

JOINT DISCUSSION AT ECONOMIC CLUB, SPRINGFIELD,
MONDAY EVENING, FEBRUARY 11, 1907.

ADDRESS OF CHARLES S. HAMLIN.

IS THE PRESENT TENDENCY TOWARDS NATIONAL CENTRALIZATION
FOR THE BEST INTERESTS OF THE PEOPLE OF THE UNITED STATES.

The subject of the discussion this evening is whether or not the tendency towards national centralization, -so much in evidence of late, -is for the best interests of the people of the United States. The Economic Club has shown wisdom in inviting discussion of this question, especially at the present time, and I shall endeavor very briefly to present certain views on this question in a calm, temperate manner, entirely devoid of partisanship, and, I trust, ^{also,} ~~as nearly devoid as possible~~ of personalities.

In considering a subject of such great importance, calmness of discussion is an all essential requisite. It has been too much the custom, of late, to brand everyone who raises his voice in protest against centralization as one impelled by some selfish motive, as almost in fact, a traitor to his country. Such aspersions, however, cannot be counted as argument and have no place in the deliberation of any question worthy of consideration.

I remember so well, only a few years ago, when those who opposed the taking and retention of the Philippine Islands were denounced with fervid rhetoric as traitors. Who can forget the oratory poured forth as to the advantages of the Philippine Islands as a naval base and as furnishing the key to our future progress in the Pacific? Who can ever forget the withering sarcasm and denunciation visited upon those who favored the so-called

policy of "scuttle" in the Philippines.

Yet, only the other day it was announced in the public press on ~~xxx~~"high authority," that the general staff at Washington had prepared its plans for the defence of our interests on and over the Pacific Ocean in the unlikely event of war with Japan, never, I trust, seriously considered for a moment as imminent. And what were these plans of defence? The paper I read announced them as follows:-

"In brief, it is that at the firing of the first gun our fleet ships at Manila will lift anchor and plow eastward under full steam, leaving the Philippines, for the time being, at the mercy of the invaders".

Those estimable citizens who advocated and still advocate a peaceful withdrawal from the Philippine Islands with honor, were, in the excitement of the moment, called traitors and when these misguided people pointed out that the Philippine Islands would be rather a burden than a benefit to us in time of war, their words were rejected with contempt and they were held up to public scorn and ridicule.

If the above press report is true what a sad ending of all this Philippine business; their value as a naval base and as a key to the Pacific is so great that at the first gun we are to "scuttle" and leave their people to their fate regardless of this great moral duty of which we heard so much in the past.

If, within such a short space of time what was once termed treason has now been merged in lofty patriotism, surely there is hope even for those who question the wisdom as well as the legality

of present and proposed national centralization, -at least we can all afford to discuss the matter calmly and with an open mind.

We should first ^{of} all remember that we are not now discussing the creation of a new national government, we are, on the contrary, considering the government as it was established by our fathers and as we hope it will continue for all time.

To consider this question properly, we must bear in mind the origin of the national government and its complete separation from the governments of the individual States.

After the Declaration of Independence the Colonies became independent of Great Britain and were, as well, independent of one another. They were sovereign communities. Then came the Articles of Confederation by which a kind of national government was created. This government had no executive head. It had also very little sovereign power. It had not even the power of maintaining itself by means of taxation. The people retained for themselves through their State governments almost all sovereign power.

Next came the Constitutional Convention and the adoption of the Constitution, when, for the first time, an independent powerful national government was created, -a government which had the means and the power to maintain itself and was independent of the State governments as to its national life. This national government, however, was not supreme over the States, except as to the power granted it under the Constitution. Over every subject granted to it it had the fullest authority, whether that authority was expressed in so many words in the Constitution, or was necessarily implied as growing out of some expressed grant.

Within the limits of the power granted under the national Constitution, the Federal government is absolutely supreme. It can execute its constitutional laws in every part of the land. So far as national powers go, the territory embraced by the United States is, in effect, but a single State absolutely subject to the will of Congress.

The powers, however, of the national government are strictly limited; all powers not granted by the constitution remain in the States or in the people thereof as is expressly provided in the Constitution.

It is a familiar principle of law that the legislature of a State government has presumably all the power of sovereignty its people possess except where such power is expressly limited by the State Constitution; whereas it is clear that the national government is one of enumerated powers strictly limited by the grants contained in the Constitution.

It is always pertinent, therefore, in discussing national legislation to inquire whether there is authority for such legislation in the Constitution, and if the time should ever come when it is considered unpatriotic to inquire into the question of the national authority on any subject, it will indicate that the people have become blinded to the benefits of free constitutional government and have unconsciously slipped into a condition dangerous to the future welfare of our government.

~~As regards~~ The individual citizen, ~~xxx~~ comes into contact with his State government much more closely and intimately than with the national government. He looks to his State government for protection of his property, for enforcement of all rights of

contract, for the education of his children, for the regulation of the descent of property, for the establishment of laws governing marriage, divorce, and many other subjects of vital importance to him as an individual.

excepting for the postal service, would
On the other hand, for the most part, the citizen hardly
realizes from personal experience that there is a national govern-
ment at all. While he knows that the national government levies ~~x~~
taxes from him for its support, these taxes being, for the most
part, indirect, he does not pay them to the Federal government, and
some even deny that they are paid at all.

The citizen of the United States owes allegiance to no personal sovereign or ruler; he owes the highest allegiance, however, to the government, National and State, which his fathers created for his benefit. There is thus a two-fold allegiance which is recognized and affirmed in the United States Constitution. It is this relation of the national government to the State government which calls forth the discussion of this evening.

At different times of our National life, popular attention has been concentrated, even for long periods of time, upon one of these dual systems of Government to the partial or the almost total eclipse, in the popular interest, at least, of the other. At the foundation of the Government under the Constitution, the National idea, of necessity, came to the front, for a National Government had been created. The people of the Sovereign States surrendered with much reluctance a part of their sovereign power. The great builders of the Constitution created a new Nation and under the interpretation of the great Jurists, Wilson, Marshall, Webster and

others, its growth has been steady and sure.

While at times the National idea, so-called, has been obscured, as a whole it has steadily broadened and developed. It finally came into conflict with the extreme States rights idea, and out of that collision came the Civil War from which the National idea emerged triumphant. The so-called States rights doctrine no longer, as once, marks the line of division between the two great political parties. In fact, today it serves, if the prevailing popular expression can be trusted, but as a kind of pound to hold in restraint or to furnish shelter to a few knights errant who have strayed from the ranks of the hosts of triumphant nationalism.

A striking example of this growth of the National idea is afforded by the use of the term "the United States". In the early years of the Nation these words were always followed by the plural; ~~xxxxx~~ in modern times, however, the words are almost inevitably followed by the singular. ~~xxxxx~~. For example, Article Nine of the Treaty of Peace with Great Britain, concluded in 1814, provided ~~xxxxx~~ that "The United States of America engage to put an end*** to hostilities***with the Indians with whom they may be at war.

On the other hand, Article five of the Treaty of Peace between the United States and Spain, concluded in December, 1898, provided that:- "The United States will***send back to Spain at its own cost, the Spanish soldiers".

This notable change in the usage of the words serves to illustrate well the change in the spirit of the people.

We hear much at the present time as to the need of increased Federal power, such increase to be accompanied necessarily

with a corresponding decrease in power existing, or supposed to exist, in the individual States. Some earnest, public spirited citizens believe that Federal power under the Constitution has been exhausted with the enactment of present laws and that a more comprehensive grant of power is needed. Others believe that the power already possessed by the National Government is ample for present and future problems and that further exercise of this power is simply a question of National expediency. Others seem to wish State powers to be curtailed in spite of Constitutional limitations, if any there be.

It is not my purpose tonight to discuss the scope of the commerce clause of the Constitution, nor the laws passed to carry out the purposes of that clause, as interpreted by the courts. Let it suffice to say that wherever there exists in fact interstate commerce, that commerce is subject to the constitutional control of the Federal Government. Furthermore, the principle of regulation of Monopolies, so often advanced as the justification for Federal control over railroads in interstate commerce should be applied equally to all monopolies granted by the National Government. To this end, in my judgment, the time ought soon to come when monopolies in the form of patents granted by the National Government shall contain conditions prescribing reasonable prices for their sale or use.

Nor is it my purpose to discuss here tonight the legal proposition whether or not Congress has the present power to develop along the lines of increasing centralization, apparently so dear to the hearts of many people. The theme I wish to discuss is

the advisability of extending National control to subjects over which it has no present power. Such centralization, in my opinion, even if made lawful, as to concrete instances, would not, if applied generally, enure to the welfare of the people, but would inevitably result in radical, revolutionary changes in our Government.

There are many today who demand Government control over Insurance; other plead for a National divorce law; others clamor to have the National Government take over the control of all forms of corporate activity ultimately resulting in interstate commerce, even to the point of controlling production within the States, thus interfering with the most important domestic relations between the States and the individual citizens.

In short, to many estimable citizens there seems to be an eternal, hopeless conflict between the National and the State Governments which can be abated only by reducing the States to a condition of subordination scarcely consistent with any sovereign rights. Is such radical centralization necessary for the welfare of the people? Is it necessary to our salvation that power should be given to or exercised by the Federal Government to lay down uniform rules as to National conduct, controlling even the minutest details of the life of the individual citizen?

At the outset, we must recognize that laws which might be highly advisable for old, settled communities, might prove almost disastrous to young, growing States. Even in the individual States it is difficult enough to fix any standard which may not bear severely upon one section at the expense of the other. On almost

all questions affecting the people as a whole there is the widest diversity of opinion and of individual need among the several States.

Yet the fact must be recognized that apparently many would welcome almost an obliteration of State lines, creating one State instead of forty-five. Such a change might indeed be convenient, along the lines of uniformity, but it would absolutely overthrow the existing form of Government.

Let us briefly consider where the application of this specious rule of uniformity would carry us.

We should have to take away from the States the right to fix the qualifications of those who vote for National Representatives and for Presidential electors. The Constitution gives to the people in the States the right to prescribe those qualifications and they have exercised it in such manner that the basis of suffrage differs radically. In some States aliens who have declared their intention to become citizens can vote for National Representatives and for Presidential electors; in most of the States they are excluded from the suffrage. In some States women can and do vote in elections for Congress and for Presidential electors; in most States this obligation has not yet been imposed upon them.

We should also have to enact National laws covering all relations of contract between citizens of different States, wiping out all conflicts of law which now give the courts so much difficulty.

We should have to provide for the service of legal process of any court throughout the United States.

We should have to frame a National code of criminal law to supercede the laws of the individual State.

We should have ~~tax~~ to take under National control all production, whether corporate or private, in any way contemplating interstate commerce, and to do this effectively, every kind of production would have to be taken over regulated and supervised by the Federal Government.

We should have to regulate the private lives of the people of the United States by enacting National marriage and divorce laws

We should have to enact a National law regulating the descent of property, as to which there is a great lack of uniformity among the several States.

Finally, we should have to enact laws reserving to the National Government the right of imposing all taxation, direct and indirect, in order to do away with the painful lack of uniformity now existing, giving back to the States such portions of the taxes collected as in the wisdom of our National legislators is deemed necessary for their purely local needs and purposes.

If this uniformity should be secured by Constitutional changes we would secure what, apparently, many would like, -a single Government, in effect, over the whole extent of the United States.

Would such a Government be for the best interests of our people? I believe not. On the contrary, to quote the words of that eminent expounder of the Constitution, James Wilson, whose words have lately been quoted by the highest authority, -

"To support with vigor a single Government over the whole extent of the United States, would demand a system of the most unqualified and the most unremitted despotism".

Every citizen should consider carefully whether modern tendencies are not along this path declared to be so dangerous to the future of our Government by this great expounder of the Constitution.

If, however, such an extraordinary increase of power should be granted by the people to the Federal Government by Constitutional changes, where could such power safely be reposed? While Congress could enact the necessary laws, these laws must be left to the Executive Departments for administration and execution. Can it be that these Departments are so idle at the present moment that such extraordinary, new duties could properly be imposed upon them? Just the contrary is the truth.

The War Department, engrossed with the management of the Army, with River and Harbor improvements and with other public works, is fairly staggering under the additional burdens of the Philippines, the Canal Zone and Cuba, -not to mention Santo Domingo.

The Interior Department has all it can do to manage the public matters now assigned to it, among which are Pensions, Indian Affairs, Patents, Alaska and the other Territories, not to mention the public land system, with the vast fraud and corruption recently unearthed.

The Department of Commerce & Labor is well occupied with the Census, Bureau of Navigation, Lighthouse, Coast Survey, Fisheries, Immigration, Chinese exclusion, the Bureau of Labor, the investigation of corporations and other important branches.

The Treasury Department, almost broken down with work, has only recently had to be relieved by giving many of its duties to the new Department of Commerce & Labor.

The State Department seems fairly well occupied in managing the foreign affairs of the country.

It may be replied that new Departments could be created. A little reflection, however, must surely satisfy one that such new Departments, necessitating the employment of perhaps thousands of National Officers and inspectors, would not be, in the long run, for the best interests of our people.

It should not be forgotten that there may be almost as much danger to the Republic from National centralization carried to the extreme limits as from the extreme expression of the States Rights doctrine which so nearly overthrew the Republic.

What guarantee, moreover, is there that such a vast increase in Federal power would result in more efficacious control than is today afforded or could be afforded by the individual States? To my mind, in the long run, National control is bound to be less effective than State control. Influences are more easily evoked to delay action at the Capital of the Nation, perhaps thousands of miles from the locality affected, than in the home State. The gain from the point of view of uniformity would be, to my mind, more than overcome by the loss of local responsibility and State control, always more speedy and effective when called into action in response to public sentiment.

I have absolute faith in the ability and patriotism of the people of the United States, whether they are considered xx oooooo^B

as citizens of the United States or of the respective States in which they live. I cannot see what is to be gained in the long run by transferring power and responsibility from the people of Massachusetts to the Congress in Washington. I believe the Legislature of Massachusetts can better be depended upon to enact needed legislation than to transfer this responsibility to Washington where we can be represented by, at the most, a few Representatives and by only two Senators, and where the local needs of our State may be sacrificed to political expediency or to that spirit of compromise which enters so largely into all legislation of Congress.

Nor should we forget that if by changes in the Constitution or by new constructions of the Constitution the National government is given power to legislate concerning matters now within the jurisdiction of the individual States, all such National laws will be supreme and all State legislation will become void.

Can it be imagined for a moment that the Congress of the United States could be expected to enact life insurance laws which for efficiency and high standard could compare with the laws of our own State? On the contrary, would it not be likely to happen that out of some spirit of compromise a law much less stringent than that of our own State would be adopted as the law of the land. The same reasoning could be applied to many other proposed laws.

If we analyse these suggestions for increased National power, I think they will be found to rest upon a distrust of the people of the United States and upon the doubt of their ability to maintain the government. For if a people are not fit to govern themselves in a State, it would certainly seem to follow that they

are not fit to govern themselves as a National government.

Moreover, whenever responsibility is taken from the people at home and transferred to the National Capital another danger will arise, namely:- the people will lose all sense of responsibility and will lie passive trusting to the government at Washington to do for them what they ought to do for themselves.

At the present time public criticism is not confined to the failure of the people to act through the State governments. The action and inaction of Congress is subjected to almost as fierce criticism. It would seem almost certain that when we take power from the people in the States and transfer it to Washington, it will really be transferred not so much to Congress as to the Executive Departments under the President. We should thoughtfully consider whether it is prudent or wise to increase in this extraordinary manner the power of the Chief Executive of the nation.

In this discussion I trust it will be understood that I am making no personal reference whatever. When we discuss the power, present or prospective, of the President of the United States, we are referring to the office as it has existed since the foundation of the government and as we trust it will exist for all time, regardless of the citizen honored at any particular time by election to this great office.

The statement is often made that the President of the United States is the representative, the only representative of the whole American people and that accordingly it is fitting to place in his hands the almost illimitable powers which increased centralization would entail. The claim that President Jackson was

the representative of the whole American people was thus answered by Daniel Webster in a speech delivered in New York City:-

"In addition to the establishment of this power of unlimited and causeless removal, another doctrine has been put forth, more vague it is true, but altogether unconstitutional, and tending to like dangerous results. In some loose indefinite and unknown sense the President has been called the representative of the whole American people. He has called himself so repeatedly and been so denominated by his friends a thousand times. Acts for which no specific authority has been found either in the Constitution or laws, have been justified on the ground that the President is the representative of the whole American people. Certainly this is not constitutional language. Certainly the Constitution nowhere calls the President the universal representative of the people. The constitutional representatives of the people are in the House of Representatives, exercising powers of legislation. The President is an executive officer, appointed in a particular manner and clothed with prescribed limited powers. It may be thought to be of no great consequence, that the President should call himself, or that others should call him, the sole representative of the people, although he has no such appellation or character in the constitution. But, in these matters, words are things. If he is the people's representative, and as such may exercise power, without any other ground, what is the limit to that power? And what may not an unlimited representative of the people do? When the Constitution expressly created representatives, as members of Congress, it regulates, defines and limits their authority. But if the Executive Chief Magistrate, merely because he is the Executive Chief Magistrate, may assume to himself another character, and call himself the representative of the whole people, what is to limit or restrain this representative power in his hands?"

I cannot believe that there exists any present necessity for further centralization of power. If, however, such necessity exists, it should be met by Constitutional methods and the Constitution should be changed in the manner provided in that instrument.

So far I have considered centralization resulting from Constitutional changes to be effected in a legal manner. There is, however, another tendency towards centralization manifested in attempted or proposed extensions of existing National powers, especially the power to regulate interstate commerce.

I have little sympathy for the opinion expressed that Congress has power to prohibit all interstate commerce; that out of this prohibition any law may be justified which may seem expedient to the rulers at Washington.

When power was given in the Constitution to the National government to regulate interstate and foreign commerce, that power at the time was in fact limited to regulation of commerce in vessels, wagon roads, canals and ferries. While with the growth of the country the commerce clause has necessarily expanded in interpretation, until today the entire subject is within the supreme power of Congress, yet I cannot believe that Congress can do more than regulate that commerce. If Congress has the power, as has been intimated by one member of the Supreme Court, absolutely to prohibit interstate commerce, it could in effect surround each State with a Chinese wall, preventing even intercourse of persons as well as traffic between the States. I do not believe that it will ever be held that any such power is vested in the National government. I consequently can have no sympathy with National legislation, which, under the threat to suspend commercial relations between the States, justifies the action of Federal officers in exercising control over commerce and even over manufacture and production which has not yet, in fact, become interstate commerce. The most that Congress should do, in my judgment, should be, even if it has such absolute power as is contended for, to place the responsibility for action upon the States under penalty of exclusion from interstate commerce, and not invade the domain of State jurisdiction.

While we all abhor filth in such business enterprises, as canning, meat packing, etc., and while we admit the propriety of the end in view, -purification and cleanliness, -yet I believe that the people of Massachusetts and of the other sovereign States of this Union when aroused to the necessity for such action, are competent and able to stamp out such filth and to purify their food supplies. If I did not believe this, I should doubt the ability of the people of the United States to maintain our government, State or National. Similarly, each State, I believe, when aroused to action is competent to make laws putting the citizens of all other States on a parity with its own as to police regulations for the public health and other business matters concerning which the State legislates as to its own citizens.

To sum up, when our National government faces a foreign government it has all the attributes of sovereignty usually pertaining to a sovereign government. When, however, it faces a State its powers are strictly enumerated and defined by the Constitution and it cannot legally exceed those powers.

We should not forget, however, that each State should carry out faithfully its duties and responsibilities under our dual form of government.

It may be well for a time to cease talking of States' rights and to talk of States' duties; to cease discussing individual rights and to take up the subject of individual obligations. Let each State enact Constitutional laws for the greatest good of the greatest number of its people; if these laws are found to conflict with the laws of other States, it will be, for the most part, because different conditions prevail which no uniformity imposed from without could effectually control.

What then is the duty of the citizen in the present state of affairs?

He should strengthen in every way the Government of his State to restore to it the balance of power which under the constitution belongs to it.

He should respect and render obedience to the laws of the land.

He should have sympathy for public officers and respect for authority.

He should attend the primaries with the same interest with which he attends to his private business.

He should see that his vote is recorded at elections as an almost sacred duty.

He should faithfully discharge the obligation imposed upon him of jury service.

He should never forget that the so-called right of suffrage is not a political right at all; it is a duty imposed for the public good rather than for his private benefit.

Yet we see many men at the present time who deliberately elect to keep aloof from all participation in civic affairs; many there are who never attend a primary and with whom failure to vote at elections is the rule rather than the exception.

No citizen has a right to refuse to perform his civic duties.

Such refusal should be visited with indignation and contempt; he should be lashed to the Polls with the indignant voice of public opinion.

If a State should refuse to participate in Constitutional Government it would amount to secession; the duty imposed upon the State is of no greater obligation than that imposed upon the individual citizen.

The citizen also, at this time of increasing National centralization, should insist that all Representatives of the people should be elected directly by the people, and to this end we should insist that United States Senators be elected directly by popular vote, the necessary constitutional changes being made

for this purpose. This method of election was advocated by James Wilson and thoughtful people will be forced to the conviction that such a change at the present time would be beneficial.

There are many signs today that there has been an awakening; popular interest in civic duties was never keener. The citizen realizes more and more keenly the necessity for personal participation in civic matters and out of this aroused public sentiment will surely follow increased civic prosperity both to the individual States and to our great National Republic.

W. S. & B. PARAGON LINEN

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