The Commoner.

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VOL. 11, NO. 43 | Lincoln, Nebraska, November 3, 1911 | Whole Number 563

Why Not Criminal Prosecutions?

MR. PRESIDENT: Why do you begin a suit in equity instead of a criminal prosecution against the officials of the Steel Trust? In your attorney general's petition the defendants are charged with the violation of a criminal law. Why do you hesitate to ask for a conviction and imprisonment? Is it because the anti-trust law is now worthless as a criminal statute, since the supreme court has, by judicial legislation, put the word "unreasonable" in it? Or is it because you are afraid to punish big criminals as severely as you do little criminals? You ask me to name a trust that can not be punished under the present law—I name THREE—the Standard Oil Trust, the Tobacco Trust and the Steel Trust, and I call you as a witness to prove that the law, as amended by YOUR JUDGES, is worthless as a criminal law. Will you admit it, or do you prefer to take the position that big criminals should not be sent to the penitentiary? Explain WHY you do not prosecute the Steel Trust officers under the criminal law? *W. J. BRYAN.*

CO-OPERATION NECESSARY

It is important that the democrats, populists and progressive republicans shall recognize the importance of the elections this year as showing the trend of sentiment on national issues. A congressional election is being held in the Third Nebraska district, and the democrats have nominated a splendid progressive democrat, Mr. Dan V. Stephens, against a republican who is a pronounced standpatter. In the Second Kansas district also a progressive democrat, Mr. Joe Taggart, is running against a standpat republican. There are not many state elections this fall but such as there are will be closely watched and the vote will indicate the trend for or against the administration.

In Nebraska, especially, the result will have an important bearing upon next year's campaign. It behooves every democrat to vote himself, and to see that every democratic vote is polled. Populists should be as much interested in this joint ticket as the democrats, for they are as deeply interested in the success of the reform movement as the democrats. The Nebraska democracy has for over sixteen years stood as a unit for remedial legislation. Its platforms have largely foreshadowed the national platforms, and its delegations have not been surpassed in influence by the delegations from the larger states. Mr. Bryan has carried the state twice on a progressive platform, and Senator Hitchcock, a progressive democrat, won last year over a standpat republican by some 20,000 majority. President Taft has recently made a trip through the state appealing for a vote of confidence, and a republican victory in Nebraska would naturally be heralded by the corporation press as a triumph of standpat republicans over progressive democrats. How can a progressive republican encourage the fight that progressive republicans are making in Washington by voting the republican ticket in Nebraska this fall? His vote would be construed as an approval of the very standpat policies which the progressives at Washington are fighting; it would be counted as a rebuke to the progressive democrats with whom the progressive republicans are voting at Washington. It seems clear that the only way a progressive republican can encourage Senator La Follette and those fighting with him is to indorse progressive ideas, and as the democrats of Nebraska stand for progressive ideas its triumph would be accepted throughout the nation as proof that the great agricultural state of Nebraska and the states adjoining it condemn republicanism as defined by the dominant element of the republican party and demand that the government shall be administered in behalf of the people. In Nebraska co-operation has accomplished a great deal. The railroad pass has been driven out of politics, the two cent passenger rate has been secured, the Oregon plan for the election of senators has been adopted, the initiative and referendum amendment has been submitted. We have secured the direct primary for the nomination of state officers, and more recently of delegates to the national convention, and we have the bank guarantee law. In the nation we have practically secured the election of senators by the people—it is in conference now but there is no doubt of the submission of the amendment before congress adjourns. This reform was repudiated by the last republican national convention when the progressive republicans tried to secure an indorsement of it; the democratic party has been fighting for it for nineteen years and the populist party for a longer time. It has required co-operation to secure this reform, and it is worth all the effort it has cost. The publicity of campaign contributions is another reform that has come from co-operation, and it constitutes a long step in advance. The income tax amendment is now before the states for ratification, and certain to be a part of the constitution. This, too, is the fruit of co-operation. The democrats could not secure it alone. The progressive republicans at Washington have voted with the democrats for the farmers' free list and for the reduction of the woolen schedule. The president vetoed these bills. How can the progressive republicans of Nebraska rebuke the president for his vetoes without indorsing the democrats who joined the progressive republicans in the passage of the bills?

But co-operation has not only been useful in the past but it is necessary in the future to meet the policies which the standpat republicans are now urging. On the trust question the country has taken a backward step; the people have not gone back, neither has congress. The backward step has been taken by the supreme court. The anti-trust law adopted twenty years ago declares all combinations in restraint of trade unlawful, but the supreme court has construed that law to mean that only unreasonable restraint of trade is unlawful. This is an absurd construction, as absurd as to construe the law against burglary to prohibit only unreasonably burglary, or the law against larceny to prohibit only undue stealing, and the recent decision is a reversal of the decision rendered thirteen years ago when the same question was before the court. The court then held that it had no power to amend or appeal a statute—that that would be an intervention of the province of congress and unconstitutional, but the supreme court went out of its way to invade the province of congress and in violation of the constitution threw its protecting arms around the private monopolist. Before the decision was rendered it was only necessary to prove the existence of a combination in restraint of trade, now it is necessary not only to show a combination in restraint of trade, but to convince the presiding judge that the restraint is unreasonable—a question upon which judges will widely differ.

But the astounding thing about this decision is that it was evidently part of a prearranged plan. The last republican national platform favored an amendment of the constitution but left the question open as to the character of the amendment. Mr. Perkins, formerly partner of J. Pierpont Morgan, now tells us that Governor Hughes was put forward to interpret that amendment and at Youngstown, O., declared that the rule of reason should be observed in making the amendment—quoting the very phrase that they employed in the dissenting opinion of thirteen years ago—a phrase first suggested by the trust attorneys. Mr. Perkins says that the supreme court decision is the only thing which has been done to carry out the republican platform. When it is remembered that Mr. Taft appointed Governor Hughes on the bench, and that Governor Hughes joined the other appointees of Mr. Taft in nullifying the anti-trust law the connection between the platform promise and its fulfillment by the court becomes apparent. And this is emphasized by the fact that Mr. Taft took a justice who wrote the dissenting opinion thirteen years ago and made him chief justice over a justice with longer and more distinguished record who thirteen years ago joined in the opinion of the court against the trusts. To complete the story of this combination against the public, a combination that has used a republican convention, a republican governor, a republican president and a majority of the supreme court for its consummation, it needs only to be added that three years ago when the trust wanted an amendment to the anti-trust law Mr. Taft favored an amendment, but now that the trusts have secured from the court the amendment they want, Mr. Taft is opposed to any further change in the law. Co-operation is necessary to restore to the anti-trust law the strength that it had before the decisions in the Standard Oil and Tobacco cases. Neither the democrats or the progres-

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PASS IT ON

This week's Commoner contains a large amount of campaign material. Readers are urged to loan their papers to progressive republicans to read before the election.