

REQUIRING PUBLICITY ANNOYS THEM

In an editorial entitled "A Peace of Small Politics," the Houston (Texas) Post says: We fear the democratic majority in the house blundered when it voted to require the president to make public all recommendations received by him when considering judicial appointments.

The constitution gives to the president the power of appointment with and by the consent of the senate, and the senate has a right to make such investigation as it deems proper into the character, capacity and fitness of the appointee to confirm or reject the appointment.

Naturally, if the house measure passes the senate and reaches the president he will promptly veto it. No sane man could expect him to do anything else.

Suppose Mr. Bryan were president and a republican congress were to enact any such measure as a result of somebody's criticism of his judicial appointments? Why, he would promptly hurl the insult back into the teeth of congress in a jiffy, and every democrat in the country would applaud him for it.

Of the four new justices appointed to the supreme court by President Taft two are democrats and two republicans. Mr. Bryan has criticised all the appointments, even that of Chief Justice White, a southerner, a democrat and ex-confederate soldier.

The passage of the bill alluded to was a piece of small politics that did no credit to the majority. It was merely a sop to Mr. Bryan which was demanded neither by the public service nor political exigency.

[Mr. Bryan favors this reform on the principle that the people have the right to publicity with respect to all public affairs. He would advocate its passage by a republican or by a democratic congress and would give it his approval regardless of the political complexion of the congress passing.—Editor The Commoner.]

AN ENRAGED CORRESPONDENT

W. S. Gard, Washington correspondent for the Houston (Texas) Post, sends to his paper the following interesting dispatch:

Washington, Jan. 29.—Is the presidential bee in the house of representatives going to sting to death the chances of a democratic victory in the presidential campaign this year? It really begins to look like it and the men who have the success of the party sincerely at heart are beginning to display some anxiety.

Speaker Clark's bee got him into trouble by causing him to vote for the obnoxious Sherwood pension bill, the passage of which by the democrats has knocked into a cocked hat all the plans previously outlined for appropriations.

Failing to profit by Clark's error, Majority Leader Underwood now shows signs of forgetting that the country first applauded him because he demonstrated a fighting spirit, and is now steering a course clearly designed to ward off any further attacks upon him by William Jennings Bryan.

His step for the advancement of the steel tariff schedule ahead of all others at this session of congress, is now conceded to be in deference to the charges made against him by the Nebraskan, and while this topic was yet uppermost in Washington the Alabamian made a second surrender when he voted for the Cullop amendment to a local bill which creates an additional district

judge in Chicago and drops one circuit judgeship, resulting in a saving of \$1,500 a year.

Representative Cullop comes from Indiana and he is one of the blind followers of Bryan. When he chose to use the bill reported out by the judiciary committee as a vehicle for the demonstration of his loyalty to Bryan he caught Underwood and a great majority of the democratic members of the house.

The amendment offered by Representative Cullop reads as follows: "Hereafter, before the president shall appoint any district, circuit or supreme judge, he shall make public all indorsements made in behalf of any applicant."

Bryan has repeatedly urged the enactment of such a law as this and its passage last Wednesday in the house was clearly in deference to the demands of the Nebraskan. Leaders in the house, like Underwood and Fitzgerald, admit sheepishly that they put themselves in the hole, but they evidently preferred that to another break with Bryan.

Representative Rufus Hardy, who voted for the amendment, in discussing it a few moments afterward, admitted that it was without binding effect upon the president, but thought it was a good thing to "scare 'em up a little." No doubt the majority of the congressmen who voted for this amendment were aware of the fact that the house has nothing to do with the president's prerogatives concerning appointments.

Suppose the plan of making public all indorsements of applicants for public office should be adopted; nothing would then be easier than the indorsement of a reputable candidate by his enemies in such a manner as to cast odium upon him by making it appear that he was favored by crooks and lawbreakers.

This freak amendment to a really meritorious bill received 150 votes and only eighty-five were cast against it. Practically all of the insurgent republicans voted with the democrats.

The thirteen democrats who opposed the Cullop-Bryan plan are Brantley of Georgia, Dies of Texas, Garrett of Tennessee, Hammond of Minnesota, Holland of Virginia, Korbly of Indiana, Littleton of New York, Morrison of Indiana, O'Shaughnessy of Rhode Island, Peters of Massachusetts, Post of Ohio, Shirley of Kentucky and White of Ohio.

In speaking of his vote, Representative Dies said: "I have taken an oath to support the constitution and knowing as I do that this amendment is clearly in violation of that instrument, I could not keep my oath and support the proposition. I shall probably be bitterly assailed, but I shall always have the satisfaction of knowing that I did my duty.

Representative Holland points out the folly of this amendment. He said that supposing the senate should again pass the measure over the president's veto and then suppose the president

should make the statement that to make public the indorsements given a certain man for a judicial position was not advisable nor compatible with the public good—how would you force him to make the indorsement public? Congress might bring impeachment charges, but with the senate clothed with the right under the constitution to pass upon all appointments made by the president, would never convict the president because he had made appointments which the senate itself had later, after due investigation confirmed merely because the president had not made public the names of private persons who had indorsed the applicant.

A majority of the members of the house admit that this was the most absurd action which this body has taken during the life of the Sixty-second congress and the most of the democrats who voted for the Cullop amendment try to excuse their action by saying it was for the sake of "regularity."

A president who did not wish to obey the Cullop-Bryan scheme could not be compelled to do so and a president who desired to make public indorsements of candidates for judicial positions could do so of his own free will without any "Cullop amendment," so the futility and the utility of the plan is clear without shattering the faith of the nation in the ability of the democratic party to legislate by such performances as this.

DEMOCRATIC DATES

Democratic primaries or conventions will be held as follows:

- February 20—Missouri democratic convention at Joplin.
February 22—Oklahoma democratic state convention at Oklahoma City.
March 14—Kansas democratic state convention.
March 26—Primaries for New York.
March 27—Primaries for North Dakota.
April 2—Primaries for Wisconsin.
April 9—Primaries for Illinois.
April 13—Primaries for Pennsylvania.
April 17—Illinois congressional district convention.
April 19—Primaries for Nebraska.
April 19—Primaries for Oregon.
April 27—Primaries for Tennessee.
April 29—Colorado democratic state convention.
April 30—Primaries for Florida.
May 1—Connecticut state convention.
May 9—Iowa state convention.
May 28—Primaries for New Jersey.
June 4—Primaries for South Dakota.

THE FIGHT DESCRIBED

The following editorial, printed in the Philadelphia North American, a progressive republican paper, ought to be reproduced in every American newspaper. It is a good description of the present day contest:

"It is a struggle not to destroy nor even weaken a single fundamental function or institution of this government. It is a fight to regain representative government which has been filched from the people by the economic system which has developed its control of our politics as well as our commerce during the last quarter of a century.

"We concede the honesty of even those distrusters of the people and believers in the fitness of only a few to rule; sharers of the opinion of the former United States supreme court justice, Henry D. Brown, that: 'The practice of allowing the people themselves to choose their own officers has been the origin of most of our woes.' We do not seek today to controvert their theories of government, but to denote their bent of mind.

"The deepest need of today is for recognition by the people, that every man in public life stands with those who distrust the people, or across the line of division with those who oppose government by a privileged fed. There can be no more straddling of that line. And the test of where each stands has exactly nothing to do with the party label chosen for wear."