

The Commoner.

WILLIAM J. BRYAN, EDITOR AND PROPRIETOR

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Badly Mixed Organ

The New York World which rushes to the defense of the supreme court decision in the Standard Oil case prints a remarkable editorial under the headline: "Mr. Bryan and the Supreme court." The World says: "Once more Mr. Bryan has declared his distrust of the supreme court and his disapproval of the decisions in the Standard Oil and tobacco cases. 'We may as well recognize,' he says, 'that we now have no criminal law against the trusts.' He adds that if the justices of the Supreme court are to be permitted to 'legislate' they should be made elective for fixed terms and not be appointed for life.

"The cause of all this disapproval and denunciation is the decision of the court that the statute must be construed reasonably. Mr. Bryan says the 'reasonableness of the restraint' is a mere matter of opinion. He asks: 'In the light of this decision who is likely to be convicted of a criminal violation of the anti-trust law?'"

"All statutes must be construed reasonably. Lord Coke said the common law of England is like a stool that rests on three legs—the leg of precedent, the leg of justice and the leg of reason. Did Mr. Bryan ever hear of a court of any eminence that did not give ear to reason in deciding any case before it? Did he ever hear of a criminal case in which the jury was not instructed to give the prisoner the benefit of any reasonable doubt?"

"Nothing in the decision of the court can be rightly construed, as invalidating the act as a criminal statute. In fact, the reasonable construction of it strengthens it in that respect. No criminal statute that is unreasonable could be enforced under our constitution."

The World has become badly mixed in its efforts to support a false position. It asks: "Did Mr. Bryan ever hear of a court of any eminence that did not give ear to reason in deciding any case before it? Did he ever hear of a criminal case in which the jury was not instructed to give the prisoner the benefit of any reasonable doubt?"

No. But the court gave ear to reason with respect to the evidence rather than with respect to the law and the jury was instructed to give the prisoner the benefit of any reasonable doubt as to the guilt of the accused in accordance with the explicit language of the law rather than "reasonable doubt" as to the "reasonable" violation of that law.

In other words: Did the editor of the New York World ever hear of a court, high or low, eminent or obscure, that would give ear to the plea that the embezzlement charged against a particular defendant was "reasonable" embezzlement? Did the editor of the World ever hear of a criminal case in which the jury was instructed to consider whether the burglary charge was "reasonable" burglary?

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"SHARPENING THE SCYTHE"

Senator Clark of Wyoming writes the following warning:

"You are turning the grindstone to sharpen the scythes that will put the hide of protection on the fence all over this country. You are opening the tent and the camel's head will be in, and it will not be very long before the camel will be in and you will be out, my republican friends.

"I do not wonder that our democratic friends are enthusiastically and almost unanimously in favor of this pact. They have not been able to do for fifty years what we are going to do here in thirty days. We are doing their work for them. We are wiping protection from the statute books. We are using the club that will kill our protected interests. We are doing it ourselves, and it is no wonder they feel pleasant and are agreeable to join in the operation."

Senator Clark is right; the ratification of the reciprocity agreement will "sharpen the scythe" (the metaphor is a little mixed but the meaning is clear.) It is the beginning of the end of protection—and that is why no democrat should oppose it—but its defeat also would sharpen the scythe. In fact, the scythe seems likely to be sharpened no matter which way the vote goes. The republican party is DIVIDED on the tariff and that division can not be healed. The democratic party has only to stand firm and it will win. But at this time when so many republicans are sharpening scythes to use on protection it is a mighty poor time for democrats to become tainted with protection.

PROTECTION IS DOOMED and those democrats who attach themselves to it will go down with it. "Protection is wrong but we want our share" will be found as unpopular as it is immoral.

"THE HEART IS SOUND"

United States Senate, Washington, D. C., June 17, 1911.—Editor The Commoner: I congratulate you on your editorial answering the protectionist democrats, who are charging Mr. Bryan with an attempt at dictation. Your reply is an overwhelming answer.

In the democratic party, there are protectionists—and corruptionists, for that matter—who will violently abuse Mr. Bryan and those who stand with him; but what you say is absolutely true. The heart of the democratic party is sound, and the rank and file are true, and they comprise the very great body of the democracy, which is now marching forward to a splendid victory.

Nearly half of the republican party is now in sympathy with true democracy, and if the leaders of our party appreciate and move forward on the lines of genuine democracy, guided by the general welfare and opposing selfishness and special privilege, the democrats will assume control of the nation and retain it as long as they are true to these principles. Yours very truly,
ROBERT L. OWEN.

OLLIE JAMES—SENATOR

The withdrawal of Senator Paynter from the senatorial race left Congressman Ollie James victor without a contest. The Commoner congratulates James. He deserves the place. He has brains, conscience and courage. He can not be fooled; he can not be bribed and he can not be frightened. He is just the kind of a man needed in the senate to oppose the schemes of the undemocratic democrats who have been robbing the party of its vitality in the senate. James came into national prominence in 1896 and has grown ever since. The democratic party of the nation can afford to run up the flag and celebrate for several days when James enters the senate. Here's to Senator James—strength to his arm.

NEXT!

Senator Paynter is a follower of Senator Bailey; he voted for Lorimer; he was a candidate for re-election. He retired from the race before the primary. Next!

"Who Owns It?"

Harper's Weekly edited, as many people know, by Mr. George Harvey, severely criticizes Mr. Bryan for his attitude on free wool. The public would be better able to understand this criticism if they could obtain accurate information as to the ownership of Harper's Weekly.

That publication has habitually attacked Mr. Bryan, the reason being that the publication has been under the control of special interests whose political plans Mr. Bryan has earnestly sought to thwart.

In the same issue in which Mr. Bryan is attacked Harper's Weekly approves the tobacco trust decision and denies that the supreme court undertook to read the word "reasonable" into the statutes.

In the same issue Harper's Weekly seeks to justify the gobbling up by the steel trust of the Tennessee Coal and Iron company.

In the same issue Harper's Weekly approves the Gary-of-Steel-trust fame suggestion for federal incorporation.

In the same issue Harper's Weekly favors the regulation rather than destruction of the trust system.

In the same issue Harper's Weekly pokes fun at Justice Harlan for his dissenting opinion in the oil trust case.

Of course Mr. Bryan has been unable to win the approval of Harper's Weekly.

But who owns Harper's Weekly? That's the question and it is plain that the gentleman who poses as the editor of Harper's Weekly does not dare to have the real truth told about the ownership of his publication.

KEEP COOL

The editor of the Houston Post is mad. That's very evident. The editor of the Memphis News-Scimitar is responsible for it. The Post says: "Our esteemed and honored contemporary, the Memphis News-Scimitar, observes: 'The Houston Post has dug such a chasm between itself and Mr. Bryan that it is liable to tumble in any day and never be heard of afterward.' It is unnecessary to say more than this: The Houston Post was here long before anybody outside of a small town had heard of Mr. Bryan. It expects to be here long after men much older and just as famous as Mr. Bryan are dead and forgotten. We trust that our Memphis friend will interpret this to mean that the Houston Post brought its knitting with it when it came and is prepared to stay quite awhile."

Of course the Post "brought its knitting with it" and it has been knitting away day after day and year after year and it will continue to knit for years and years to come. The special interests served so faithfully by the Post need the services of that great newspaper now more than at any other time in all of the Post's truckling career.

WHY NOT?

Many democrats believe that a 20 per cent duty is yet necessary on wool in order that the necessary \$15,000,000 revenue may be derived for the benefit of the government. But those same people forget that raw silk and raw rubber are admitted absolutely free to this country, that they are rather luxuries and that a 20 per cent duty on those two imports would more than make up for the revenue loss should wool be put on the free list. More people use wool than use silk and rubber, and more people would be benefited by putting wool on the free list while the rich would pay for the silk and rubber. Why the cry?—Papillion (Neb.) Times.