

*Compliments of
Charles S. Hamlin*

COMPLIMENTS OF

The Traffic Club of Pittsburgh

ADDRESSES

DELIVERED AT THE FIFTH ANNUAL DINNER OF

THE TRAFFIC CLUB OF PITTSBURGH

AT HOTEL SCHENLEY, FRIDAY
EVENING, APRIL 26, 1907

BY

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ADDRESS
OF
HON. CHARLES S. HAMLIN
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TON, MASS., DELIVERED AT THE FIFTH ANNUAL DINNER
OF THE TRAFFIC CLUB OF PITTSBURGH, HELD
AT HOTEL SCHENLEY, FRIDAY EVENING,
APRIL 26TH, 1907.

Mr. President and Gentlemen:

It was a great pleasure to me to receive your kind invitation to attend this dinner. As a member of the Boston Chamber of Commerce, whose best greetings I bring to you, I eagerly embraced the opportunity offered of meeting the members of this famous organization and of seeing at close range this marvellous city, with its wealth of enterprise, public and private, and filled with a people whose indomitable energy and character have made it stand forth as one of the most prosperous cities of the world.

I have had opportunities before this of observing the keen interest shown by the people of Pittsburgh in all matters affecting their interest. For years I have met delegations from Pittsburgh at the Conventions of the National Board of Trade at Washington and their ability, energy, and earnestness in behalf of what they believe to be the best interests of their city and State has always called forth my wonder and admiration.

The people of Boston look upon the prosperity of Pittsburgh without envy. We realize indeed that Nature has been lavish in her gifts, but at the same time we recognize that there are deeper causes of your success—causes founded on the character and indomitable energy of your people.

While, as I have said, we do not envy you your prosperity, we do, however, wish to emulate you. We have to face in New England serious handicaps, some natural, some imposed upon us. We are far removed from the sources of the raw materials of manufacture, which a manufacturing community must have; our natural advantage of proximity to the sea is in a large measure taken from us by the operation of national laws whose policy we almost as a unit deprecate.

There are, however, two factors which contribute in large part to the existing prosperity of Massachusetts, and these are:—

First, the marvellous skill of our labor, and secondly:—the fostering care of our railroads in giving us low rates upon our raw materials of manufacture and at the same time carrying our finished products at rates which put us on an equality in competitive markets with other more favored communities.

At a time when other portions of our country joined in indignant protest, which soon turned almost into a hue and cry, against the railroads, forgetting, for the time, in their natural indignation at certain acts which sober judgment must condemn, that the railroad is a great and effective power for industrial prosperity—the people of Massachusetts remained silent, placing implicit trust and confidence in the managers of the railroad properties of New England. Our people realize fully that the prosperity of our railroads is a necessary pre-requisite to the prosperity of our State; and, conversely, our railroad managers keenly appreciate the fact that the lasting prosperity of the railroads can come only out of the prosperity of the community they serve.

The State of Pennsylvania is equally fortunate with Massachusetts in the character of her railroad officials. They are men of heroic mould, well fitted to cope with and solve in a satisfactory manner the important problems with which they are confronted. I can well say that if all of the railroad officials of the country were of the high standing and character of Charles S. Mellen of the New York, New Haven and Hartford R. R., of Lucius Tuttle of the Boston & Maine R. R., of the late lamented President of the Pennsylvania R. R., Mr. Cassatt, of the present President, Mr. McCrea, and Mr. Thayer, the Vice President, the existing distrust and prejudice against our railroads would have died before it had been born.

The people of Massachusetts desire the help of our friends in Pennsylvania in working out our industrial salvation. We feel it to be imperative for our future welfare that we increase our trade with the great country lying to the north of us—The Dominion of Canada.

Few realize how far Canada projects southward into the United States. At a point near Windsor, Ontario, Canada reaches down almost to the latitude of Providence, Rhode Island.

Next to the United Kingdom and Germany, Canada is our best customer.

The Canadians bought of us last year over one hundred and fifty-seven million dollars of our products, while we bought of her only sixty-eight millions. That is to say, for

every dollar's worth of goods we buy of her, she buys over two dollars' worth of us.

We hear much of the necessity of increasing trade with South America; Canada buys of us each year more than the people of Mexico, Central America and South America combined.

The people of Massachusetts earnestly desire, among other things, that coal may be made reciprocally free of duty between Canada and the United States. We know that this would be of benefit to us especially when there is a shortage in the United States. It will not be difficult to show that it will be of equal benefit to Pennsylvania.

Last year Canada bought of us about five million tons of bituminous coal; we bought from her only one and a half million tons.

In other words, Canada buys over three tons of bituminous coal from us for every ton we buy of her. On every ton we import from Canada we have to pay duty to our government, and similarly, every ton of bituminous coal imported into Canada must pay duties to the Canadian government. It is not an over estimate to state that last year over a million dollars of duties were paid to the Canadian government by Canadian railroads alone on bituminous coal imported from the United States. If this duty could be abolished, it would be of great benefit to Pennsylvania, Ohio, Illinois and other coal producing States.

From a point a little to the west of Montreal to a point three or four hundred miles west of Winnipeg, the great bulk of the coal consumed in Canada is imported from the United States and a large part of this supply comes from the mines of Pennsylvania, Ohio, Illinois, and other States.

The extensive developments in all lines of industry now in progress in Canada are governed as to location largely by the cost and advantages in securing fuel. The general development of that part of Canada contiguous to the coal fields of Pennsylvania will develop a large volume of trade between Pennsylvania and Canada, not only in coal, but in many other lines of commerce. It should not be forgotten that coal territories in other States are being developed with which it may become difficult for the operators in western Pennsylvania to compete on account of disadvantages in distance, whereas the comparatively short distance between the western Pennsylvania coal fields and Canada makes Canadian territory a natural and logical market for the coal product of western Pennsylvania.

I must not forget, however, that the subject of my address this evening is the Public Duties of the Citizen, upon which subject I want to speak to you briefly:—

The citizen has various duties, just as he has various rights and privileges, but the burden of my theme—the principal thought running through what I have to say to-night is that wherever there exists a civic right or privilege, there also is a corresponding duty or obligation; that the former is but the complement or the supplement of the latter; that the two together make a united whole.

The citizen owes allegiance to no personal sovereign or ruler; he owes the highest allegiance to the government, State and National, which his fathers created for him. There is no conflict in this two-fold allegiance; it is recognized and affirmed in the United States Constitution. The citizen should render unto Caesar the things which are Caesar's.

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 to 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 it as a whole has steadily broadened and developed. It finally came into conflict with the extreme States Rights Doctrine, 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, to-day 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 used in the plural; in modern times, however, the words almost invariably take the singular. For example, article nine, of the Treaty of Peace with Great Britain, concluded in 1814, provided that "The United States of America engaged to put an end * * * to hostilities * * * with all 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 apparent 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 needs 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 to-night 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.

Nor is it my purpose to discuss here to-night 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 in a constitutional manner national control to subjects over which it has no present jurisdiction. 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 to-day who demand Federal control over insurance; others 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 individual 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 supersede the laws of the individual States.

We should have 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 as to 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 could 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 drifting 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 and Labor is well occupied with the census, bureau of navigation, lighthouse service, 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 and 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.

Nor should we forget that if these subjects should be given over to the national government every State law governing these matters would be null and void. National laws, as is well known, are often the product of compromise. Out of the conflict between rival claimants for the dredging of local rivulets, for example, there might be evolved a Federal insurance law which, in efficiency, might fall far below the present high standards of the laws of Pennsylvania, Massachusetts, New York, or of many other sovereign States.

What guarantee, however, is there that such a vast increase in Federal power would result in more efficacious control than is to-day afforded or could be afforded by the individual States? In my judgment, 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 Capitol of the Nation, perhaps thousands of miles from the locality affected, than in the home State. The gain from uniformity would be, to my judgment, swallowed up in the loss of local State control, always more effective when called into action in response to public sentiment.

There is another problem for thoughtful citizens to consider—is it prudent or safe to increase in this extraordinary manner the powers of the Chief Executive of the Nation?

It is hardly necessary to state here that in what I have to say on this topic I have in mind only the office of President, without the slightest reference to any of the distinguished occupants of the office since the Constitution has been in force. We must not forget that powers which we would cheerfully accord to individual Presidents we should never think of giving to others, although granting to all intelligence, ability, and the deepest patriotism.

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 law, 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 calls 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?”

Nor can I believe that there exists any necessity for further centralization of power. I believe that the people of New York, of Massachusetts, of Pennsylvania and of the other sovereign States, if aroused to the necessity of such action, are competent to enact all needed legislation concerning the matters reserved to the States and never surrendered to the Federal Government.

Each State, however, should carry out faithfully its duties

and its responsibilities under the National and the State Constitutions. If a State deliberately refuses to exercise its duties and permits the stream of interstate commerce to be fouled by its inaction, in my judgment it would be far better for the National Government to exclude its products from interstate commerce, if it has that power, until the State performs its duty, than to enter the State and perform this State duty by National inspectors.

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 those 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.

We should not forget, however, that in the bringing about of reforms the public should cultivate and keep in mind an accurate sense of perspective and should maintain a proper balance of legislation. This is peculiarly true as regards railroad legislation, whether State or National.

At the present time we have secured the passage of a national law which has absolutely wiped out rebates and all forms of favoritism among shippers and which will place every shipper upon an equality. While there may be instances where rates on individual products are too high, the national law, as recently amended, provides a simple and efficient method of correcting such abuses. The people of Massachusetts, at least, believe that there are other evils necessitating reform which must now be taken up. We believe that the question of freight rates, important as it may be, is comparatively insignificant when compared, for example, with the all important question of tariff taxation. We realize that freight rates, when the same for all, add very slightly to the cost to the consumer. We can bring a barrel of flour from Minnesota to Boston for fifty cents. It will cost fifty cents to carry that barrel of flour from the station three miles to the consumer's house. In other words, the local charge for three mile carriage is exactly the same as the railroad charge for fifteen hundred miles carriage.

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 should insist that, if further centralization is to be brought about, of course by constitutional methods, 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 conviction that such a change may become imperative.

There are many signs to-day 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.

Barton Myers.

Major John Pelham

Blues.

vs Garnett

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Chancellorsville