

by keeping him from that which is sure to lead to ruin if continued.

Next I desire to speak for a moment upon the bill of rights. First, freedom of conscience; it should be guaranteed. A man should be allowed to worship God according to the dictates of his own conscience.

#### FREE SPEECH AND PRESS

The times require that we make a discrimination regarding freedom of speech and freedom of the press. We should protect every individual in the exercise of freedom of speech and freedom of the press in the discussion of the acts of any official, in the criticism of any public servant, and in the advocacy of any change he may desire made in form or methods or details of government **SO LONG AS THIS IS TO BE SECURED BY CONSTITUTIONAL MEANS.** There the line should be drawn. Any man who attempts to use freedom of speech or freedom of the press to advocate the overthrow of this government by force or violence should be sent to the penitentiary or out of the country. Those who **ADVISE** force should be put in the same class with those who **EMPLOY** force. The man who advises another to use the torch or bomb is no better than the man who uses them. This distinction should be very clearly drawn so that we may sacredly protect the rights that are necessary to popular government, as free speech and a free press are, and exclude the abuses that have no place in a government like ours. In this connection I may add that I think the time has come to make the English language the language of the United States. (Applause). Those who come to this country to live here and share its blessings should understand our language, not only for their good, but for our safety. If we are to submit great causes to the conscience of our people, we must have a language in which to submit them. The man who does not understand the language of the people among whom he lives, the language that our government uses in its documents, and the language of the press, is not in a position to understand as he should the questions upon which he is called to act.

#### EXECUTIVE OFFICES

A word in regard to offices. The governor should, in my judgment, be elected for years and made ineligible for re-election. I believe in the short ballot. Instead of having all the state officers go before the people when it is impossible for the people to know these men personally or to weigh their claim with intelligence, I think that we should elect the more important ones and put upon them the responsibility of selecting those who are to be associated with them. I venture to suggest that we should elect the governor, the lieutenant-governor, the attorney-general, the auditor and treasurer. Then there should be associated with them others who will have equal power and equal compensation with those who are elected (not including the governor). The appointive officers should be named by the governor with the approval either of the other elective officers or of the senate or of a joint committee of the house and senate. The lieutenant-governor and other elective officers, each the head of a department, should with the appointed heads of departments constitute the governor's cabinet. There should be a health department. Nothing is more important than the public health, and a child's welfare department—the child of today is the citizen of tomorrow—and the state therefore has no more important business than looking after the children. Then there should be a labor department, an agricultural department, a department of railroads and highways, and a department of commerce.

#### BI-PARTISAN CIVIL SERVICE

A civil service system is necessary, and it should be bi-partisan instead of non-partisan. The examination should be retained to ensure efficiency, and the rules should be strict enough to exclude incompetents, but those who reach the eligible list should **ANNOUNCE** their politics instead of **CONCEALING** their political affiliations. **INTEREST IN POLITICS SHOULD NOT BE SUPPRESSED.** It is contrary to the spirit of our institutions to deny people **SELECTED FOR SERVICE BECAUSE OF THEIR INTELLIGENCE,** the right to give the country the benefit of that intelligence on every question. But if activity in politics is to be permitted, the civil service should be put upon a bi-partisan basis. Clerical positions that do not carry with them the right to decide administrative policy, should be divided between the several parties

in proportion to their voting strength in the state, county and municipality. When the names are put upon the eligible list, the selection should be made from representatives of the parties that have less than their share. If you retain the examinations as a guarantee of fitness and ability and then divide these clerical positions in proportion to the voting strength of the parties, you will put the civil service upon a just basis. Instead of selections being made in the dark, they will be made in the daylight. Fraud is not possible in daylight as it is in darkness.

Judges should be elected and not appointed. The supreme court only should have power to declare a law unconstitutional, and it only by three-fourths vote of the court. It is not fair to the legislators or to those who elect them—especially when we have the referendum—to allow what they have declared to be the people's will to be overturned by one judge. When a majority decision is permitted, a majority of one can nullify a law. If more than one-fourth of a court stand for the constitutionality of a law, they give support to the action of those who passed it. It is not fair to give to one judge the power to make his opinion supreme, not only over a minority of his associates, but over the entire legislature.

#### RECALL OF JUDGES

I believe in the recall of judges and other elective officers. If anyone says that the people should not have the right to recall a judge, my answer is that whenever you desire to put a man above the people, you should put him out of office. A judge is the servant of the people just as every other official is. Judges are not only public servants, but they are human beings and liable to err. They are even liable to be unconsciously influenced by bias. The five supreme court justices on the electoral commission in 1876 voted according to their political bias when the presidency was at stake.

I have so much faith in the people's sense of justice and in their inherent conservatism that I think they are more apt not to recall a man who should be recalled than to recall one who should not be recalled. But, suppose the people do make mistakes, the people should have what they want. It is better that one man should lose a salary, even if injustice is done him, than that the people should be denied the right to decide these questions; the sense of justice in the hearts of the people is such that if they recall a man and learn later that they did wrong, they will be only too glad to do him justice. When his position is restored, the restoration will far more than overcome the first reflection cast upon him.

I believe in good salaries, but they should not be excessive. When you consider salaries, there are two things to be remembered. First, the amount of money that a man spends determines his associations and his environment. When you raise a man's salary so high that he associates with only a few, you must expect that he will be influenced by his environment and that his sympathies will become alienated from the people who pay his salary. Second, the value of the honor conferred upon him is a thing that can fairly be taken into consideration as a part of the salary. The honor you confer upon a high official; the standing you give him in a community; the place you give him in history—these things cannot be overlooked. If you have any doubt as to whether a man's salary should be increased, it is better to provide him with a house or furnish him with things that he may need temporarily than to add the value of these things to his salary. When you furnish him a house, you have some influence in fixing his standard of living, and can thus prevent the embarrassment we have sometimes felt in our diplomatic service when a very rich ambassador lived so expensively as to embarrass a poorer ambassador who succeeded him.

I also suggest a three-fourths verdict in civil cases. There is no reason why a unanimous verdict should be required in a civil case.

The court procedure should be simplified, and absolute equity in punishments should be ensured. There is nothing that arouses dissatisfaction and discontent more than inequality in the punishments visited on criminals. I recall that, some twenty-five years ago, we had a bank failure in Lincoln and that about the same time a cab driver robbed a passenger. The man who embezzled a half million dollars was sent to the penitentiary for five years while the cab driver was sentenced to seven years for taking \$46.00. As far as human wisdom can enable you to do so,

you should see to it that the punishment fits the crime; and, I may add, imprisonment is better than fines. To fine a man a thousand dollars for doing an offense when he makes ten thousand dollars during the trial is not punishment. A few years ago a Chicago judge was severely criticised for assessing a large fine against the Standard Oil Company. Some said it was excessive, and yet the fine did not nearly equal the amount of money that had been made by the company while the trial was in progress. The people who complained of that as an exorbitant fine, did not find fault with relatively higher fines assessed against minor criminals.

#### PUBLIC COUNSELOR

In this connection it is worth while to consider the advisability of creating the office of public counselor. Such an official could hear the complaints of the poor who are in trouble and advise them wisely and without charge. Is there any better way for a trusted lawyer to round out his life than to be the counselor of a community—one to whom the needy can go for advice, with confidence that he will give them the benefit of his accumulated wisdom?

Let me say a word in regard to the enforcement of the law. I believe in self-government. The local community should be allowed to decide local questions as far as possible, but I call your attention to one exception that you should consider. You cannot entrust the enforcement of a law like the prohibition law entirely to the community. Why? Because the power to punish must be as wide as the influence of the thing to be prevented. I reached the conclusion a good while ago that a saloon is, in some respects, like a slaughter house; any man can complain of a slaughter house who lives near enough to it to be injured by the odor. So, any man has a right to complain of a saloon who is within the radius of its evil influence. A saloon in one town in the state does not confine its evil influence to that town. The state must have power to enforce a state law; no wet community should be permitted to defy state authority or to protect those who conspire against the welfare of the state. The power of the state to suspend any officer in any locality who does not enforce the law of the state should be absolute. You should remember also that the liquor habit **MAY** incapacitate a man for deciding what is right and what is wrong. **A HABIT THAT CAN MAKE A MAN FORGET THE MOTHER WHO BROUGHT HIM INTO THE WORLD, BREAK ALL THE VOWS THAT HE MADE AT THE MARRIAGE ALTAR AND IGNORE THE WELFARE OF HIS OWN CHILDREN MAY MAKE HIM INDIFFERENT TO THE OBLIGATIONS OF CITIZENSHIP AND THE WELFARE OF THE COMMUNITY.** Those engaged in the business of creating this habit can never be trusted with the enforcement of laws against the traffic.

#### THE PEACE WAY

In speaking of the officials in the governor's cabinet, I suggested a Secretary of Transportation and Highways. I ask you to consider the propriety of so writing your constitution, that this state, whenever it desires to do so, may have government ownership and operation of railroads, just as a city should have power to have government ownership of telephones, street car lines or anything else that is local in character.

And now, my friends, I urge you to consider whether the constitution should not authorize the construction of a Peace Way. I believe the time has come when we should enter systematically upon the building of highways. I would like to see the nation build a great Peace Way reaching into every state of the union. It would be a memorial to those who died in war and a monument to the restoration of peace. It would be educational as well as useful; it would bring the word, peace, into the thought and conversation of all the people for centuries to come. It would be gratifying to have the state of Nebraska enter upon this and, if possible, set the example. This nation is committed to peace; it will help establish a league of nations, and I can think of nothing better than a Peace Way, which is both patriotic and educational, with which to honor the dead and promote universal peace. It should connect all the counties, as the National Peace Way should connect all the states.

#### PURITY IN POLITICS

Let me ask you to consider for a moment purity in politics. We must have candidates and campaigns, and we should limit expenditures so that there may be equality of opportunity among the candidates before the people. The primary