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Mr. Bryan to Florida Legislature

Governor A. W. Gilchrist and Members of the Senate and House of Representatives of the State of Florida—

Gentlemen: I greatly regret that I am prevented from accepting your invitation by engagements made before it was received. I appreciate so highly the honor you do me that I shall say to you in brief what I would say with more elaboration if circumstances permitted me to address the legislature. I recognize that, being only a private citizen, my words can have no weight except as they find response in the conscience and judgment of those to whom they are addressed, but the confidence which has been expressed in me both by the members of the legislature and by their constituents emboldens me to discuss what may be termed the more fundamental principles of representative government as government is viewed from the democratic standpoint. There are two schools of thought in regard to the duty of the official—the aristocratic theory is that the people elect a representative to think for them; the democratic theory is, on the contrary, that the people think for themselves and elect representatives to give legal expression to their thoughts and to voice their sentiments. I need hardly emphasize the fact that our party is committed to the latter theory, and that democracy teaches that the representative has no moral right to disregard the known wishes of his constituents.

It is sometimes argued that a representative should obey his conscience rather than his constituents. My answer is that he must recognize that his constituents have consciences also, and that when he can not conscientiously do what his constituents conscientiously desire him to do, he ought to be conscientious enough to resign and let them select a representative in harmony with them. I will allow no one to go beyond me in recognition of the claims of conscience, but I confess that I am suspicious of the official whose conscience is dormant during the campaign and only active when he wants to find an excuse for doing what his constituents do not want done, or for refusing to do what his constituents want done.

There is such a thing as the embezzlement of power and the person guilty of it is as much a criminal as the one who embezzles money—even more so, for the wrong done by those who betray a public trust affects more people and brings more serious consequences than the embezzlement of money.

It follows, therefore, that platform pledges are not only binding, but sacred. If a candidate dissents from the platform upon which he runs, he ought to make that dissent known during the campaign and make it known in such

a way as to leave no doubt about the voters being made acquainted with his position. To maintain silence during the campaign, and to openly endorse a platform and then repudiate it or be indifferent to it after the election, is inexcusable in a democrat.

Jefferson has said that "the art of government is the art of being honest" and that "the principles of right and wrong are so easily discerned that they require not the aid of many counselors." Public officials would have little difficulty in agreeing upon the remedial measures needed by the public but for the fact that large financial interests make their presence felt about the national and state capitals. Secret obligations made before the election, or secret influences exerted after the election, sometimes wean the representative away from his constituents. These influences do not always take the form of direct bribes; they are more often indirect—promises of future support or favors shown to relatives or friends. To protect the representatives against these influences publicity as to campaign funds has been urged and the democratic national platform demanded that publication be made before the election. The Nebraska legislature has carried out the democratic platform on the subject of contributions, and in our state, committees are now required to publish, fifteen days before the election, all contributions above \$25 received up to that time, and must thereafter publish such contributions on the day when they are received. In most of the states we now have for the protection of legislators legislation aimed at lobbying, and such legislation will doubtless accomplish much good.

Our Nebraska legislature has also enacted a law which gives to the people of our state the benefits of what is known as the Oregon plan for the election of the United States senators. Each candidate for the legislature is given an opportunity to sign, or refuse to sign, a promise that he will support the nominee receiving the largest number of votes at the election. This plan has been found to work successfully in Oregon and its adoption in this state gives our people a chance to elect United States senators by direct vote.

The regulation of corporations is usually the most difficult subject with which a legislature has to deal because of the influence brought to bear upon the legislature by the corporations.

I will not discuss the liquor question because different phases of the subject are presented in different states, and I am not sufficiently well acquainted with the situation in Florida to offer advice. I venture to say, however, that there is a reform which ought to receive the support of all, no matter whether they believe in prohibition or in the regulation of the liquor traffic through the license system. The reform that I speak of is this, that the federal government should discontinue the issue of licenses for the sale of liquor in territory where the local authorities have prohibited the sale. No matter whether the prohibition operates over an entire state, a county, a precinct or a city, whenever the local authorities decide to prohibit the sale of liquor, their decision ought to be respected by the federal government, whereas today the federal government stands ready to go into partnership with any person who desires to violate the local law. According to the terms of the partnership the government is to receive \$25 for each license issued, and the one paying the \$25 for a license to sell liquor where the local authorities prohibit it takes the chance of getting enough to reimburse him for what he has paid the government and to give him a profit besides.

The right of the state to regulate railroads is now universally recognized and the states are rapidly putting themselves in position to enforce their rights through the establishment of railway commissions. These railway commissions should be empowered to ascertain the physical valuation of the railroads as well as to fix rates

and protect the people of the state from discriminations against persons and places.

The trust question is one with which the states must deal. Under our dual form of government the monopolistic corporations have been playing each government against the other—they contend that they are engaged in interstate commerce when the states attempt to legislate, and they are staunch advocates of states rights whenever the federal government attempts to restrain. Both the federal government and the state governments should employ their powers to the limit for the protection of the public against the evils of private monopoly, and I believe that the best as well as the simplest solution will be found in legislation fixing the percentage of control which a corporation shall exert over the product in which it deals. This plan has been endorsed by three national platforms of our party and I know of no other remedy which is so easily applied or which promises to be so effective.

One of the issues of the late campaign related to the protection of bank deposits. The republican party promised a postal savings bank, while the democratic party endorsed a system under which banks will be required to protect their depositors by a guaranty fund to which each bank will contribute in proportion to its deposits. The bankers' association met just before the election and denounced both plans, and the influence of the leading banks, especially of the national banks, is now being used to defeat any and every plan which provides for increased security. It is strange that bankers who make their profit out of the deposits should be, not only indifferent, but antagonistic to the depositors' interests. The only ground upon which a bank can invite deposits is that the deposits will be repaid on demand, and the banker who is not willing to make this presumption good will find it difficult to distinguish his conduct from the conduct of those who obtain money under false pretenses. The banks are not now sufficiently secure as is evidenced by the fact that the national government, the state governments, the counties and the cities all require special security. A bank would not like to exhibit a notice like the following: "We give specific security to the federal government, to state governments, to counties and to cities. Other depositors are invited to leave their money with us without such security." And yet such a notice would tell the exact truth.

A large part of the bank's prestige is due to the fact that it does business under a charter granted by the government and is so regulated and inspected as to give the depositors confidence in its solvency, and it is only fair that in return for the advantages which the law confers, the bank should bear the light tax necessary to protect every depositor from possibility of loss. But the guaranty of deposits, by drawing money to the bank would give the bank an increased earning power in excess of the tax paid.

The stockholder, as well as the depositor, ought to favor the guaranty of deposits, for no honest and conscientious stockholder likes to contemplate even the possibility of a loss to depositors. Some losses will occur in spite of foresight and care on the part of those in charge of a bank, and these losses ought to be distributed over the banking business as fire losses are distributed through fire insurance. I have never heard a stronger argument on the subject presented in fewer words than was presented by a German farmer of Nebraska who said, "When I borrow money at the bank, the banker says, 'you get your farmer friends to go your security;' now, when the bank borrows my money, let it get its banker friends to go its security."

I have briefly referred to a few of the subjects which may come before your legislature, and I will only add one suggestion, namely, that the initiative and referendum are being adopted by state after state and that they perfect our representative form of government by bringing the government nearer to the people and by increasing the control of the people over the government. A number of states have already adopted the initiative and referendum, Missouri

CONTENTS

MR. BRYAN'S LETTER TO THE FLORIDA LEGISLATURE
ALDRICH'S HANDIWORK
LET THE PEOPLE RULE
SENATOR BAILEY DEFENDS INCOME TAX
REPUBLICAN SENATORS ATTACK REPUBLICAN POLICIES
REPUBLICAN LEADERS HAVE BUNCOED THE COUNTRY
LAW OR LAWLESSNESS—WHICH?
MR. DE ARMOND'S BILL
THE COMMONER'S HIGH OFFICE CLASS IN ARITHMETIC
EDUCATIONAL SERIES—THE REFORM IN MAINE
COMMENT ON CURRENT TOPICS
LETTERS FROM THE PEOPLE
HOME DEPARTMENT
WHETHER COMMON OR NOT
NEWS OF THE WEEK