

The State and Nation

From Mr. Bryan's speech at Peoria, Ill., September 9, 1908: The success of our system of government rests upon the careful observance of the constitutional division of power between the state and the nation. A number of expressions have been coined to describe the relations existing between the federal government and the several subdivisions, but no one has been more felicitous in definitions than Jefferson or more accurate in drawing lines of demarkation. He presented the historic position of the democratic party when he declared himself in favor of "the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies," and "the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our safety at home and peace abroad." The democratic platform, adopted at Denver, quotes the language of Jefferson and declares that it expresses the party's position at this time.

It would be almost as difficult to maintain a free, self-governing republic over a large area and with a large population without state governments as it would be to maintain such a republic without a general government. The interests of the different parts of the country are so varied, and the matters requiring legislative attention so numerous, that it would be impossible to have all of the work done at the national capitol. One has only to examine the bills introduced in each congress, and then add to the number the bills introduced at the legislative sessions of each of the forty-six states, to realize that it would be beyond the power of any body of men to legislate intelligently on the multitude of questions that require consideration.

Not only would national legislators lack the time necessary for investigation, and therefore lack the information necessary to wise decision, but the indifference of representatives in one part of the country to local matters in other parts of the country would invite the abuse of power. Then, too, the seat of government would be so far from the great majority of the voters as to prevent that scrutiny of public conduct which is essential to clean and honest government. The union of the separate states under a federal government offers the only plan that can adapt itself to indefinite extension.

Our constitution expressly reserves to the states and to the people respectively all powers not delegated to the federal government, and only by respecting this division of powers can we hope to keep the government within the reach of the people and responsive to the will of the people. Because in all disputes as to the relative spheres of the nation and the states the final decision rests with the federal courts, the tendency is naturally toward centralization, and greater care is required to preserve the reserved rights of the states than to maintain the authority of the general government.

In recent years another force has been exerting an increasing influence in extending the authority of the central government. I refer to the great corporations. They prefer the federal courts to the state courts, and employ every possible device to drag litigants before United States judges. They also prefer congressional regulation to state regulation, and those interested in large corporations have for years been seeking federal incorporation. The democratic party will resist every attempt to obliterate state lines, whether the attempt is made through legislation or through judicial interpretation. Amendment of the organic law by judicial interpretation would be destructive of constitutional government; our constitution can be amended by the people in accordance with the terms of the document itself, and no group of men, however honorable or high minded, can usurp this power without violating the fundamental principles of our government.

It has been suggested that the rights of the states can lapse through non-use, and that congress is justified in usurping the authority of the state if the state fails to make proper use of it. While this doctrine has been advanced in the pretended interest of the people, it is as insidious and as dangerous an assault as has ever been made on our constitutional form of government. The people of the state can act with more promptness than the people of the

nation, and if they fail to act, it must be assumed that the people of the state prefer inaction.

The real purpose that those have in view who complain of the inaction of the state, is not more strict regulation of corporations, but the relief of corporations from state regulation.

The democratic party favors the full exercise of the powers of the government for the protection of the rights of the people—each government to act within its constitutional sphere. Our platform demands that federal legislation be added to, not substituted for, state legislation.

The predatory corporations have taken advantage of the dual character of our government and have tried to hide behind state rights when prosecuted in the federal courts and behind the interstate commerce clause of the constitution when prosecuted in the state courts.

There is no twilight zone between the nation and the state in which the exploiting interests can take refuge from both. There is no neutral ground where, beyond the jurisdiction of either sovereignty, the plunderers of the public can find a safe retreat. As long as a corporation confines its activities to the state in which it was created, it is subject to state regulation only; but as soon as it invades interstate commerce it becomes amenable to federal laws as well as to the laws of the state which created it and the laws of the states in which it does business.

How strict can these laws be? Just as strict as may be necessary for the protection of the public.

Our platform outlines the regulation deemed necessary, and the regulation is specifically set forth in order that our opponents may not be able to scare the public by predicting hurtful legislation. Our platform, unlike the republican platform, says what it means and means only what it says.

A distinction is drawn between the railroads and other corporations. The railroad, being a quasi-public corporation and, as such, being permitted to exercise a part of the sovereignty of the state, is subject to regulation at the hands of both the nation and the state, but this regulation is intended, not to cripple the railroads, but to increase their efficiency. The people at large are as much interested as the stockholders are in the successful operation of the railroads. Their own pecuniary interests as well as their sense of justice would restrain them from doing anything that would impair the road or reduce its efficiency. The traveling public is vitally interested in the payment of wages sufficient to command the most intelligent service, for life as well as property is in the hands of those who operate the trains, guard the switches, and keep the track in repair.

The democratic party would distinguish between those railroad owners, directors and managers who, recognizing their obligation to the public, earn their salaries by conscientious devotion to the work entrusted to them, and those unscrupulous "Napoleon's of finance" who use railroads as mere pawns in a great gambling game without regard to the rights of employees or to the interests of the patrons. It is in the interest of honest railroading and legitimate investment that the democratic party seeks to ascertain the present value of the railroad properties and to prevent for the future the watering of stock and the issue of fictitious capitalization; and it is in the interest of both the railroads and the public that it seeks only such reductions in transportation rates as can be made without wage reduction, without deterioration in the service and without injustice to legitimate investments. The democratic party insists that in the matter of regulation of railroads both the state governments and the federal government shall act up to, and yet within, their powers; for nothing else will restore the confidence and good will that ought to exist between the railroads and the people. In dealing with manufacturing and trading corporations the democratic party draws a distinction between those corporations—and they constitute the great majority of all the manufacturing and trading corporations—which are engaged in a legitimate effort to supply what the consumers need, and the very few corporations which are seeking by conscienceless methods to take advantage of the public on the one hand, while on the other hand they bankrupt competitors, oppress the producers of raw materials and deal arbitrarily with their employees. It endeavors to protect the innocent corporations by visiting punishment upon those

corporations which are guilty of infractions of the moral and the statute law. Here, too, our platform is specific and no one can use its language to frighten any business man whose transactions are fair and whose income is honestly earned.

No one can contrast the plain, straightforward declarations of our party with the vague and ambiguous utterances of the republican leaders and the republican candidate without recognizing that our appeal is to the judgment and good sense of the voters who desire justice for themselves and insist upon justice being done by others. Our party, if entrusted with the power, will remedy the abuses which have grown up under republican rule, and yet remedy those abuses with due regard to constitutional limitations and without injury to any legitimate business interest.

"GOOD FACTORS"

In its issue of November 16th, the New York Journal of Commerce and Commercial Bulletin printed the following:

"How swings the scale? Do the helpful factors outweigh the depressing ones? Are the chances in favor of a rise or a fall in stocks? One house—Warren W. Erwin & Co.—which has been writing all its advices in indigo now concedes that there are good factors (though having a dark side) but the bad ones are more impressive. Here, in parallel columns, are the two lists:

GOOD FACTORS	BAD FACTORS
1. Cheap money.	1. Poor crops.
2. Record cotton crop.	2. High and rising cost of living.
3. Anti-trust law's teeth pulled.	3. Great discontent and radicalism.
4. Railroad rates restored.	4. Probable tariff reductions soon.
5. Improved foreign situation.	5. Probable new anti-trust laws.
6. Improved statistical position of copper.	6. Possible abolition of commerce court.
7. Increase in unfilled steel orders.	7. Trust, etc., investigations.
8. Decrease in surplus cars.	8. Many workers idle
9. Railroad gross earnings well maintained.	9. Business stagnant or slow.
10. Increased equipment orders.	10. Railroad net earnings declining.
11. Improvement in some industrial lines.	11. Congested security markets.
12. Bond market slightly improved.	12. Weak public buying power.
13. Small stores of goods.	13. Inflated farm land values.
	14. Very low profits in trade.

"At this time in 1903 we were importing and in 1904 exporting gold. This season we are unlikely to do either."

Notice, if you please, that among the "good factors" pointed out by this New York organ is the supreme court's decision in the Oil and Tobacco trust cases wherein, according to this organ, the anti-trust law's teeth were pulled.

OVERWORKING THE ARISTIDES INCIDENT

The Memphis Commercial Appeal is using the case of Aristides the Just as an argument against the initiative, referendum and recall. Poor Aristides! Little did he know how often he was going to be used as an argument against popular suffrage! Is it not strange that the thousands who have been sent into exile by despots are forgotten, and only the one victim of a people's ostracism remembered? We have not particulars enough to estimate with intelligence the weight that should be given to this one incident, but let us suppose that the people were entirely at fault, and that there was no excuse whatever for the ostracism of Aristides, is there any reason why one mistake of the masses should outweigh all the mistakes of the autocrats? Is it not a tribute to the people that so much attention should be paid to their one error and so little attention paid to the innumerable errors of kings, emperors and aristocracies? Does it not show that more is expected of the people than of rulers? The enemies of popular government—those who distrust the wisdom and justice of the common people—are overdoing the few instances that they have been able to find.