates with the highest sort of compliment.

No wonder the railroads want to get away from state legislatures. The state legislatures are near to the people and quickly respond to public sentiment, while the national congress is more remote and harder to reach.



#### DRAWING THE LINE

Democrats draw a distinct line between federal legislation which is supplemental to state legislation, and that form of federal legislation which would substitute a national for a state remedy. No national charter should be granted to an insurance company, and no federal supervision should interfere with the exercise of the power now vested in the states to supervise companies doing business in such states.

The democrat would not take from the federal government any power necessary to the performance of its legitimate duties but he recognizes that the consolidation of all government at Washington would be a menace to the safety of the nation and would endanger the perpetuity of the republic. He believes in the preservation of the power of both state and federal governments, recognizing in the constitutional division of those powers the strength of free government. The advocate of centralization is always optimistic when the dangers of centralization are pointed out. He is not afraid

that any harm can come to the American people, and yet no enthusiastic advocate of centralization can talk long without betraying his distrust of the people. Instead of accepting the theory that the people should think for themselves and then select representatives to carry out those thoughts, he believes that representatives are selected to think for the people and he does not hesitate to build barriers between the government and the voters. While the advocate of centralization is urging legislation which obliterates state lines and removes the government from the control of the voters, the monopolist may, on the other hand, hide behind the democratic theory of self government and use this theory to prevent national legislation which may be necessary. The democrat who believes in democratic principles and who wants to preserve the dual character of our government must be on his guard against both.



#### THE PEOPLE? PSHAW!

The "Financial Age," published at New York, printed in its issue of March 23, this editorial:

#### HOPES FOR ALDRICH BILL

"The removal of the railroad bond feature from the Aldrich bill provokes the question: Is currency legislation something to please a voting constituency, or is it something for the financial betterment of a people? This action is considered a direct play to the west and southwest, and it may save a congressman or two. There is another question, of course—even with this feature eliminated, does the bill answer the purpose? That question is of considerable importance."

In other words, is currency legislation or any other legislation for that matter to be for the benefit of the people or for the advantage of a coterie of individuals?

The editor of the "Financial Age" evidently thinks that currency legislation should be passed in accordance with the pleasure of the financier. Then railroad legislation should be arranged by the railroad magnates; trust legislation by the trust magnates; tariff legislation by the tariff beneficiaries and so on down the line. But the people—who are the people anyhow, if they are not the men who provide the republican party with its campaign funds?



#### EPOCH MAKING

Attorney General Young of Minnesota says that in the light of the recent decision by the United States supreme court state governments might as well surrender all their functions to the federal judge located in the state. It is one of the most important opinions ever delivered by a court. Indeed, it may prove to be an epoch making decision, for most assuredly the American people are not prepared to consent to the centralization that would prevail under the system as upheld by the court in these cases. The division of the powers of government was founded upon the doctrine of self government, and the preservation of the nation depends upon the careful observance of the limitations between the things that are local and the things that are national. Those who do not recognize the doctrine of local self government can make an argument in favor of the transfer of all power to the federal government; but those who believe in the doctrine of self government recognize that the people can be trusted best with that with which they are best acquainted and that the people are best acquainted with the things which are near them and immediately concern them.



#### DENOUNCING LILLEY

Representative Lilley of Connecticut is being roundly denounced for making such strong charges of undue influence in connection with the submarine boat business, not because of the wrongfulness of the charges, but because as a republican he should have known better than to bring up such a matter right in the beginning of a campaign in which the g. o. p. will have plenty of trouble without the help of its adherents.



#### WHAT?

During the inquiry into E. H. Harriman's methods before the United States circuit court at New York, November 13, 1907, Frank B. Kellogg, the government's counsel, questioned the propriety of Mr. Harriman being a member

of a committee to fix the price of stock he held and was about to sell to the Union Pacific. John G. Milburn, Mr. Harriman's counsel, retorted, "I know, but what are you going to do about it?" There are a great many things which old-fashioned people regard as gross improprieties—to put it mildly. It is the duty of the citizen to make inquiry concerning these matters and to do his part by way of providing remedy for public evils. "What are you going to do about it?" has ever been the plutocratic question. When your republican neighbor complains of the impositions put upon him under republican administration ask him in plutocratic vernacular, "What are you going to do about it?" and then tell him that the remedy is in his own hands.



#### AN OLD-FASHIONED MAN

In his dissenting opinion in the railroad cases recently decided by the United States supreme court, Mr. Justice Harlan said:

"Neither the words nor the policy of the eleventh amendment will, under our former decisions, justify any order of a federal court the necessary effect of which will be to exclude a state from its own courts.

"Such an order, attended by such results, can not, I submit, be sustained consistently with the powers which the state, according to the uniform declarations of this court, possess under the constitution.

"I am justified by what this court has declared in now saying that the wise men who framed the constitution and who caused the adoption of the eleventh amendment would have been startled by the suggestion that a state of the union can be prevented by an order of a subordinate federal court from being represented by its attorney general in a suit brought by the state in one of its own courts."

Mr. Justice Harlan is plainly an old-fashioned man. But somehow or other he usually hits the nail on the head and somehow or other his opinions, whether affirmative or dissenting, command more than ordinary respect among the masses of the people.



#### WAS MR. ROOT A PROPHET?

The decision of the United States supreme court in the Minnesota and North Carolina railroad cases recalls the statement made by Secretary of State Root in his speech delivered something like two years ago. Following is an extract from Mr. Root's speech: "What is to be the future of the states of the union under our constitutional form of government? The conditions under which the clauses of the constitution distributing powers to the national and state governments ARE HENCEFORTH TO BE APPLIED are widely different from the conditions which were, or could have been, within the contemplation of the framers of the constitution, and widely different from those which obtained during the earlier years of the republic."

Was Mr. Root a prophet?



#### THEN CAME THE COURT

In his speech at Trenton, N. J., Secretary Taft deplored what he called "too great centralization of government," and attributed it to the failure of state legislators to perform their proper functions. About the time Secretary Taft made this remarkable statement the supreme court of the United States was handing down a decision that in effect prevents a state legislature from performing its functions. Further than that, the decision actually goes to the length of saying that a state official may be enjoined by a federal court from appearing in a state court to move for the enforcement of a state law. Secretary Taft seems to be somewhat mixed in his ideas.



#### "CASTING SHADOWS BEFORE"

Congressman Littlefield of Maine has resigned, explaining that he desires to return to the practice of law. Congressman Cousins of Iowa also announced that he would retire—he also desires to return to the practice of law. Can it be that aside from a great love for their profession Messrs. Cousins and Littlefield believe that "the old ship is leaking now," and that it is the part of wisdom to go ashore before the old hulk goes to the bottom in November?