

Senator Borah Addresses Chicago Audience

PEND FOREILLE REVIEW

The annual banquet of the Hamilton club of Chicago occurs today. Senator William E. Borah was one of the speakers among the list of the nation's best orators. The subject of his address was "The Integrity of the States." Mr. Borah spoke as follows: Mr President:

The government of Athens was a pure democracy. Its story is brief but marvelously brilliant. Less than one hundred years encompasses the period of its existence while more than two thousand years have not dimmed in the least the luster of its achievements. Day after day and year after year the people assembled, discussed and passed upon every question of foreign or domestic concern, of peace or war. They gave instructions to ambassadors and determined who should be received as such at Athens. They listened to contests by poets and dramatists, adjudged the prizes, heard the discussions of philosophers, listened to the appeals of orators, passed upon the proposed policies of statesmen, received the reports of generals fresh from the field and determined who should longer command the armies. The citizens were trained and equipped in this democracy for the exercise of judgement and power as no people ever were in the same space of time. The decades which cover the period are the richest of all history in sculptors, poets, painters, philosophers, orators, statesmen and generals.

That assembled multitude recognized no sovereign, owned no superior or supreme authority, delegated no power—it was the sovereign as it was there assembled—from its decree there was no appeal. But no one could be a citizen of Athens or participate in any way in the deliberations of the assembly who lived at such a distance as to be unable to regularly attend the meetings called within the walls of the city. Hence, there was room for growth neither in territory nor political

power. They understood well the lesson of local self government, but the great central and controlling principle of civilization, that is, concentrated and harmonious action among separate states or communities on a large scale without destroying or forfeiting self-government was to them unknown. The representative principle, that system by which independent cities or states retaining full and complete control over domestic affairs with a central and supreme authority for all matters of common interest was yet undiscovered. So, amid petty rivalries and constant jealousies, amid strife and conflict and perpetual war, this resplendent political system perished. There was a fatal defect, a defect which another people was to discover and remedy.

Reflecting upon the rise of this remarkable civilization, its startling splendor, its exceptional wealth of mind and genius, one cannot but conclude that after all there must have been involved, exerted and exercised here a principle of government of incalculable worth. The principle which draws the citizen close to his government, makes him know that he is part of it and responsible for its actions, arouses his pride, stimulates public spirit and keeps pure and active the wellsprings of patriotism was worked out to perfection at Athens. The preservation of that principle is indispensable to the permanent growth of every form of free government and when this principle of local self-government shall have been combined and co-ordinated with a supreme and common political power, dealing with common interests, then the great secret of federal government thus revealed will constitute one of the greatest blessings known to men.

There was a time when to be known as a citizen of Rome was both a passport and a shield throughout the world. Conquest followed conquest. Towns and territories were added until universal power was located on the

Seven Hills. At first the provincial towns and cities were governed by their local magistrates and governors, but year by year the central power of Rome, stealthily encroaching, absorbed all local rule. The people became divorced from and strangers to their government, found fault and nursed their discontent. Before they knew it they were governed by prefects and responsible to the emperor alone. Local magistrates and rulers retained their titles and nominally ruled, but they were in fact the satellites of the imperial city and journeyed day by day to the capital to learn of the supreme ruler's pleasure. They found neither inspiration nor instruction among the masses but hastened away to the capital to learn of their duties and their responsibility.

By the fifth century, all local and political power had passed away. Here, too, the great principle of representative government was yet unlearned. The importance of keeping alive local self-government, of urging upon independent localities the control of their own affairs and of transmitting their judgement and needs to a central government by selected agents was never realized. Local government was shorn of its power, stunted and starved, until at last under the domineering spirit of Dionysius it utterly perished. Everybody went to Rome. Thousands and thousands gathered in its assembly until it became a mob incapable of deliberation. The people were charged with ignorance, carelessness and improvidence while everyone looked up to the magistrates and rulers and officeholders as men who could bring prosperity and happiness by legislation. Instead of expecting to find virtue and progress and prosperity among the people worked out through the thrift, industry and energy of the people, they supposed that in some way these things abided in statutes and imperial decrees. They thought that by legislation all things could be cured and that the government must take care of them all. At last this civilization came in conflict with that of the Teutons from the North, a people having among them the germs of local self-government in their tribal rule, a peo-

ple independent, self-reliant, possessed of courage and initiative. When the conflict came the false and venal splendor of Rome also perished.

It was among another people that the true principle of government was to be worked out. Time will not permit us to trace in detail the development of local self-government and the gradual growth of the representative principle in English history. How prior to the Norman conquest the Anglo-Saxon people met by thousands in the "Great Council of the Realm," and there made their own laws. How, after a time the several townships sent their most "discreet" men to represent them in the county assembly, the beginning of the House of Commons. How through centuries the common people struggled and sacrificed and fought to get back their local rights, flched and stolen from time to time by ambitious rulers—and in so doing fought the real battles of English civilization. How at last all was made reasonably secure by the Magna Charta and the "great bill rights" in 1589. It is a thrilling story, full of the tragedy of personal sacrifice, rich in the romance of freedom. In all the realm of literature peopled with those creations of genius whose words and deeds of incomparable wit and wisdom forever engage the minds of men you will not find anything surpassing the story of the slow, patient, invincible growth of English law, the self-sacrificing and unconquerable fight for representative government. Like the chant of some great poem the story runs on through years and through the centuries, telling of the patience, the endurance, the courage, the suffering, the sacrifice of men.

These rich inheritances our fathers brought to a new continent. If it could be well ascertained where the first New England town meeting was held, there the American people might well place a granite shaft of imposing splendor, for no single instance in our history is of more single importance, none in these days better worth remembering and commemorating. It was a genuine, unimixed democracy. Once each year every man residing in the limits of the township came gave full expression to his views and had

his vote counted. All affairs of government were here discussed and passed upon, policies were outlined, accepted or rejected—publicity in all public affairs was a reality and not a pretense. They chose their selectmen, town officers and finally came to vote for their state and federal officers—and were not haunted or harassed by the doubts and fears of the modern statesman whose erudition leads him to question the judgment and stability of the masses. The principle of the New England town meeting has seamed our whole civilization with strength and durability. It is the foundation framework of our system of government. Without its active presence, its living, pervading force, there could be no such thing as a truly republican government or federal system. Local self government in all the term implies, active, vigorous, vigilant, jealously guarding and governing all matters of local or domestic concern, drawing the citizen for a season away from private affairs and enlisting his energies in public matters, identifying him with the actual needs and doings of the state and government are indispensable to a healthy, durable, federal system. Our fathers understood this well and were wise and cautious in jealously guarding it when they came to frame the federal system. If they were wise to preserve it their children will be wise to continue to preserve it. It is a remarkable short period from the time when a people cease to be active in the affairs of government

until they are incapable of discharging the duties imposed by government and no people incapable of self-government ever long bred a class of statesmen who were capable of governing for them. For it is Nature's everlasting anathema on oligarchies that recruits from the walks of the humble and lowly must be had or else follows a universal bankruptcy of intellect and character, a people enervated in body and mind and from whose venal fingers soon fall the reins of government.

When the fathers met in 1787 to formulate the great charter and give us a more perfect union, one of the most delicate and yet one of the most essential and profound questions with which they had to deal was the adjust-

ment and distribution of power between the state and the national government—the preserving in its full integrity the principle of local self-government and at the same time granting sufficient power to the federal government to insure efficiency and strength in all matters which affect us as one entire people. They were to combine with marvelous mechanism the principle of local rule and of a representative agency to carry the expression of that local power into national affairs. Let us not forget tonight or at any time that this great charter was neither an accident nor an inspiration—it was the last, best effort of centuries of eternal striving upon the part of the human family—the experiences of mankind hammered and fashioned into form by the greatest architects ever assembled at one time. The men who there fashioned, adjusted and built, were not theorists. They were stern, earnest practical men, profound students of history and of government. They stood every hour of their lives upon the solid earth, felt and were moved and controlled by things practical and dealt with all matters in that concrete way which marks the highest quality of statesmanship.

Nowhere in their work was greater wisdom disclosed, a more searching and judicious knowledge of the great truths of history revealed than in this matter of reserving and granting powers between the local or state and the general government. With the utmost care and caution there was reserved for the states the control of all matters of domestic concern, of local interests, while there was granted to the general government those great and general powers which encompass the welfare of all. We must not assume, we must not permit ourselves to believe that the reservation is of less moment or less beneficial to the American people than the grant. I am well aware that the phrase "state rights" has been discredited in our history. It is associated with unhappy days. It is a kind of intellectual tramp recognized for the last fifty years, mainly, at the back door of the American statesman.

But the misuse or abuse of the term

should not blind us to the great and inviolate political truth that upon the integrity of the state after all rests the integrity and permanency of the Union—that upon the principal of local self-government rests the perpetuity of republican institutions. In this way and in this way alone the people may retain those rights and keep alive that public spirit which furnishes the brain power and the moral force to run the entire machinery of government—keep alive and strong and healthy the principle of the New England town meeting, expanded and fashioned on a larger scale—a principle born of a complete faith in the integrity and judgment and self-governing capacity of the masses. God pity this government in the hour in which we shall look to Washington for that economy in public expenditures, that comprehension of the common needs, that devotion to the general interests, the power and the willingness to correct abuses and distribute justice, all so essential to a democratic form of government, rather than to enlightened public opinion gathered up and crystallized into law through those agencies of government which reach back and down to the great body of the people—the sole sovereignty of the republic.

It does not seem amiss here to recall the words of some of our most profound jurists, our most exalted patriots upon this subject. Chief Justice Marshall, in one of his great opinions, said: "No political dreamer was ever wild enough to think of breaking down the lines which separate the states and of compounding the American people into one common mass." I do not know whether the great jurists would be safe in saying at this time that no political dreamer was ever wild enough to think of breaking down the lines of the states—certainly their tendency is that way.

Mr. Lincoln said: "To maintain inviolate the rights of the states, to order and control under the constitution their own affairs by their own judgment exclusively is essential for the preservation of that balance of power on which our institutions rest."

Justice Miller, one of our greatest jurists, gave expression to the following view: "While the pendulum of

public opinion has swung with force away from the extreme point of the states' right doctrine there may be danger of its reaching an extreme point on the other side. In my opinion, the just and equal observance of the rights of the states and of the general government as defined by the constitution is as necessary to the permanent prosperity of our country and to its existence for another century as it has been for the one whose close we are now celebrating." That magnificent defender of the constitution, our great Justice Harlan, one of the greatest men who has ever graced that great court, said only a short time ago: "A national government for national affairs and state government for state affairs is the foundation rock upon which our institutions rest and any serious departure from that principle would bring disaster upon the American system of free government."

Mr. President, the makers of the constitution did not grant to the general government any power which it is dangerous to exercise to the fullest constitutional limit. Moreover, I have a profound admiration for the men who would exercise those powers fully and completely in the interest of the nation. But while extending and developing and building at the top, I would keep sound and safe and sure the foundation upon which the whole structure rests. For what shall it profit to enact laws, create commissions and unfold the ambitious schemes of men who dream of international prestige and power unless we know what the electorate yonder in the field, factory and mine is doing or is willing to do, unless we know the measure of its ability, the worth of its patriotism. Responsibility alone gives strength and initiative to citizenship, contact with government fosters public spirit and local rule is the great school in which is reared and trained and equipped the kind of statesmen who take care that no harm comes to the Republic. A government from Washington by commission, reduced to its last analysis is no different from a government by satrapies from Rome. And simply because the people of the states do not see fit at any particular time to exercise the power reserved for them, that is in itself no justification for the

general government to exercise those powers. Such doctrines are rank heresy. The wisdom of the people may be as fully manifested in the failure to exercise the power of the state in a particular way or at a particular time as in the exercise of that power. Action is not always statesmanship. Legislation is not always an evidence of sound judgment. The belief so pre-congress, every virtue restored or augmented by the creation of a commission, is the refined and codified creed of official egotism.

One of the most remarkable indictments against our dual system of government which it has ever been my misfortune to hear was pronounced a few weeks ago by one of the renowned professors of Canada, our sister nation on the north. Standing in the midst of our beautiful capital, surrounded on every hand by the statues of the misguided statesmen of the past, like Paul on Mars Hill, he told us of the unknown god. He said our federal system was a failure, our states a hindrance and that the only remedy for our situation, over which he commiserated much, was the elimination of the states and the organization of ourselves into one entire and compounded nation. Rather discouraging, slightly sudden, somewhat startling, a little imperious, yet his assurance of tone indicated infallibility while his air of divination suggested his recent visit to the "Isle of Patmos." I can recall but one similar occasion when a single intellect emitted in opalescent glory so much light. It was far back in history, or rather before history began to be written when we are told "that the earth was without form and void and darkness was upon the face of the deep, and God said, Let there be light and there was light."

I am not familiar with the antecedents of this unannounced messiah from the north. Neither do I think we need be disturbed or discouraged over his vague and gratuitous generalization. Let us have faith in the faculty of that wisdom which has neither knowledge of nor confidence in the people. "Much learning doth make thee mad." Our richly rewarded experience of a hundred years and more, a greater distribution of justice and

happiness among the people and a greater capacity of self-rule than are elsewhere to be found will convince our people that we can afford to travel on in the same old way, holding fast and fighting true to that line of demarcation so wisely marked out by the greatest group of statesmen time ever assembled on one occasion. If there is anything now well settled, worked out through centuries of test trial, it is that each member of the federal government must have complete and independent control of all matters domestic and internal and which relate alone to the individual members. That in turn all must be united and subject to a common power which is to deal with all matters affecting the members as a whole. It is a further teaching of experience and of history coming down to us through the shattered arches and broken columns of the splendid civilizations which have passed that without the spirit, the life, the interest, the training, the responsibility born alone of local self-rule, free government is an impossibility—simply the dream of an enthusiast.

The individual citizen is our unit of strength. Under our form of government he is our first consideration.

The halo of glory played with peculiar brilliancy around the brow of Napoleon the night he first wore the crown of Emperor. But to those who looked upon him as the salvation of France there was a deathless glory for the soldier from the ranks who standing guard protected the "hope of France" from the poisoned scimitar of the Bourbons. In the hour of our exaltation and pride, in these days when the great profound questions engage all the powers of the government as a whole, and justly so, we will not forget the soldier from the ranks, the common man who mingles his thought with his labor, the citizen from every walk of life—for after all when the full fruition of wise statesmanship shall have been realized and our supremest glory has been attained, all this must be guarded and protected by the soldier from the ranks. Always lurking near and always haunting our happiest days are those enemies of a republic against whom only the common citizens stand guard. With full faith in the stability of our institutions and with full faith in the integrity,

the loyalty and self-governing capacity of the people we can afford to proceed in the same old way. And while we move, assuming new duties and confronting new problems, we will bear in mind the words of wisdom given to us by the Father of our Country, in his ripened years, "If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by amendment, in the way in which the constitution designates. But let there be no change by usurpation, for though this in one instance may be the instrument for good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance in permanent evil any partial or transient benefit which the use can at any time yield."



- Courtesy of Success Magazine.

Senator W. E. Borah, (in action)

The Success Magazine recently had an article containing cartoons of various public men at Washington, "in action", showing them as they appeared to the cartoonist when in a "strenuous mood". The above shows Senator Borah, of Idaho. Senator Borah is a Jasper township boy, and all Wayne county is proud of him in the honors he has attained. He is one of the really great statesmen at Washington and his friends in Wayne county hope he may be president sometime.

THE speech delivered by Hon. William E. Borah, Senator from Idaho, on that part of the revenue bill which provided for the imposition of a tax on incomes exceeding a given amount yearly, was an honest, masterly presentation of facts, decisions, precedents and the utterances of great men and prominent Republicans in favor of a matter of common justice, fairness and right. The idea of the tax is to place a due proportion of the onerous and ever-increasing burden of national expenditure and debt on the shoulders of those who have profited most by the labors and needs of eighty million people.

In opening his speech, the senator said: "Those who are members of the majority party in the chamber and who are advocating an income tax do not concede that they are outside of party lines or that they are advocating policies or principles which are new or radical. We believe that we are advocating policies and principles that are well accepted as a part of the faith to which we subscribe, and that we are advocating principles as old as the revenue laws of the United States. We advocate an income tax, not as a temporary measure for the purpose of securing revenue for temporary purposes, but because we believe it should be a permanent part and portion of the revenue system of the United States."

In spite of many interruptions and searching questions by Senators Beveridge, Scott, Sutherland, Bacon, Lodge, Nelson, Page, Heyburn, Kean, Clay, Cummins, Bailey and others, Mr. Borah with admirable patience, dignity and ability closed a speech which fully answered all cavillers, although his contention was foredoomed to defeat. His closing remarks, however, contain one sentence on which his constituents may well base their trust in his honesty and true patriotism:

"I do not believe that the great framers of the Constitution, the men who were framing a government for the people, of the people, and by the people, intended that all the taxes of this government should be placed upon the backs of those who toil, upon consumption, while the accumulated wealth of the nation should stand exempt, even in an exigency which might involve the very life of the nation itself."

Speaking on this subject, Hon. John Sherman said:

"The public mind is not yet prepared to apply the code of a genuine revenue reform. But years of further experience will convince the whole body of our people that a system of

National taxes which rests the whole burden of taxation upon consumption and not one cent upon property or income is intrinsically unjust. While the expenses of the national government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means; that is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other."



Senator Borah of Idaho has only started his Income Tax Campaign

PARTY MUST STICK TO ROOSEVELT POLICIES, ALDRICH IS WARNED

Republicans Doomed to Defeat Otherwise, Senator Borah Declares.

FOR AN INCOME TAX

Westerner Quotes Former President and Taft, Also, in Favoring It.

Special Dispatch to The North American.

WASHINGTON, May 3.

In a speech in the Senate this afternoon

in favor of the Cummins income tax amendment, Senator Borah, of Idaho, made a vigorous defense of the Roosevelt policies, and declared that if the Republican party should abandon them it would be defeated.

The senator's remarks were evidently evoked by the attitude of the leaders who have been denouncing the income tax as socialistic and Democratic, and who have been assuming tacitly that President Roosevelt was, of course, a dangerous radical, of whom the country is well rid.

Borah cited the Roosevelt message to Congress in 1906, in favor of a graduated income tax. He continued:

"These are the words of that remarkable man about whose policies the thought of the country has centered for the last seven years, and without whose leadership the Republican party would have gone down in defeat.

Roosevelt Policies Vital.

"Without continued and faithful adherence to the Roosevelt policies the Republican party cannot continue in power. No man is politically so short sighted or positively so blind as the man who thinks that the steamer Hamburg carried away the policies and principles, the public interest, the aroused public conscience and the surging public concern which this remarkable man bequeathed to his countrymen."

Mr. Borah also quoted a speech by Mr. Taft in favor of an income tax.

The Senate listened with close attention. The Idaho senator is recognized as one of the very able men of the Senate and as a most effective speaker. His declaration was generally accepted as another warning to the Aldrich organization that it will not be able to continue its control without a fight.

A Political Hint.

There was also in Senator Borah's statement the plain intimation to the Republican leaders, including President Taft, that the people of the country will not patiently submit to a retrograde movement, and this has been construed as suggesting that the Republicans of the West who are now resisting the power of Aldrich and upholding the Roosevelt doctrines may refuse to go along in another campaign unless there is closer adherence to those policies than has been shown in the attitude of the Senate and House majorities.

Borah insisted, in advocating the income tax amendment, that the proposition to make property and wealth bear its full share of the burden of taxation is a Republican doctrine.

Taxes should be equalized and not so distributed that poverty is heavily taxed through the necessities of life and wealth is exempted. Senator Borah did not say directly, but he evidently meant, that this doctrine is being foisted upon the Republican party by the representatives of the special interests, and if the party assumes responsibility then it will be repudiated by the public.

TAFT TO VETERANS

Alludes to Criticisms of His Administration.

GUEST AT G. A. R. BANQUET

Favors Civil Pension for Aged Government Employes.

BORAH LAUDS THE PRESIDENT

Says Congress Is to Blame for Neglect of Party Pledges—Commander Van Sant Gets Bouquet.

President Taft and Senator William E. Borah of Idaho were the principal speakers at the reception and banquet of the Department of the Potomac, G. A. R., held last evening at the Arlington Hotel, in honor of ex-Gov. Samuel H. Van Sant, commander-in-chief of the Grand Army of the Republic. President Taft endorsed the civil pension plan for superannuated or disabled government employes, and declared that eventually Congress would be educated up to the point where it would see that this policy was just as good from a business standpoint for the government as it was for the large railroads and other corporations in the country.

Speaking of the criticisms that had been directed against his administration, the President said that he was not much disturbed by it, as he knew that every administration, with the possible exception "of that of my distinguished predecessor in office, who was an exception to all rules," has been severely criticized, and none more than those of Washington and Lincoln.

"I am to be congratulated," he said, "for having been hammered by the newspapers during the first year of my administration. The next three years will be years of pleasure, no matter what the newspapers say."

President Taft said the country was to be congratulated on having a proper militia law on the statute books, and that today it was almost impossible to tell the difference between a regular and a militiaman.

Tribute to Southerners.

"We have reached a time in history," said the President, "when even those brave men who led the southern army are willing generally to concede that the result as it was is better than the result would have been had their great efforts been successful. But, my friends, when

the war was over we had but reached one stage in the dreadful battle which had been fought in the extension of the cancer which was necessary from the body politic of the United States. There remained then the union again—the reunion of the feeling of the people of the north and the people of the south—and it is to the soldiers of the Union and the Grand Army of the Republic that we turn to find the first great generous feeling toward their old foe whose bravery they recognized.

"I want to testify to the virtue of the Grand Army of the Republic in making that feeling throughout this country permanent. You have no quarrel that the followers of the lost cause, with a sentiment and a love for the bravery of those who fought for it, still cherish sweet memories of the virtue and the courage that they showed in that fight. You know you were triumphant, and that that which happened was for the best; but you would not respect them as men worthy of your steel if they did not cherish the men who led them in that fight bravely."

The Question of Superannuation.

"Now, one moment about superannuation. I wanted to hear what everybody else had to say, so that I might get the benefit of suggestions for what I might say. That is another matter with respect to which Congress has to be educated. It is one of those subjects which Congress is bound to solve, and will probably solve only one way, because I don't see any other way ultimately. When, as our friend from Iowa says, railroad companies, industrial organizations and great business corporations find that a system of retiring pensions is the most economical way of carrying on a commercial or a manufacturing business, we may well assume that that same rule applies to the carrying on of the business of government.

"I had a conversation with W. C. Brown, president of the New York Central railroad. He said they had just adopted a system of pensions. I told him I would like to know the reason why they had adopted that system. He said: 'We have been struggling for years and years to get rid of those men who were so old in the service that either they could only do a half day's work, or their eyesight or their hands were not sufficiently acute or active to do the work there called upon to do, but we found that such is the milk of human kindness and such is the admirable charity and feeling of humanity toward old age that we could order our foremen, our division superintendents, our subdivision superintendents, to discharge the men over sixty-five, and they would not do it; that they would lie to us about their age and that we could not get rid of them.'

Sympathy Plays a Part.

"Well, do you suppose that if they could not order their men to get rid of the old employes that Congress could order the heads of departments to discharge men who are incapacitated by reason of age. Oh, no. You pass those laws up there and say, 'If you find a man who is not efficient you have got to discharge him,' and then you find that man is gray haired, that he has no other means of support, that he can do three-fourths of a day's work. Do you think you are going to discharge him because Congress says so? We are law-abiding citizens, but sometimes we have a method of constru-

TAFT TO VETERANS

Alludes to Criticisms of His Administration.

GUEST AT G. A. R. BANQUET

Favors Civil Pension for Aged Government Employees.

BORAH LAUDS THE PRESIDENT

Says Congress Is to Blame for Neglect of Party Pledges—Commander Van Sant Gets Bouquet.

President Taft and Senator William E. Borah of Idaho were the principal speakers at the reception and banquet of the Department of the Potomac, G. A. R., held last evening at the Arlington Hotel. In honor of ex-Gov. Samuel R. Van Sant, commander-in-chief of the Grand Army of the Republic, President Taft endorsed the civil pension plan for superannuated or disabled government employees, and declared that eventually Congress would be educated up to the point where it would see that this policy was just as good from a business standpoint for the government as it was for the large railroads and other corporations in the country.

Speaking of the criticisms that had been directed against his administration, the President said that he was not much disturbed by it, as he knew that every administration, with the possible exception "of that of my distinguished predecessor in office, who was an exception to all rules," has been severely criticized, and none more than those of Washington and Lincoln.

"I am to be congratulated," he said, "for having been hammered by the newspapers during the first year of my administration. The next three years will be years of pleasure, no matter what the newspapers say."

President Taft said the country was to be congratulated on having a proper militia law on the statute books, and that today it was almost impossible to tell the difference between a regular and a militiaman.

Tribute to Southerners.

"We have reached a time in history," said the President, "when even those brave men who led the southern army are willing generally to concede that the result as it was is better than the result would have been had their great efforts been successful. But, my friends, when

the war was over we had but reached one stage in the dreadful battle which had been fought in the extension of the cancer which was necessary from the body politic of the United States. There remained then the union again—the reunion of the feeling of the people of the north and the people of the south—and it is to the soldiers of the Union and the Grand Army of the Republic that we turn to find the first great generous feeling toward their old foe whose bravery they recognized.

"I want to testify to the virtue of the Grand Army of the Republic in making that feeling throughout this country permanent. You have no quarrel that the followers of the lost cause, with a sentiment and a love for the bravery of those who fought for it, still cherish sweet memories of the virtue and the courage that they showed in that fight. You know you were triumphant, and that that which happened was for the best; but you would not respect them as men worthy of your steel if they did not cherish the men who led them in that fight bravely."

The Question of Superannuation.

"Now, one moment about superannuation. I wanted to hear what everybody else had to say, so that I might get the benefit of suggestions for what I might say. That is another matter with respect to which Congress has to be educated. It is one of those subjects which Congress is bound to solve, and will probably solve only one way, because I don't see any other way ultimately. When, as our friend from Iowa says, railroad companies, industrial organizations and great business corporations find that a system of retiring pensions is the most economical way of carrying on a commercial or a manufacturing business, we may well assume that that same rule applies to the carrying on of the business of government.

"I had a conversation with W. C. Brown, president of the New York Central railroad. He said they had just adopted a system of pensions. I told him I would like to know the reason why they had adopted that system. He said: 'We have been struggling for years and years to get rid of those men who were so old in the service that either they could only do a half day's work, or their eyesight or their hands were not sufficiently acute or active to do the work there called upon to do, but we found that such is the milk of human kindness and such is the admirable charity and feeling of humanity toward old age that we could order our firemen, our division superintendents, our subdivision superintendents, to discharge the men over sixty-five, and they would not do it; that they would lie to us about their age and that we could not get rid of them.'

Sympathy Plays a Part.

"Well, do you suppose that if they could not order their men to get rid of the old employees that Congress could order the heads of departments to discharge men who are incapacitated by reason of age. Oh, no. You pass those laws up there and say, 'If you find a man who is not efficient you have got to discharge him,' and then you find that man is gray haired, that he has no other means of support, that he can do three-fourths of a day's work. Do you think you are going to discharge him because Congress says so? We are law-abiding citizens, but sometimes we have a method of constru-

**Is Senator Borah of Idaho a
Mormon?**

Some time ago the Headlight scoffed at the statement of the Soe Critic that Senator Borah is a Mormon, and the editor of the Critic came back with the advice that the Headlight man post himself. We have been doing so, and publish the following extract from a private letter from Prof. J. M. Aldrich, of the Idaho state university.

The accusation that Borah is a Mormon is merely rot. He is a University of Kansas graduate, and has never lived in a Mormon community. He has a large number of warm friends in all parties and all churches in this state, and he respects and honors the parties and churches which his friends represent. However, nobody in Idaho thinks he is a Mormon. There is no reason whatever to think so. The South Dakota impression that he is a Mormon is a gross error. It should be remembered that Mr. Brown's definition of a Mormon is peculiar. His brief stay in Idaho as editor of a collapsing anti-Mormon political paper, and his association with one Fred T. Dubois during that painful period, gave him a method of identifying Mormons about like the following:

All political opponents of Fred T. Dubois are pro-Mormon.

A pro-Mormon is the same as a Mormon.

Therefore, all political opponents of Fred T. Dubois are Mormons.

It is only necessary to add that this method as applied in that memorable campaign demonstrated that about 98 percent of the voters of Idaho are Mormons.

Yours very truly,

J. M. ALDRICH.

We still insist, sister of the Critic, that the Headlight position was correct, and must repeat that the Critic should exercise more care in ascertaining the facts before making wild statements.

WORKING FOR THE WEST.

"The Government should do everything in its power to develop every acre of ground within its own domain," says Senator Borah, in a defiant protest against the policy of the faddists of the Pinchot school. Senator Borah has pledged himself to support a measure that will regulate the forestry service, so that there will be less so-called conservation of the forests and more real benefit to the settler. "Out of the reform which Senator Borah suggests, he hopes to secure the adoption of a policy by which every acre of ground within the domain of this country can be developed, and thus prevent the migration of Americans into Canada." Senator Borah, like Secretary Ballinger, is of the West, and he knows the West, its requirements and its possibilities. Theories and fads are not given serious consideration by practical, well-informed men of this type, and it is for that reason that their deductions are seldom faulty.

No one from the West has invited the Eastern faddists to come to the Pacific Northwest and show us how we should conduct our affairs, but Oregon, especially, has been receiving advice and suffering interference in liberal quantities. In the attack on Secretary Ballinger, in the current number of *Hampden's Magazine*, one John L. Matthews is especially verbose and egotistical in his assumptions of knowledge as to what is needed in Oregon. This self-appointed expert on the needs of Oregon assures us that "If the Deschutes could be developed along the lines I have suggested, the country would fill up with people and the increased passenger and freight traffic would very soon wipe out the extra cost of construction."

For declining to elevate their tracks to a point where all of the value of the water-level grade would be lost, the railroads are accused of being "penny wise and pound foolish," although elsewhere in his article Mr. Matthews states that "the old routes from San Francisco north circle the base of Mount Shasta, after a heavy climb in each direction, and make travel and freight hauling slow and costly either way." By the new route through the Deschutes Mr. Matthews admits that it is possible to build a railroad from the Columbia River to San Francisco with a maximum grade of but 1 per cent.

Every one at all familiar with the situation and with modern railroad construction knows that "along the lines I (Matthews) have suggested," there would be no railroad up the Deschutes, and without a railroad there would be no development. The Borahs and the Ballingers of the West have

the confidence of the western people who are reclaiming this land from the wilderness and the desert. As true Western representatives of the West they know far better what is needed here than either millionaire faddists of the Pinchet type or yellow muck-rakers of the Matthews stripe.

WOULD PROBE SUGAR TRUST

Walt Post - Dec 3-1909

Senator Borah Plans to Offer Resolution for Investigation.

Interference by Administration Alone Can Halt Action Which, Many Say, Would Be Fatal Error.

Unless halted by absolute knowledge that he will be acting counter to the judgment of the President and the Attorney General, Senator Borah, of Idaho, one of the ablest lawyers in the Senate and a warm friend of Mr. Taft, will offer a resolution at the coming session providing for an investigation of the sugar trusts and will fight for its adoption. It is generally conceded that such a resolution would command the majority vote of both houses unless the administration officially entered a veto. Some very strong men in both houses are insistent that it is a great public duty Congress cannot and should not shirk, while others equally prominent and influential in the party assert that the ends of justice would be frustrated if this inquiry were authorized prior to the prosecution of those charged with violating the customs laws.

The probability of action of this sort is attracting the attention of legislators as they come into the city. Among others Representative Bennet, of New York, who was at the Treasury yesterday morning, said that while he did not think it the wise thing to do still if Congress insisted he was willing.

I have heretofore expressed myself as being opposed to this investigation," said Mr. Bennet. "I did so after a talk with United States Attorney Henry Wise, who told me that such a course would retard the government rather than help it in the work of prosecuting the rackets. But I suspect that Congress will pass a resolution of investigation, unless Attorney General Wickham or some other in high authority comes out openly against it.

"If the investigation granted immunity to witnesses called before it every rascal who had participated in the fraud would rush to the committee to testify and escape prosecution. If the immunity was not granted, then no witness who had anything of importance to convey could be compelled to testify. He would refuse to answer questions on the ground that a reply would incriminate him, and he would be sustained.

"Another bad feature of the congressional investigation would be the information which it would put into the hands of the sugar trust attorneys."

BORAH ADVOCATES INCOME TAX LAW

Idaho Senator Says It Is Just Revenue Producer.

SCORES COURT RULING

Lodge and Root Assert It Is Double Taxation.

La Follette and Bailey Assist West-erner in His Speech and Present Records to Strengthen Contention. Senator Piles Urges Retention of Dingley Rate of \$2 a Thousand on Lumber—Clashes with McCumber.

The Senate jumped promptly from the consideration of the lumber duties yesterday to a discussion of the proposed income tax.

After Senator Piles, of Washington, had talked for more than three hours in favor of maintaining the Dingley rate on lumber to protect that industry in the Pacific Coast States, Senator Borah, of Idaho, one of the ablest of the "progressive" Republicans, devoted two hours to discussing the income tax. He defended that form of taxation, and raised a question not only as to the soundness of the decision of the Supreme Court in the Pollock case, holding the income tax law of 1894 unconstitutional, but characterized the case as "moot" and questioned the jurisdiction of the Supreme Court to hear it.

In the course of his speech Senator Borah was questioned by Senator Root, of New York; Senator Lodge, of Massachusetts, and Senator Beveridge, of Indiana.

Lodge Raises Objection.

Senator Lodge did not agree with Mr. Borah's contention that the property of the country did not pay its just share of taxes. The Senator from Massachusetts insisted that as a rule the property of the country bore the burden of taxation, especially of State and municipal taxes. He

ated as an illustration the city of Boston, which had approximately 150,000 legal voters and only 25,000 taxpayers.

Senator Borah retorted that the corporate wealth of Boston was about \$2,000,000,000, but that only \$300,000 of it was taxed. Senator Lodge expressed much surprise at this statement, and later Senator Borah corrected himself, saying that he meant to say that \$200,000,000 worth of corporate property in Boston, instead of \$20,000,000, was returned for taxation.

This satisfied Senator Lodge, apparently, after Senator Borah had stated that he got his figures from the report of a Massachusetts State tax commissioner.

Senator Root interrupted to offer an explanation of the apparent disparity between the estimated corporate wealth of the States and the amount actually returned for taxation. He said that corporations paid taxes on all their property as corporations, and that it would hardly be fair to subject the shareholders in such corporations to taxation again upon the shares held in the aforesaid corporations. To do so would be to impose double taxation, Senator Root explained.

Defends Corporations.

"I think that, as a rule, the property of corporations does not escape taxation," observed Mr. Root.

Senator Lodge confirmed Senator Root's suggestions in regard to "double taxation," and expressed the opinion that in Massachusetts the corporations paid their full share of the taxes.

Under the laws of that State, he explained, they could not well escape making returns of all kinds of property of which they were possessed, and he added that Massachusetts also had an inheritance tax and an income tax. Senator Borah paid the argument against an income tax based on the suggestion of "double taxation" upon a corporation's wealth was ancient.

"It is the same argument which Massachusetts and New York have always employed against an income tax," said Mr. Borah, and he quoted from Sumner and Conkling.

Replying to the suggestion that the wealth of the country represented by property interests paid its proportionate share of taxes, Senator Borah reminded Mr. Root that the records showed that several estates in New York, which were probated, had aggregated for purposes of probate \$25,000,000, but for several years, just prior to their admission to probate, had been taxed for only \$5,000,000 in the aggregate.

Aided by La Follette.

The Senator from Idaho was assisted from time to time by Senator La Follette, of Wisconsin, another "progressive," who sat directly in front of him, and who frequently passed over volumes of reference and other information for Senator Borah's use.

In the early part of his speech the Senator from Idaho quoted from a speech of the late Benjamin Harrison, in which the latter made a general condemnation of wealthy persons who sought to evade their taxes. The citation apparently in-

terested Senator Beveridge, who inquired of Mr. Borah as to the date of the speech.

Senator Beveridge then reminded his colleagues that the context of the speech showed that Gen. Harrison had employed the argument not to justify an income tax law, but to condemn persons who evaded State and municipal taxes. Senator Beveridge read from the speech made by Gen. Harrison at Carnegie Hall in New York City in the campaign in 1894, in which he apparently condemned the Wilson-Gorman income tax law.

Morton Was for Income Tax.

Senator Bailey, of Texas, at this point interposed the suggestion that Oliver P. Morton had advocated the retention of the income tax law after the close of the civil war while occupying a seat in the Senate from the State of Indiana. Senator Borah added the suggestion that he expected to quote from Gen. Harrison to show that he had questioned the constitutional reasoning of the Supreme Court Justices, who declared the income tax law unconstitutional.

Senator Borah, continuing his argument, said that he regarded it as unfortunate that the United States government played such a relatively unimportant part in the hearing of the arguments on the constitutionality of the income tax law of 1894.

He recalled that the first case was brought by former Senator Edmunds, of Vermont, in the courts of the District of Columbia, and that that able lawyer had said in his brief that the United States Supreme Court in the Hilton case, cited by senator Bailey a few days ago, upholding the carriage tax law, had really laid down the proposition that a tax on personal property was not a direct tax.

Quotes from Justices.

The Senator read the names of twenty-one Justices of the Supreme Court of the United States who had in successive decisions by that court adopted the opinion in the early case involving the carriage tax. Senator Borah said that the case involving the constitutionality of the law of 1894 finally got into the Supreme Court in the form of an application for injunction brought by shareholders of a corporation to enjoin the corporation from paying the tax. Thus both parties to the suit desired the court to decide that the law was unconstitutional.

He said that the part which the government played in the case was purely incidental, and that many of the best lawyers in the country had held to the view that the Supreme Court should never have taken jurisdiction of the case.

Senator Borah will conclude his remarks to-day.

Senator Borah, of Idaho, is after the sugar trust with a piece of Roosevelt's big stick. To the proposition to settle their frauds against the government by underweighing at the custom house for three millions, he declares thirty millions is nearer the right figure. Borah is a fighter, and the trust is in the tightest box its eyes ever brought it near to.

BORAH IS CLASSED IN THE RANKS OF INSURGENTS FOR DEFYING ALDRICH ORDERS

Idaho Senator, by introducing Postal Savings Bank Bill, Locked Horns With the Boss of Senate--Lathrop Tells of Late Happenings at the National Capital.

By John E. Lathrop.

Washington, Dec. 18.—By introducing and insisting on the passage of a bill to establish postal savings banks, Senator Borah of Idaho appears to be preparing to incur some this session of the congress. One of the admitted facts is that Senator Aldrich, actual head of the senate, has issued an ultimatum that there shall be no postal savings bank legislation this winter; that there shall be none until the Aldrich monetary commission shall have submitted its report of a plan for the reconstruction of the national financial laws.

It is also well known, denied by none, that Senator Aldrich really purposes to fight the enactment of any savings bank law at this time.

Senator Borah has not been in the habit of introducing bills for the mere effect of the thing, and it is the impression here that his introduction of this postal bank bill means that he will push it for passage.

Hitherto Senator Carter stood as the sponsor for postal savings bank legislation. It was his bill therefore which received the most attention. Senator Carter insisted that he exerted himself to force his measure through the senate, and intended if it passed that body to arrange for forcing it through the house. Many of the advocates of postal savings banks asserted that Senator Carter did not adopt the tactics which would have assured success, and some of them go so far as to allege that he was content to make perfunctory effort, and allow the bill to die the death.

If, therefore, Senator Borah push his bill, he will come into direct conflict with the senate leaders who own Senator Aldrich as their dictator. If Senator Borah get into act and make a fight, as his friends expect he will do, then there will be some lively doings before the session ends.

As a mere coincidence, Senator Borah injected some electricity into the air when he introduced his bill making it unlawful for any senator or representative to be counsel for any proceeding,

claim or case before a federal court or department. His bill is drastic, including in sweeping provisions and carefully worded phraseology every sort of a case wherein a member of the congress might appear as counsel for compensation.

The coincidence was the recent raising of a question as to Senator Heyburn's connection with the Cunningham coal claim cases, by evidence brought out in the hearings at Seattle. Of course, it was far from Senator Borah's intention to create any such coincidental surprise. Senator watchers, however, saw the fact, and smiled somewhat thereat.

It is said that powerful sentiment backs the Borah bill, and that many members believe it would be better, once for all, to end the danger of senators and representatives getting mixed up in unpleasant situations through their employment as attorneys.

LEWISTON PAPER MISSTATES FACTS

SENATOR BORAH OBJECTS TO
WHAT LEWISTON EDITOR
SAYS OF HIS SPEECH.

FOREST RESERVE POLICY

Senator Asserts Newspaper Man Evi-
dently Did Not Look Over Con-
gressional Record Very Carefully.
Re-States His Position Clearly
On Questions Concerned.

In a recent article published by the Lewiston Tribune the editor of that paper took occasion to criticize the actions of U. S. Senator Wm. E. Borah and stated that the statements made while the senator was a guest of Sandpoint were entirely contrary to his stand while in the United States senate. The Lewiston editor referred in particular to the forest reserve policy.

In answer to the article in the Lewiston paper, Senator Borah makes the following reply:

Washington, D. C., Nov. 23, 1909.
My Dear Mr. Editor, Lewiston
Tribune:

I have just read an editorial in your valuable paper entitled "Borah and the Idaho Forest Reserves." In this editorial, after referring to what I am purported to have said at Sandpoint you say: "If Senator Borah believes that way we think it is time for him to begin to act that way."
* * * There have been some occasional and desultory remarks as at Sandpoint within the state, tending to show a sympathy with the aspirations of the people to make their commonwealth a seat of homes in-

stead of a herd of federal spoilsmen, but there is no evidence at hand of his power as a Senator being exerted to prevent and correct the excesses which he points out himself. The Tribune, for itself, both as it is to take that view of it, must hereafter decline to accept at par any more of Mr. Borah's sympathetic phrases until he puts into practice that which he so gracefully preaches. This, we think, is due to Mr. Borah himself, as he is too useful a representative to be allowed to lapse into a mere palaverer."

Owing to the lively manifestation of affection faintly disclosed in your editorial and your kindly interest as to my future welfare, I am led to give you some facts which I think you have inadvertently overlooked. I do not presume for a moment that the Tribune would willfully misrepresent a public officer simply for partisan purposes. The clear inference of your article is that I utter sentiments and make declarations in my state contrary to those I make in the senate and that I vote contrary to the declarations made in the senate.

I have never made a statement in the state concerning forest reserves, at Sandpoint or elsewhere, which I have not repeated in the senate many times, and I have never had an opportunity to vote in the senate, but what I voted the same way. I stated at Sandpoint that I was in favor of forest reserves for lands which were in fact forest lands in any reasonable sense of the term. I have so stated in the senate.

I stated at Sandpoint I was utterly opposed to including in forest reserves agricultural lands or lands which were available to entry for bona fide settlers. I have so stated in the senate. I stated at Sandpoint that I was opposed to administering the forest reserves to such an extent as they are administered under rules and regulations and that it was bureaucratic, unAmerican, so to do, and that it was the duty of congress to crystallize all needful rules and regulations into law. I have so stated in the senate. I stated at Sandpoint that I was utterly opposed from principle to any department assuming to

make rules and regulations, the violation of which would constitute a crime. I have so stated in the senate. I stated at Sandpoint that while I differed with Mr. Pinehot as to his method of administration, I did not question his integrity of purpose or believe other than that he was conscientious from his viewpoint. I have so stated in the senate.

I beg to say to the Tribune that I have always advocated both on the floor of the senate and elsewhere, the same principles I advocated at Sandpoint and I have voted accordingly.

Now, assuming that the Tribune desires to convey the exact facts to its readers, may I ask the Tribune: first to quote from any speech or declaration which I have ever made to the senate contrary to the declarations which I have made at home among the people whom I have the honor to represent. Give the exact language so your readers may know what I said.

Secondly, will the Tribune state when and where it was I voted contrary to what I have said. Give the vote and the place and the record where your readers can find it.

Of course I cannot burden the Tribune with all my remarks upon this subject in the senate, but in view of the fact that you have called me a "palaverer"—and I would just as soon be called a horse thief—will you kindly print a few sentences and paragraphs to show that I am not misstating the facts.

"The mistake which they make with reference to the inspector and the people on the land is in always presuming that the man upon the land is dishonest and the inspector is honest. The fact of the business is that there are just as many people engaged in taking up these lands who are absolutely honest as are the inspectors in the field examining these titles." (Congressional Record, May 5, 1908, P. 5982.)

"I do not attack this division alone (the forestry division) on that ground. But I do say with this department and with other departments of the government that there has been growing up in the last twenty-five years a claim that they can make rules and regulations, the violations of which constitute a crime and that

is absolutely at war with every theory of republican institutions." (Congressional Record, May 5, P. 5983.)

Later, when my colleague was discussing the subject of the chief forester issuing an order excluding certain parties from the forest reserve, I said, "I wish to suggest to my colleague that the forester is given a power which could not rest in a court. If a court were to render a judgment against a man it could not enter a decree that never again should that citizen have the right to exercise his privilege upon the public domain." (Congressional Record, Feb. 24, 1909, P. 3094.)

Later, in the same running debate in answer to Senator Dixon's suggestion, I said, "I presume all of us believe to some extent in the preservation of the forest, but we object to that system which prevents a citizen from going to the law to ascertain what his rights are with reference to acquiring a title and compels him to go to an individual. As so well said by my colleague a few moments ago, this is a government of law and not of men. If you will crystalize these rules and regulations into a statute so that a citizen may know what he can do and when he does it know he will be protected, this system will be greatly renovated and corrected." (Congressional Record, Feb. 24, 1909, P. 3097.)

Later, in a running debate with Senator Smoot upon the question, I reiterated very generally my position upon all these matters and stated my position toward the close of the debate as follows: "There are thousands of acres of land in the state of Idaho that has not a foot of timber upon them, which are inside of a forest reserve. No timber has ever grown there and according to the judgment of men who are experienced in such matter no timber ever will grow there. These lands should be thrown open to settlement under some established rule of law by which the settler could go there and take his home and know when he has done certain things he would be able to claim his homestead. As it is now he can not go upon the land until he gets the approval of an individ-

sal who may wish to put him here or there or usually when he has indicated his location put him away entirely." (Congressional Record, Feb. 26, 1909, P. 3232.)

I might quote you a great deal more covering every possible phase of the subject which I covered at Sandpoint, but I am sure you will find my views have been repeatedly stated in the senate as earnestly as I have stated them at home upon numerous occasions.

As to my vote you will understand that the most important part of forestry legislation was completed before I took my seat in the senate. But when Senator Heyburn's amendment was up to exclude all agricultural lands and throw them open to entry, I voted for his amendment. (Congressional Record, Feb. 26, 1909, P. 3252.)

When the question of increasing the appropriation to cover the expense of the forestry bureau was up I voted against the increase. (Congressional Record, May 11, 1908, P. 6976.)

If the Tribune knows of any other opportunity I had to vote, in which I failed to do so, or in which I voted differently from what I have indicated, I would ask you to publish it.

When the Appalachian forestry bill was up, which provided for sustaining the eastern forests to some extent from the income of the western forests, while the bill did not reach a vote, I opposed it in debate. I did not oppose it because I am opposed to forests being created in the eastern states, but because it was hitched up to the proposition of utilizing the incomes from the forest reserves of the west to sustain the reserves of the east which it seems to me would be calculated to extend our reserves and to accentuate the desire to hold all possible lands within it whether they were forest lands or agricultural lands. I am in favor of Appalachian forest reserves when they are made to stand upon their own bottom. I am willing to give our eastern friends all the forest reserves they want upon lands which are confessedly forest lands.

I quote a single paragraph during the discussion of the bill: "Mr.

President, I have taken very little part at any time on the discussion of the forest reserves, although perhaps the state which I in part represent is as deeply interested in that question as any state represented upon this floor. I have taken but little part in the discussion largely for the reason that there were those who were better able to take care of the matter. But this bill presents a feature which would compel me to exhaust all means at my command, both intellectual and physical, before it could be made a law. * * * If this

bill should be fitted into the present forestry policy we would see at once how the estate in the west would be made to feel the estate in the east and there would be no desire upon the part of those in charge of the forestry service to permit a settler to reduce the area of the reserves, although it might be agricultural lands. * * * While I do not propose to discuss this question at this time I want to say in all earnestness and not for the purpose of delay that I should not myself consent, without a very thorough discussion of the bill passing now, or at any other time while I am a members of the senate." (Congressional Record P. 3751.)

I feel quite sure the editor of the Tribune had not paid me the compliment of giving much heed to my remarks in the senate.

Very respectfully,

WM. E. BORAH.

F. G. BURROUGHS, Editor.

ASSIGNMENT OF HOMESTEADS.

Since congress convened Senator Borah has been active in his efforts to get measures through for the amelioration of the condition of the homesteader.

His efforts in this direction are being more favorably received than was at first expected. Advice from Washington indicate that the bond proposition has good prospects of carrying and the recommendations of the secretary of the Interior regarding assignments are almost certain of passage. On the latter subject, it will be remembered Mr. Ballinger express-

ed himself when in Caldwell, so that locally his sentiments are well known. As the law stands, however, an amendment to the reclamation act will be necessary.

Senator Borah is watching this point very closely and states that he has every hope of carrying the point when congress reconvenes. The point involved is this. Secretary Ballinger has already decided that homestead entries may be mortgaged or assigned after proving up and before the water rights are paid for. This he practically decided and declared when in Caldwell. However, he fears that such action might invalidate the titles under the present laws. To cover the latter point an effort will be made to put through an amendment to the reclamation act.

We believe that in this and other irrigation matters Senator Borah has done splendid work, and deserves the thanks of every homesteader in the land.

BORAH WILL LEAD SUGAR FRAUD PROBE

Congressional Investigation Depends on Attitude of Administration.

Whether there is an investigation of the sugar frauds and other customs frauds by a committee of Congress at the coming session will depend on what action the Administration takes regarding it.

The matter has about reached this point, and unless the President or Attorney General Wickersham makes it known to the Senate and House in a public way that no investigation is desirable at this time, the movement for an inquiry will be pressed. And with any considerable pressure for an investigation, there is no reason to believe it will be headed off in Congress.

The position of those members of the Senate and House who think there should be an investigation is that if the Department of Justice is convinced that an investigation would do harm to the trial of the cases arising out of the sugar frauds and the trial of the Sugar trust directors, then they will be will-

ing to forego an inquiry at this time, but that if the department feels that way about it there should be a public statement to that effect. It is likely that intimations from various quarters that the investigation is not desired by the Attorney General will not be given much attention.

Senator Borah is the most determined advocate of an investigation of the sugar and customs situation who has appeared thus far. Senator Borah is bent on an investigation, and purposes to introduce a resolution for one. Moreover, there is not much doubt he could force the resolution to a passage in the Senate for he is one of the most aggressive members of that body, a man who is not afraid of a fight, and he will have a strong backing. Senator Borah is on friendly terms with the Administration, and undoubtedly would not insist on an investigation if the Attorney General or the President can show him that it would be harmful or is likely to be. Otherwise, however, he may be expected to make a strong effort to start the ball rolling.

SENATE CONCILIATORY.

Two Insurgents on Committee to Select Standing Committees.

Special to The New York Times.

WASHINGTON, March 15.—Warned by the bitter struggle in the House, the Senate regulars have embarked on a programme of conciliation toward the Republican insurgents in order to head off such a serious revolt as came near to overthrowing Speaker Cannon and his organization. When the important Committee on Committees, which is entrusted with filling the vacancies on the Senate committee, was named to-day it was found that two of the insurgent leaders had been included in the membership. These were Senators Borah and Dixon. The former has furnished much of the brains and generalship that made the revolt in the last session so effective, while Dixon led the fight on the Naval bill with distinguished success. The other members are Senator Aldrich, Chairman, and Senators Kean, McCumber, Crane, Flint, Sutherland, and Curtis.

Immediately after the brief open session of the Senate the committee held a meeting in the new Senate office building. No appointments were made, but the situation was gone over in a general way, and the organization Senators displayed a spirit of conciliation that indicates the insurgents will be well taken care of in the reorganization. This spirit of charity extends even to Senator La Follette, who has caused the "old guard" a vast amount of trouble in the past. It is expected that the committee will be ready to give out its list of appointments tomorrow afternoon or Wednesday morning.

The Senate to-day devoted its time to routine business of a character that marks the opening day of every session. Senator Stephenson was sworn in, being accompanied to the desk by his colleague, Senator La Follette, who has waged consistent war on him during his recent campaign for re-election. Mr. La Follette was studiously polite to Mr. Stephenson, so much so that a titter ran around the Chamber among those who knew of the far from friendly relations that have existed between the two men.

A POINTED CONTRAST.

When Senator Borah was here last fall he made a point against the forest reserves in contrasting the number of agriculturists who were going into British Columbia as compared to those who were settling within the confines of the northwest. The other day Senator Borah made a speech in New York setting forth this idea and some of the easterners were somewhat surprised when confronted with his argument and figures. In discussing his New York speech the San Francisco Argonaut says:

"Senator Borah of Idaho, interviewed at New York within the week, said much tending to the enlightenment of the eastern mind about matters just now actively before the country. Among other things Mr. Borah called attention to the liberal land policy in the newer British provinces of North America. 'Look,' he said, 'how we are losing the very best elements of population. Last year 40,000 Americans in the western wheat belt crossed over into Canada to settle upon the new lands offered freely to those who will come and develop them. This year the movement of more than 70,000 Americans in the same direction is already arranged for. They will take with them a goodly supply of capital. Besides the loss of good thrifty farmers, this means the loss of \$10,000,000 in good American money. The reason for this movement is that the Canadian government, in the effort to attract population, has framed up its land laws in liberal spirit. They have learned by experience that the land is worthless to anybody until it is used.'

"Senator Borah further surprised the New Yorkers by the statement of certain simple facts so familiar indeed in the west that their impressiveness has almost come to be lost. For example, under the 'conserving' policy of the government in recent years—a policy enforced without change in the laws—one-third of the superficial area of Idaho is in forest reserve. This does not mean that one-third of Idaho is forested, only that for one reason or another it has suited the conservists to withdraw vast regions from occupancy and to dedicate them to silence and non-production. Governor Hughes of New York, to whom Senator Borah paid a visit, was quite taken off his feet when informed that in point of area the state of New York could be lost in the forest reserves of Idaho.

"Senator Borah's statement with respect to the movement of American wheat farmers into Canada might have been made even more striking by reference to the comparative history of United States and British territories. There was a long period prior to the consolidation of British territories under the Canadian federation, when the shoe was on the other foot. Under the homestead law, aided by railway construction, promoted in turn by liberal land grants, the American regions of Wisconsin, Minnesota, and the Dakotas filled up quickly with an industrious and enterprising population. The corresponding British territories on the other hand, then under lease to great trading corporations, notably the Hudson Bay company, were practically held as hunting reserves. Long after the American west had become a populous and productive country, the British west was still a wilderness, the abode only of savages and of the fur-bearing animals. The explanation lay wholly in the then contrasting policies of the two countries, for one region was practically like the other in natural conditions.

"In those days we used to boast, as our Canadian friends used to lament, the contrasting differences. But that was before we had been taught the new and fine philosophy that a country is 'saved' when it is left in a state of nature; that it has been 'lost' when it has been occupied and developed and turned to profitable and beneficent account. It was before Mr. Pinchot had gotten his German education and had returned to instruct us that pretty much everything in America was on a wrong basis."

If there is anything new under the sun the politicians of all classes of people is very certain to discover it. One phase of a puzzling problem is presented at this session of congress in the attempt to control the destinies of the territory of Alaska by a government by commission. We have been apprised of the seriousness of a government by injunction and have had that theory exploited and exploded, but a government by commission was something new under the sun, and credit is due to a western man, Senator Borah of Idaho for defeating the measure.

The Alaskan government bill was introduced by Senator Beveridge and approved by the president, but it is dead now, as dead as the proverbial Herring. The bill proposed to govern Alaska through a legislative commission to be appointed by the president. The people of the territory were given no voice in their own government and were not to be consulted as to the selection of this commission.

Senator Borah was under the impression that the constitution still followed the flag and that even in the remote territories that this was still followed by the flag and that even in the remote territories that this was still a government of the people, for the people and by the people, vigorously opposed the bill. He argued that Alaska was no more without the pale of the square deal than the territories of Arizona and New Mexico who elect their own legislatures to recede from its position and the bill was withdrawn. It is dead and with it the idea of government by commission. Local self government is a sentiment too strongly entrenched in the hearts of the American people to be lightly overthrown. There will probably be some sober second thoughts on the Alaskan government bill before it is presented to this or to some succeeding session of congress.

PROTECTING THE PEOPLE.

Senator Borah of Idaho is the author of a bill which is now in the hands of the senate judiciary committee and which ought to be of general interest. The bill provides that senators, representatives and delegates in congress shall not represent, as attorneys or otherwise, any corporations, companies or persons doing business over which the government exercises regulative jurisdiction. Conviction of this offense, under the provisions of the bill, may result in sending the offender to prison for not more than two years and in fining him not exceeding \$10,000. The Borah bill, if passed, would undoubtedly affect a

number of men who are now in congress. The practice of attempting to represent the people during congressional sessions and attempting to represent corporations that are subject to congressional regulation during congressional recesses is not as uncommon as some may imagine. When private and public interests, thus centered in congressmen, conflict, it is not difficult to imagine which profits most by the condition. The system is certainly not to the advantage of the people, and even though the congressmen may be honest and may be acting in good faith, they can not well avoid being prejudiced.—
Ex.

TAX RICH HIS PLEA

Senator Borah Argues for an
Income Impost.

WOULD EQUALIZE BURDENS

Idaho Member Wants Wealthy to
Help Remove Deficit.

Thinks Levy on Great Fortunes Could Be
Used to Build Big Navy and Prepare
Nation for War—Pays Tribute to
Theodore Roosevelt and Quotes Presi-
dent Taft as Favoring Such Provision.
Mr. Burkett Scores on Mr. Piles.

"No man is politically so shortsighted or politically so blind as the man who thinks the steamer Hamburg carried away the politics, the principles, the public interest, the aroused public conscience, and the searching public concern which this remarkable man bequeathed to his countrymen."

This statement was made yesterday by Senator Borah, of Idaho, in the course of his speech in support of an income tax, after he had paid a glowing tribute to the greatness of Theodore Roosevelt. He declared that the late President had shaped the destinies of the Republican party, and that without his leadership the party "would have gone out of business." Then he made the prediction that "without continued adherence to those principles the party will go out of power."

By some senators this portion of Mr. Borah's address was accepted not only as a tribute to former President Roosevelt, but as timely veiled criticism of President Taft, who, according to the views held by some public men, is not literally following in the footsteps of his immediate predecessor.

Quotes Taft's Speech.

Turning from his references to Mr. Roosevelt, the senator quoted from the speeches of President Taft, to show that he was in favor of the principles of an income tax.

"Does the senator believe," Mr. Sutherland asked, "that President Taft believed in the constitutionality of the income tax law—in other words, that he believed the law pronounced unconstitutional by the Supreme Court was, in fact, constitutional?"

"I only know what he said to the American people when he was a candidate for the Presidency," responded Mr. Borah, "that he was in favor of an income tax which could be drawn to be made constitutional. I am not willing to believe that the President believed in drawing an income tax law applicable to men toiling in the professions and then in exempting the vast accumulated wealth of this nation from taxation."

Referring to Mr. Carnegie's statement that an income tax would encourage perjury, Mr. Borah said:

"Mr. Carnegie did not make the Republican party, and I wish I wish I was just as sure that the Republican party did not make Mr. Carnegie."

Belongs to "Insurgents."

Senator Borah belongs to that wing of the Republican party in the Senate known as the "progressives," sometimes called the "insurgents," for the reason that they are unwilling to walk blindly as led by the "elder statesmen" who for more than a quarter of a century have guided the affairs of the party in the Senate. He is one of the very able senators of the body and will be remembered as the lawyer who conducted the prosecution of members of the Western Federation of Miners tried in Idaho for the murder of Gov. Steunenberg.

His speech showed careful preparation and familiarity with the decisions of the courts, from all of which he quoted extensively to substantiate the position he had taken. Mr. Borah was not permitted to proceed without interruption. He was frequently questioned and dissent often was expressed to many of his statements.

This was particularly true when Mr. Borah made the assertion that the property of the country, especially corporate wealth, did not pay its just share of taxes. He cited as an illustration the city of Boston, in which, he said, the corporate wealth was about \$2,000,000,000 but that only about \$50,000,000 was taxed.

Mr. Root Explains.

This statement brought Senator Lodge and Senator Root into the discussion. Mr. Root said the apparent disparity between the estimated corporate wealth of the States and the amount actually returned for taxation was easily explained. Corporations, he said, paid taxes on all their property as corporations, and it would result in double taxation to subject the shareholders again to pay taxes upon the shares they held.

"I think," said Mr. Root, "that as a rule the property of corporations does not escape taxation."

"That," retorted Mr. Borah, "is the argument that New York and Massachusetts always employ against any proposed

income tax," and in support of that statement he quoted from the speeches of Sumner and Conkling in the Senate.

The New York Senator was reminded by Mr. Borah that the records showed that several estates in New York that were probated, aggregated for the purpose of probate \$215,000,000, but that for several years, just before their admission to probate, they had been taxed for only \$3,000,000 in the aggregate.

Extravagance a Disease.

Extravagance, Mr. Borah declared, has become almost a national disease. He contended for an income tax as a means for wiping out the Treasury deficit, as well as a means through which to awaken public interest in national expenditures. He said the tax which he proposed should be used to build up a great navy and a great army for the purpose of covering the nations of the earth, but that the burden of taxation should be taken from those who dig the earth and put on the purses of those who would never mine it.

"I believe in an income tax," said Mr. Borah, "not that we may impose the whole burden of government upon the rich or upon wealth, but that wealth may bear its just proportion of that burden which it does not do under a system of taxation resting entirely upon consumption. Every system of taxation resting upon consumption should be supplemented with an income tax, not alone for the purpose of raising extra revenue, but for distributing the burden whatever revenue is necessary more equitably and more in accordance with the ability to pay."

Is Not Class Legislation.

Contending that the income tax was equitable and fair, not class legislation, and not an attack upon wealth, but simply a reasonable demand that the burdens of government should be met in due proportion by the great property interests and accumulated wealth, Mr. Borah asserted that it was a tax which gauges itself according to a man's success or failure. He said it reaches the income of the professional man, who may now escape almost entirely.

Declaring that it was no more an incentive to perjury or fraud than the personal tax laws in the various States, Mr. Borah claimed that the income tax was no more inquisitorial than the system of national taxation of today. He referred to the recent smuggling cases in New York by way of illustration.

"I believe in it," continued Mr. Borah, "strange as it may seem to some, as an educator in economy in public expenditures. For a hundred years we have been making speeches in favor of cutting down expenditures, and voting the other way. The Congress in which the voice of retrenchment was loudest has been followed almost invariably by the Congress carrying the largest appropriations."

Referring to the statement which was made by Mr. Aldrich, that Congress, in

the last session, appropriated \$50,000,000 unnecessarily, Mr. Borah said: "If that be true, and I believe the figures to be modest, what an awful indictment of this Congress, and how vain and futile seems all prophecy as to the future in the matter of retrenchment."

"I do not want to be misunderstood. I have no kind of doubt that the senator from Rhode Island is entirely sincere and wholly in earnest when he says that we must curtail expenditures. Neither do I underrate his ability or his power. If he succeeds, he will have performed a greater service to his country than has been performed by any man in 40 years."

Will Awaken Interest.

He said there is no way by which public opinion can be aroused so deeply and so quickly as by calling upon the powerful property interests to assume each year a specific amount to defray the expenses of the government.

"When you say to them under those circumstances," argued Mr. Borah, "I have spent \$54,000,000 of your money unnecessarily and just because I could, you will be called to the bar of public opinion and condemned to the solitude of private life."

Speaking of the agitation for a greater navy, Mr. Borah said that if more ships must be built, they should be built by the wealth of the nation. The constant preparation for war justified and demanded an income tax now just as much as the preparation for war did in other days, was his contention. He said he did not criticize at this time the necessity of building ships or enlarging the army, but claimed that this program could not be continued by a tax on consumption.

"The working people and the producers of this country are willing to help," concluded Mr. Borah, "but they ask that in these extraordinary expenditures property and gathered wealth may assume their portion of the burden."

Piles Against Free Lumber.

A plea against free lumber and a story of Oriental lumber figuring in the difference of cost between the two sides of the Canadian boundary line, featured the speech made by Senator Piles, of Washington. Mr. Piles contended that a tariff sufficient to save to the American manufacturer the United States market for his low-grade lumber and shingles will make it possible for him to utilize every part of the tree. If this market were taken possession of by the Canadian manufacturer, the American lumbermen, he said, would be obliged to leave a large per cent of the tree in the forest, a total loss and a constant fire menace to the standing timber.

In Washington, he pointed out lumber is the principal industry, employing 100,000 men, with average annual wages exceeding \$60,000,000. The Washington State legislature, commercial bodies, labor unions, and banking interests have urged the retention of the duty on lumber and increased duty on shingles. The difference in the cost of stumpage in British Columbia and in Washington, he said, was about \$1.50 per thousand.

While the shingle industry had decreased in Washington since 1905, its increase in British Columbia had been phenomenal. There was a material difference in the cost of labor owing principally to the use of upward of 75 per

cent Oriental labor in British Columbia. Despite Oriental labor, mills of equal capacity on both sides of the boundary employ practically the same number of men.

Mr. Piles went on to show that the white labor market in Seattle was closer to the British Columbia mills than it was to many of the mills in his own State. It was so accessible that a man could go from Seattle to Vancouver by boat for the small sum of 25 cents.

Mr. Burkett Wins a Point.

Senator Burkett, of Nebraska, interrupted the speaker to say that he had read the testimony taken before the committee very fully, and that all that testimony indicated that Oriental labor was employed only in the tidewater mills.

Senator Piles admitted that perhaps that was true.

The entire day was consumed in the delivery of the speeches of Senators Borah and Piles, and no headway whatever was made in the consideration of the tariff bill.

HOLDS IT TO BE VALID

Borah Claims Income Tax to Be Constitutional.

SAYS IT IS NOT DIRECT

Would Send Matter to Supreme Court Again.

BAILEY LISTENS APPROVINGLY

Texas Senator Lends His Aid in Pushing Argument—Sutherland Questions Repeatedly.

Going away back to the old English law and considering in detail the debated circumstances of the American constitutional convention, Senator Borah of Idaho attempted today to sustain his contention in the Senate that a federal income tax is entirely constitutional. His argument turned upon the proposition that such a tax is not a "direct tax" within the understanding of the framers of the Constitution and of the Supreme Court for a hundred years. Not being a "direct tax," it would not have to be apportioned, which is admitted to be wholly impracticable.

Mr. Borah continued the address in favor of an income tax amendment to the Payne tariff bill which he began yesterday afternoon. He spoke almost entirely of the legal phase of the question.

Everything he said on this point agreed with the argument submitted by Senator Bailey of Texas in a two-day speech a

few days ago. Mr. Bailey listened attentively to Mr. Borah and from time to time added him in driving home his points.

Questioned by Sutherland.

Senator Sutherland of Utah interrupted Mr. Borah frequently to ask questions in an effort to discredit his line of argument, but every time the Idaho lawyer had a ready answer. After Mr. Borah had laid down his opinion that a "direct tax" was the only one that could be equitably apportioned and that it included a tax on real estate and its improvements and a capitation tax, Mr. Sutherland asked about a tax on "all buildings over twelve stories high" as a hypothetical case. That would be a real estate improvement tax, and yet could not be equitably apportioned among the various states, Mr. Sutherland pointed out.

"Yes," said Mr. Borah, "but such a tax is wholly impossible from a practical standpoint."

"But suppose it should—then how about it?"

"Well," smiled Mr. Borah, "suppose there was a railway to the moon. Of course, that would be impossible, but suppose there was one—then how would the engine get there?"

Turns Laugh on Sutherland.

This turned the laugh on Mr. Sutherland, and ended the discussion of this phase of the subject.

Mr. Borah closed by appealing for the adoption of an income tax amendment. Notwithstanding the decision of the Supreme Court in 1894 against an income tax, he thought the question should be again presented to it, and that in doing so Congress would not be showing disrespect to that great tribunal.

Urges an Income Tax.

Declaring that extravagance has become almost a national disease, Senator Borah yesterday spoke for an income tax as a means for wiping out the deficit in the Treasury, as well as awakening public interest in national expenditures. He said the tax which he proposed should be used to build up a great navy and a great army for the purpose of cowering the nations of the earth, but that the burden of taxation should be taken from those who dig the earth and put upon the purses of those who would never miss it.

During the course of his remarks, Mr. Borah referred to former President Roosevelt as having shaped the destinies of the republican party, and said that without his leadership "his party would have gone out of business." He added that without continued adherence to those principles the party will go out of power.

"No, man, he added, "is politically so short-sighted or politically so blind as the man who thinks the steamer Hamburg carried away the policies, the principles, the public interest, the aroused public conscience and the searching public concern which this remarkable man bequeathed to his countrymen."

This statement was in connection with Mr. Roosevelt's suggestion in favor of a graduated inheritance and graduated income tax.

Mr. Borah also quoted Mr. Taft's speech in which he spoke in favor of the principle of the income tax.

"Does the senator believe," Mr. Sutherland asked, "that President Taft believed in the constitutionality of the income tax law—in other words, that he believed that the law pronounced unconstitutional

by the Supreme Court was, in fact, constitutional?"

"I only know what he said to the American people when he was a candidate for the presidency," responded Mr. Borah, "that he was in favor of an income tax which could be drawn to be made constitutional. I am not willing to believe that the President believed in drawing an income tax law applicable to men tending to professions and the like, exempting the vast accumulated wealth of this nation from taxation."

"I believe in an income tax," continued Mr. Borah, "not that we may impose the whole burden of government upon the rich or upon wealth, but that wealth may bear its just proportion of that burden which it does not do under a system of taxation resting entirely upon consumption. Every system of taxation resting upon consumption should be supplemented with an income tax, not alone for the purpose of raising extra revenue, but for distributing the burden of whatever revenue is necessary more equitably and more in accordance with the ability to pay."

Equitable and Fair.

Contending that the income tax was equitable and fair, not class legislation, and not an attack upon wealth, but simply a reasonable demand that the burdens of government should be met in due proportion by the great property interests and accumulated wealth, Mr. Borah asserted that it was a tax which gauges itself according to a man's success or failure. He said it reaches the income of the professional man, who may now escape almost entirely. Declaring that it was no more an incentive to perjury or fraud than the personal tax laws in the various states, Mr. Borah claimed that the income tax was no more inquisitorial than the system of national taxation of today. He referred to the recent smuggling cases in New York.

"I believe in it," continued Mr. Borah, "strange as it may seem to some, as an educator in economy in public expenditures. For a hundred years we have been making speeches in favor of cutting down expenditures and voting the other way. The Congress in which the voice of retrenchment was loudest has been followed almost invariably by the Congress carrying the largest appropriations."

"Awful Indictment of Congress."

Referring to the statement which was made by Mr. Aldrich that Congress at the last session appropriated \$50,000,000 unnecessarily, Mr. Borah said: "If that be true—and I believe the figures to be modest—what an awful indictment of this Congress, and how vain and futile seems all prophecy as to the future in the matter of retrenchment. I do not want to be misunderstood. I have no kind of doubt that the senator from Rhode Island is entirely sincere and wholly in earnest when he says that we must curtail expenditures. Neither do I underrate his ability or his power. If he succeeds he will have performed a greater service to his country than has been performed by any man in forty years."

Mr. Borah then, asserting that extravagance has become almost a national disease, said: "It permeates the home, it permeates college and church, it pervades society and it is rife in every department of government—that it has reached almost the point of criminality is proved by the words of the senator from Rhode Island. It is a disease of the blood and you cannot cure it like appendicitis by cutting it off. You will have to rehabilitate the system. This will take time and a great deal of attention and immeasurable persistence of purpose. In other words, you will never do it until public opinion is thoroughly aroused."

BONDS FOR CONSERVATION WORK.

23

The first step toward the issue of government bonds to aid in the proposed work of conservation of the nation's natural resources, was taken Wednesday when Senator Borah introduced a bill providing for the issuing of thirty million dollars of government bonds, the proceeds to be used in reclamation work in the arid and semi-arid states. The bill provides that the bonds shall bear three per cent interest. Borah's plan is to make the reclamation work pay for itself, and never call on the national treasury for a dollar except to pay for printing and issuing the bonds. Reclaimed land will be sold and the proceeds used in further reclamation work, and finally the bonds will be paid off with a fund created by the sale of these lands and moneys accumulating for the use of water for irrigation. This bill is probably intended as a test measure to ascertain the sentiment of congress regarding the prosecution of the conservation work generally, which will include the improvement of navigable rivers, and the storage of flood waters, by moneys raised from a bond issue instead of drawing it annually from the national treasury. If the test finds a favorable response the bond issue will doubtless be increased and provision made for entering upon the work of internal improvement systematically and upon a scale commensurate with its magnitude and importance. The government realizes that it has been slow in moving in this project, and senators of the Borah stripe, familiar with the needs of the west are anxious to atone for past delays by an energetic policy in the future. President Taft will give his hearty approval to the Borah plan as it is identical with the one proposed by him in one of his principal addresses during his recent western trip. With an abundance of funds to push the work, Borah claims that instead of seven or eight years being consumed in reclamation projects, the work can be performed in a single year, and the country generally benefited by the increased volume of foodstuffs produced on the reclaimed area which would tend to lower prices

STICK TO ROOSEVELT, IS BORAH'S WARNING

Idaho Senator Says Republicans
Will Lose If They Drop
His Policies.

ARGUES FOR INCOME TAX

Frequently Interrupted by Beveridge,
Who Declines to be "Smoked
Out" on the Subject.

Special to The New York Times.

WASHINGTON, May 2.—Senator Borah, one of the leading Administration Senators, to-day began his speech for an income tax, and in his opening words he gave a sharp warning to the reactionaries of both houses, and pointed a moral from the records of the Roosevelt Administration for the guidance of President Taft. The success of the Roosevelt policies, he said, had kept the Republican Party in power, and only adherence to the could preserve its influence.

"Ex-President Roosevelt," he said, taking up the charge that some of his ideas were of Democratic origin, "undoubtedly shaped the destiny and molded the policies of the Republican Party for the last seven years, assuming full responsibility for his acts. It was obedience to his guiding policies that gave the victory to the Republican Party, and without continual adherence to those policies and a faithful adherence to them the party will go out of power.

"No man is politically so short-sighted or politically so blind as the man who thinks that the steamer Hamburg carried away the policies and principles, the public interest, the aroused public conscience, and the surging inquisitive public concern which this remarkable man bequeathed to his countrymen."

Referring to President Taft's speech in the campaign, Senator Borah said that everywhere his statement that Republican revision of the tariff was to mean revision downward was accepted. He was unwilling to admit, he said, that this declaration for a readjustment of our fiscal system meant to levy on the workers of the country and to leave the country's wealth unburdened.

The argument that an income tax could not be effectively levied, he said, applied equally well to a tax on personal property, of which it was admitted that only 20 per cent. fell under the tax. An income tax tends to relieve the burden of mas-

sons duties, he said, and he argued that in voting for a revision of tariff the people did not foresee the higher taxing of those necessities of life which happen to be produced in foreign lands.

Beveridge Discouraged.

Mr. Borah began his speech late in the afternoon and interruptions prevented him more than introducing his subject. Senator Beveridge was the cause of most of the colloquies, and the laughing rebuke administered to him by Senator Borah and Senator Clay of Georgia together excited the amusement of the Senators and the audible laughter of the ordinarily quiet galleries. Senator Beveridge has refused for several weeks to commit himself on the income tax amendment, although he is thought to have decided to oppose it in return for the granting of his demand for some kind of a tariff commission.

"Was I right in understanding the Senator to say," asked Mr. Clay, after Mr. Beveridge had interrupted Mr. Borah with a long statement about a decision of the Supreme Court, "that he favors an income tax?"

A titter ran around the Senate Chamber, and Mr. Beveridge, smiling a little uncomfortably, spoke rapidly of some phase of recent decisions, still not committing himself.

"Was I right then," asked Mr. Clay, with a grin, "in thinking that the Senator is opposed to an income tax?"

Again Senator Beveridge avoided a direct answer.

The early part of the session was taken up with Senator Miles's speech for a duty on lumber.

Among the callers on the President to-day was George S. Walker, Secretary of the National Wool Growers' Association. He told the President that the wool growers absolutely needed all the protection they had under the Dingley law.

Senator Borah's measure to prohibit senators or representatives in congress from representing corporations doing an interstate business is a measure which will be chloroformed in committee, according to Washington report, for there is slight chance of enacting it. The desire to represent corporations and states and congressional districts at the same time is mighty strong. The measure is in line with measures of public policy, though, and it might go further in its prohibition of what has become a most reprehensible practice. The day is coming

when men elected to serve the public in any capacity will so serve. It will not be possible for a senator to represent a state and draw public pay while he absents himself in order to look after corporate interests either as an interested one or legal representative.

The Irrigation Bond Bill.

Yesterday the Miller received from Senator Borah of Idaho his measure entitled, "a bill to aid in the reclamation of arid and semi-arid lands of the United States," which was introduced and read twice and referred to the committee on irrigation and reclamation of arid lands Dec. 7.

This is the proposition which has met the opposition of Senator Carter, by having a scheme of his own to issue warrants in payment of irrigation work.

Mr. Borah's bill is very brief, containing only 23 lines, and, as far as a layman can judge, fully meets the requirements of the situation.

The proposed act in full is as follows:

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the secretary of the treasury is hereby authorized to borrow on the credit of the United States, from time to time, upon notice from the secretary of the interior, so much as may be required to defray expenditures in the reclamation of arid and semi-arid lands of the United States under the provisions of the act of June 17, 1902 (such proceeds when received to be used only for the purpose of completing feasible existing reclamation projects, the construction of feasible extensions of such projects, and in the construction of new projects, so far as practicable and feasible, in those states and territories in which equalization of expenditures is required by the provision of section 9 of the said act of June 17, 1902), the sum of \$20,000,000, or so much thereof as may be necessary, and to prepare and issue therefor registered reclamation bonds for the United States in such form as he may prescribe and in denominations of \$100, or some multiple of that sum, redeemable in coin at the pleasure of the United States after ten years from the date of their issue, and payable twenty years from such date out of the reclamation funds, and bearing interest semi-annually, in coin, at the rate of 3 per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority. Provided, That the bonds authorized by this act may be disposed of by the secretary of the treasury in such amounts and at such times as may be required by the secretary of the interior, at not less than par, under such regulations as the secretary of the treasury may prescribe, but no commission shall be allowed or paid thereupon, and a sum not exceeding one-tenth of 1 per centum of the amount of the bonds herein authorized is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

It will be noticed that the bill proposes that bonds not to exceed \$20,

000,000 shall be issued for the purpose of carrying on the work of irrigation, said bonds to run for a period of 10 years and to bear three per cent interest.

There can be no question that there would be a scramble among investors for such securities and 10 years would give settlers on the irrigation projects ample time in which to pay off the bonds.

On its face Senator Borah's proposed law appears to be a most excellent one, and just what the west

PROBING THE CIVIL SERVICE.

There are indications that the United States Senate is to take kindly to Senator Borah's resolution providing for an investigation of the civil service. There are still many members of Congress, with their thoughts turning back to the good old days, who look with disfavor upon the whole civil service system, but as it has come to stay they are willing that it should relieve them of certain kinds of patronage which is of no help to them politically.

An inquiry into the civil service system as it applies to the departments of government ought to determine whether promotions are made on a merit basis. Things are so much better than they were in the past that a few lapses from righteousness in the matter of original appointments appear as trifles.

but if it is true, as charged, that bureau chiefs for personal reasons recommend for promotion from one position to another clerks whose work does not warrant their advancement, gross injustice is done and the spirit of real civil service is dead.

If the Borah resolution passes, and Congress acts on the report that probably will be made, promotions as well as appointments will rest on the ground of fitness only. Senators and Representatives today are besieged by clerks, worthy and unworthy, who wish to be advanced in the service. Heed is paid to their pleas because Congressmen cannot tell whether or not the applicants have been unjustly treated by their chiefs.

It is not always possible to secure justice, and the desire of Congress for a long time has been to make the civil service inquiry, but for one reason or another the day of investigation has been put off. It is time that the work was done, and now that the Senate is in the mood it should act before the pressure of other business and the postponing fever which always afflicts the upper House conspire together to change the intention.

COLLIER'S COMPLIMENTS BORAH.

Collier's Weekly speaks in complimentary terms these days of Senator Borah. In the current issue of the magazine the following story of Borah's early days appears upon the editorial page:

Nineteen years ago a young man of twenty-five having graduated at the state university at Lawrence and been admitted to the Kansas bar, boarded a westbound Union Pacific train in search of a good town to make a living in. He thought he would go as far as Seattle, dropping off at various towns en route to size the prospects up. He did not travel in the sleeping-car, nor yet in the parlor-car. The first night, between troubled naps in the day coach, he got to talking with a traveling salesman for mowing machines who showed him a map of Idaho, and told him that Boise was a good likely town for a young lawyer to settle in. The next night the man who shared his seat in the day coach was a professional gambler, with a friendly heart and a quick and accurate knowledge of strangers, acquired in the course of his livelihood. He was, like many of his class—setting aside his profession—a good citizen, with all the qualities of a likable man and brother. The gambler, too, told young Borah that Boise was a good town to begin in; also he said that he himself lived at Nampa, about twenty miles away from Boise, and that if the period of waiting for clients turned out to be long and lean, the young lawyer should just drop him a line. (The gambler was the only man who did offer to lend the young man money). So Borah dropped off at Boise, not knowing one human being of the four or six thousand who then composed the town. After much misgiving, he decided to stay; probably the governing reason was that he had money enough to keep him in Boise thirty days, whereas, if he paid his railroad fare on to Seattle, he wouldn't have any money left at all. During the early homesick and friendless days he asked an old lawyer in the town to hire him as a clerk, but the lawyer didn't want a clerk; and that, too, was fortunate, for it compelled Borah to stake his future on his own efforts altogether. About that time, in

the town where the gambler lived, the telegraph operator at the station killed the Chinese cook at the hotel. The telegraph operator used to go to the kitchen at night after his work was done to get a bite to eat. The Chinaman did not like this violation of the fixed order of things, and after many quarrels the murder resulted. The professional gambler, who had been writing encouraging letters to Borah every few days, sent for him to defend the accused before the local justice of the peace. At the hearing, the prosecuting attorney read the complaint, charging the telegraph operator with murder. The justice of the peace thought the charge ought to be changed to manslaughter, since it was only a Chinaman. The prosecuting attorney explained that he couldn't quite do this; that he would have to draw the complaint for murder, but that if the justice wished, he could, later on, hold the defendant for manslaughter. The justice did more, for Chinamen were not highly thought of in that community. He set the prisoner free, and the lawyer for the defense got fifty dollars. That was William E. Borah's first fee, and probably it looked larger to him than any of the many others he received from that time until he stopped practicing law to take a place easily among the first four of that generation of United States senators who are between the ages of forty and fifty."

BORAH'S FUTURE

Every day shows more and more plainly that Senator William E. Borah of Idaho is one of the "coming men" not only of the West, but of the nation. He first came into prominence by the Heney charges against him for land frauds, but in the end he not only beat the Heney gang, but now has the scalps of a large proportion of them hanging on his back-yard fence, where he promises to hang Pinchot's scalp before next 4th of July.

Senator Borah is preparing to bring to the Northwest the share of government money the Northwest is entitled to for the opening up of the great irrigation tracts and for other purposes, and in a way that promises to bring results. Idaho and the Northwest have a champion in Senator Borah that will be able to accomplish something.

HERALD BUREAU,
No. 1302 H STREET, N. W.,
WASHINGTON, D. C., Monday.

So well pleased are republicans responsible for the passage of the tariff bill in the Senate with its present situation that they are hazarding forecasts as to the number of roll calls which will be necessary upon amended schedules.

Five, with a possibility of six, record votes was the greatest number that one of the New England members of the Committee on Finance would admit would be necessary to pass the bill through the Senate. These, he said, would be upon coal, oil, hides, lumber and zinc, with a possibility that a vote of the same character might be necessary to arrive at an agreement upon the scrap and pig iron schedules. There are democrats who do not agree with the Senator making this forecast, but they are not in a position to so correctly determine the feeling of the Senate.

That so comparatively few contests will result from the changes in the Payne bill made by the Committee on Finance will be a surprise to some republicans and many democrats not in close touch with the conciliatory policy adopted by the committee. Such expectation indicates that an adjustment of differences has been reached in many instances where amendments reported met with objection at the first reading. More than ten hundred schedules were passed over for examination and possible discussion and contest. Since that reading many of the objections have been eliminated.

Lumber and Iron Figure.

Lumber and iron are the only two schedules named which are new in the bill. Coal, iron, oil, hides and zinc are still waiting in committee to be made a part of the measure by amendments. Coal will receive considerably less protection than that afforded by the Dingley rate of 67 cents a ton, but sufficient to satisfy the demand for a duty. Oil, placed by the House on the free list, will bear a duty of about one-half that of the 50 per cent ad valorem asked by the independent oil producers. Hides are to have the benefit of a 15 per cent ad valorem duty, if the amendment proposed by the Committee on Finance shall be agreed to by the Senate.

Proponents of the duty on hides have been worried during the last two days by a show of additional strength in the Senate for free hides. It is the present expectation that a duty will be placed upon hides in the Senate, but a failure to maintain this duty in the face of the protest of the House conferees will not surprise those who have followed the situation closely.

No mention is made in the forecast of record votes of one upon the question of the income tax. While this amendment to the tariff bill undoubtedly has strong support it is not anticipated that it will be successful. Leaders on the republican side expect to sidetrack the amendment with a compromise providing for an investigation of the success of the tax in other countries, coupled with an investigation of the revenue producing powers of the tariff bill as drawn. Those favoring the tax assert with great positiveness that they will be able to force a record vote.

Borah Defends Income Tax.

In a clear and forceful argument directed for the most part at the legal objections to an income tax Senator Borah, republican, of Idaho, to-day began a

speech. One question raised here on the extent to which personal property escaped taxation and the attempts which would probably be made to escape the income tax.

"Will the Senator say," asked Senator Root, of New York, "whether it is not right that the personal property which escapes taxation, for example, the surplus of personal property in Massachusetts—does not escape for the most part because it is stocks of corporations which pay a tax, so that the payment of the tax would be its collection twice? Is not this escape from taxation imposing it upon property in the most convenient manner? There is no kind of property so certain to be taxed as that of corporations."

"That is the case in Massachusetts," said Senator Lodge. "Corporations pay a tax to the State and it is subsequently distributed."

"Oh, yes, I know that is the argument in New York and Massachusetts," answered Senator Borah. "It was so contended in the sixties that it was double taxation."

"In Idaho we have a tax on incomes from the mines," put in Senator Herburn, "and there is no difficulty in getting it."

Returning to the inquiry of Senator Root as to the collection of taxes, Senator Borah read statistics showing that out of 97 estates which were at a given time in the course of probate in New York personal property, notes and bonds amounted to \$215,000,000, but that of this amount but \$3,000,000 had appeared in the tax list.

When an observation on the income tax question was made by Senator Beveridge, Senator Clay interrupted. Senator Borah hesitated to yield.

Light on Beveridge's Views.

"I am only trying to find out how the Senator from Indiana stands on the income tax," said Senator Clay.

"I don't want to wait that long now," answered Senator Borah, facetiously, having in mind the length of Senator Beveridge's previous interruption.

"I favor an income tax and an inheritance tax only when needed," was the substance of the reply from Senator Beveridge.

"The Senator says that a tariff commission would give us much light on the subject," observed Senator Clay. "Unless it gives more than we have been able to get on where the Senator stands on the income tax we shall be much in darkness."

Senator Borah said, while in sympathy with the movement in the Senate toward the reduction of expenditures, he was spectral of its success.

"I have no doubt that the Senator from Rhode Island is entirely sincere and wholly in earnest when he says that we must curtail expenditures," he said. "Neither do I underrate his ability or his power. If he succeeds he will have performed a greater service to his country than has been performed by any man in forty years. He will be entitled to praise and will be accorded it. He will demonstrate that the day of miracles has not passed. I have no doubt he will try, but if he succeeds not in curtailing but in keeping them in the next five years where they are he will still have achieved a great triumph and performed a great service for his people."

But even while the great leader in the majority side of the chamber was talking the voice of our Secretary of the Navy floated in from Boston and told us that we must have another navy as large as

the one we now have. This sounds to r/like discord. It may be that we need more ships; I am not going to discuss that matter now. But one thing is true, if these ships must be built—if this is part of this programme of retrenchment—they should be built by the wealth of this nation, by the men who can afford to build them.

Points to Defence Plans.

"This constant preparation for war, if nothing else, must—"

which tax you as much as the preparation for war did in other days. You say it is a war tax. Very well, I say to you, let us use it as a war tax; let us build up our navy until we are a peaceful, home-loving people cover the nations of the earth; let us increase our army until, like Frederick the Great, we shall be lonesome without the music of a sentry's tread. But let us do so by taking the burdens from the backs of those who dig our wealth from the earth and put it upon the purses of those who will never miss it and may perchance enjoy the pomp and circumstance of glorious war without war.

"It does not make any difference whether you call it peace or call it war, so far as the question of revenue is concerned, and the burdens of government. It is one of them and the same, if regardless of whether it be peace or war, the same amount is expended in purchasing the implements of war. Now I do not criticize the necessity of building these ships or the enlarging of the army. That may be necessary, at least it is a subject for another day, but we cannot continue this programme by a tax upon consumption. The working people and the producers of this country are willing to help, but they ask that in these extraordinary expenses proper and gathered wealth may assume their proportion of the burden."

Senator Piles, of Washington, occupied several hours to-day in a speech in which he urged adequate protection for lumber and pictured conditions which confront the lumber men in the northwest as affected by the cheaper production of British Columbia. He said that the only feeling against the Japanese on the Pacific coast was because they can work and do work more cheaply than our own laborers.

Two Amendments Offered.

All duties on cotton bags and ties used by cotton producers are placed on the free list in an amendment proposed to-day by Senator Culberson. Senator Scott, of West Virginia, offered as an amendment to the bill the present Dingley schedule on coal.

Senator Coo I. Crawford, of South Dakota, sought to obtain the passage of a resolution in the Senate to-day which called upon the Department of State for detailed information covering any trade discriminations by foreign countries against the products of the United States. It was referred to the Committee on Finance with a pretty clear understanding that it would be buried there for all time. Senator Aldrich objected to the passage of the resolution, holding that it would take the State Department the better part of a year to gather the information it requested.

TAFT REVIVES HOPE OF INCOME-TAXERS.

President Tells Senator Brown
He Would Accept Almost
Any Plan Proposed.

(Special to The World)

WASHINGTON, May 3.—There were signs to-day of the income tax being galvanized back to life. Some of the lukewarm received an intimation from the

White House that legislation of that character would be acceptable to the President, and the hesitating ones were encouraged to again hang out their banners and talk of co-operating with the Progressives and the Democrats to make it effective.

It appears that Senator Brown, of Nebraska, who favors amending the Constitution before income tax legislation is enacted, went to the White House and the President told him that this method of raising revenue would be preferable to retaining high import duties on the necessities of life. When he came back and reported to his associates income tax stock proceeded to rise.

It is said the President told Senator Brown he would welcome any kind of income tax legislation and would gladly accept the Bailey or the Cummins plan, or any other which would tax the rich and make the burdens of the poor less heavy.

Senator Borah helped things along somewhat by beginning his speech in favor of the Cummins graduated income tax scheme. He is regarded as the legal expert of the Progressive Republicans. He believed that next time the Supreme Court would hold an income tax to be constitutional.

Referring to Mr. Carnegie's statement that an income tax would encourage perjury Mr. Borah said: "Mr. Carnegie did not make the Republican party, and I wish I was just as sure that the Republican party did not make Mr. Carnegie."

Senator Piles occupied three hours in arguing for the Dingley rates on lumber. Several amendments were offered—ones, by Mr. Culberson, providing for free bagging and cotton ties.

Senator Aldrich and his chief lieutenants were not seen much about the chamber. They were busy arranging pacts by which the early passage of the tariff bill may be made possible. They were showing amendments to Senators. These all relate to passed-over items to which objections were made when the bill was read the first time.

As the result of his day's work Senator Aldrich figured out that less than a dozen roll calls will be necessary to bring the tariff bill to a final vote. In his opinion the income tax, the inheritance tax and the tax on the gross dividends of corporations will never come to a formal showdown. In fact, the indications to him point to but five formal demonstrations of strength. These, according to his estimate, will come on the schedules relating to petroleum, coal, hides, lumber and zinc, and perhaps separate votes on scrap-iron and pig-iron, because of the differentials imposed. In his judgment all other disputed questions will be settled without a division.

So far as interest went it was a lull Monday for the tariff debate. Senator Piles was clearly speaking to the people of the Pacific coast, who own vast areas of timber lands and compete with British Columbia. No interest was manifested on the floor.

Figures and the Income Tax.

The income tax debate in the Senate should not become too technical. It is a subject dear to the hearts of lawyers. They like it, and, with relish, turn it around, inside out, and upside down. Senator X will pile his desk high with books, read from them at length, and interpret what he reads with many comments. Senator Z, sitting across the

wide aisle, will take the same books, read the same cases and the decisions, and fortify the very opposite contention.

This is very interesting to the two senators and to all lawyers; but it leaves laymen—the great bulk of the people—cold and uninformed. Their question remains unanswered. And until that question is answered, and to the satisfaction of the everyday man, much valuable time will be wasted.

The question is, does wealth pay its share of taxation? Has it become, in a way, a deadhead in our governmental enterprise? Or is that charge a mere mouth-filling cry of political orators?

Advocates of an income tax assert and insist that wealth shirks; that the poor are the burden bearers; that a good deal of the public discontent grows out of the popular belief that the rich are favored by legislation in many ways, but particularly in the matter of taxation. Mr. Bailey, who is no clamor against the rich, expressed the belief in his speech in the Senate the other day that an income tax would serve an excellent purpose in softening the antagonism which is far too pronounced between labor and capital.

Now, is this not a question of figures? And should the figures not be cast up and authoritatively presented? Mr. Borah touched this point yesterday, and drew the fire of his opponents. A debate limited somewhat to this line would be of greater help than one dealing in large measure with nice legal distinctions. Legal arguments go over the heads of the great majority, but the multiplication table is within reach of all. The man who will do this sum will contribute a great deal of value to the whole tariff discussion.

If wealth is not shirking it should not be pursued. If it is, it should. The origin of the charge, and the populist support and circulation it has received, do not so much matter. There is such a charge, and republicans as well as democrats and populists believe it. Nothing is plainer, therefore, than that it must be met in a form which all can understand. Wealth should lead in the effort to have the case presented in all of its aspects. If wealth is already paying its share it should not be further assessed. Class legislation with wealth the victim is as undesirable as class legislation with wealth the beneficiary.

Borah in Conference.

Senator Borah, of Idaho, a member of the judiciary committee, was one of the President's callers today to whom Mr. Taft expressed his ideas about the modification of the Sherman act. Senator Borah told the President that while he had not read the decision in full either, he believed that it was of such character as to show that it has more uses than merely standing on the statute books.

Senator Borah is in favor of a strengthening of the law, however. He told Mr. Taft that at present there is not enough encouragement given to individuals to sue trusts which drive them out of business. He

said that if it were made easier for a private party to bring suit instead of having the United States bring it for him, and if damages were such as to induce such an individual to do so, the advantages to those who wish to control these trusts would be enormous.

Mr. Borah instanced the case of Reedley George H. Earle of the Real Estate Trust Company, of Philadelphia, and the closing of the Adolph Segal sugar refinery at that place by the sugar trust. He said he thought that Mr. Earle might have done better if the criminality under the law had been greater for the parties alleged to have destroyed Segal's business and if the damages obtainable had been larger.

Mr. Borah suggested also that one of the best methods of corporate control was through federal incorporation. He told the President that in many cases there is no other way to get a trust than by having its charter forfeited. In many instances, even after an adverse decision, as the law now stands, a trust may continue acting just about in the same fashion when the courts get after it as before. A revocation of the charter, however, would be effectual he contended. The President listened to Senator Borah's explanation, but did not say just how he viewed the matter of larger money reparation or federal incorporation.

The President talked on about the same subject today with Representatives Mann, of Illinois, and Marble, of South Dakota, and Senator Ekins, of West Virginia.

It is probable that the conference between the President's family advisers and those from the Capitol will be held this week, although he is taking plenty of time to solve the two questions of trust and railroad legislation. Neither the railroad nor the anti-trust session of the message has been completed, and are subject to change.

Senator Borah, true to the promise he made himself when elected to the United States Senate, has introduced a bill prohibiting members of congress from representing trusts and corporations doing business, over which the government exercises control. In introducing this bill Senator Borah has shown himself a true patriot, and also a desire to divorce, as far as possible, the interests of the great body of the people, whom every senator and representative swears to serve and protect, from the great corporate interests, that, while sharing equal protection under the law, should have no paid attorneys in the persons of influential congressmen. Mr. Borah, by this act alone, builds broad and well for future service to his state and nation.

SENATE TARIFF TALK

BORAH FOR INCOME TAX.

Piles Urges High Duty on Lumber —Dolliver to Speak To-day.

[From The Tribune Bureau.]

Washington, May 2.—Messrs. Piles and Borah were the tariff orators in the Senate to-day, the former speaking for more than three hours for a high tariff on lumber, and the latter defending the position of those Republican Senators who favor an income tax. Mr. Borah had not finished his speech when adjournment was taken, and will resume to-morrow. No schedules were considered to-day, and it is doubtful if the paragraphs passed over will be taken up before Friday. Senator Dolliver will speak to-morrow, Senator Bradley on Wednesday and Senator Cummins on Thursday.

Mr. Piles's speech was a protest from the Pacific Coast states against any reduction of the Dingley rates on lumber and a warning to his Republican colleagues that the voters of Washington and Oregon will resent downward revision of the lumber schedule. He asked that the duty on shingles be increased from 30 to 50 cents. The Washington Senator denied that the mills of the United States can produce lumber as cheaply as those in Canada, and declared that the lumber industry in his state would be ruined by a reduction in the duties. Mr. Piles said that the agitation for free lumber was inspired by American millionaires who now control vast forest lands in British Columbia. Free lumber would add \$2 a thousand to the value of the holdings of these men.

Senators Burkett, Crawford, Clapp and others disputed many of the statements of Mr. Piles. There was an interesting colloquy between Messrs. Clapp and Piles when the latter read dispatches and letters to show that a Canadian lumberman sought to stipulate in a contract for the sale of lumber in the United States that half the tariff duty was to be returned to him in the event that Congress placed lumber on the free list. This statement aroused Mr. Clapp, who charged that much of the evidence submitted to Congress on the tariff question is "manufactured for a purpose." He said that Cuban sugar planters are back of the movement to influence Congress on the sugar schedule by having the Senate flooded with petitions. He knew nothing about the facts of the case mentioned by Mr. Piles, but it would be well for Senators not to accept it without thorough investigation, for it might be part of a general scheme to maintain the Dingley rates.

Mr. Borah's income tax speech aroused several Senators on the Republican side, notably Messrs. Lodge, Root and Beveridge. Once or twice Senator Bailey assisted the Idaho Senator in replying to criticisms. Mr. Borah began by defending the income tax as Republican legislation. He did not favor it as temporary legislation, but as a permanent addition to the revenue policy of the country. He quoted from speeches made by Senators Sherman and Morton and ex-Presidents Benjamin Har-

ison and Roosevelt in support of his contention that there is nothing revolutionary or un-Republican in requiring the rich to contribute part of their incomes for the maintenance of the government.

The Senate seemed to enjoy Mr. Borah's criticism of Andrew Carnegie, whom he called a man who was always interesting and sometimes amusing. He referred to Mr. Carnegie's statement that an income tax would lead to perjury, and said: "Mr. Carnegie did not make the Republican party. I wish I was just as sure the Republican party did not make Mr. Carnegie." This drew a laugh from both sides of the chamber.

Senator Lodge took issue with Mr. Borah's statement that all taxes are based on consumption, and that wealth and property contribute nothing to support the government. Mr. Lodge called attention to the fact that state and municipal taxes, which are extremely heavy, fall almost entirely on property. When Mr. Borah said that the rich escape taxation, Senator Root suggested that many individuals seem to escape because the taxes on property owned by them are paid by corporations in which they are interested. Mr. Borah said this was not always so. He spoke of 115 estates probated in New York, which revealed property worth \$20,000,000 which had been taxed on a valuation of \$2,000,000.

While there is great interest in the speech Senator Dolliver is to make to-morrow in criticism of the textiles schedules, the Republican leaders are confident that the cotton and wool schedules as recommended by the Finance Committee will be adopted. It is said that nine Democratic Senators will vote for the cotton schedule if their votes are needed and that some of the Western Republican Senators who have been listed as supporters of Mr. Dolliver will refuse to follow him on the wool schedule. The Republican leaders maintain that Mr. Dolliver's speech is destined to have more effect on political conditions in Iowa than on the tariff situation in the Senate.

Senator Culberson offered an amendment to-day placing cotton ties and cotton bagging on the free list. If this concession is granted, many of the Southern Senators will not make any serious protest against the cotton schedule. Senators from cotton producing states are hopeful that Mr. A. Smith will reduce the rates on ties and bagging, he does not agree to place them on the free list.

In a speech recently delivered in the United States senate, Mr. Borah spoke with much earnestness on the subject of governmental extravagance. After pointing out the great danger to the nation arising from the reckless expenditure of public moneys, the Idaho senator turned his attention to the spirit of extravagance that dominates individuals and society. Like other thoughtful men, Senator Borah recognizes in the prevailing extravagance the gradual undermining of our republican institutions. It is not an outburst of pessimism to declare that unless a check is effectively placed upon this evil tendency, the republic cannot endure.

Raps Governor Hughes for His Views on Income Tax

Senator Borah in Speech Defending Proposed Amendment
 Regrets His Opposition Should Be Accepted
 as Insuring Its Defeat.

SENATOR ROOT TO SPEAK FOR THE MEASURE

HERALD BUREAU,
 No. 1307 H STREET, N. W.,
 WASHINGTON, D. C., Thursday.

Governor Hughes' position upon the proposed income tax amendment to the constitution, given in his message read at Albany, was this afternoon attacked by Senator Borah, of Idaho, in the Senate. Senator Borah was active in the fight which brought about the compromise in the Senate last summer, through which the income tax amendment was submitted. He wants to see it ratified by a sufficient number of State Legislatures to have it become fundamental law.

When Senator Borah had finished, Senator Root, of New York, said in conversation that he would prepare an argument to be delivered in the Senate shortly in which he would take a position similar to that of the Idaho Senator. This will place Senator Root in direct opposition to the views of Governor Hughes upon the question of the income tax. When the amendment was under consideration in the Senate, Senator Root said that he would "go home and work for its passage."

Senator Borah's attack upon Governor Hughes' position to-day was courteous, but that took from it none of its vigor. He regretted the assumption that since Governor Hughes opposed the tax it would probably fail of adoption. Governor Hughes he described as "one of our best known and justly celebrated public men." Neither Senator Dewey nor Senator Root was in the Senate chamber when Senator Borah began his speech. Both arrived before he closed his argument. When the Senate had adjourned Senator Root crossed over to discuss with Senator Borah some of the points which he had raised.

With the announcement that Governor Hughes had declared against an unapportioned income tax, Senator Borah dissected the contention that the amendment would give power to levy the tax upon State and municipal bonds and the salaries of State officers and through this instrumentality the means of the State government. He summarized his contentions thus:—

First—That the proposed amendment adds nothing to the taxing power of the national government. This power was complete, unfettered, plenary, before. It can be no more than that should the proposed amendment be adopted.

Second—The proposed amendment does not deal or propose to deal with the question of power, which is already complete, but simply with the manner and method of its exercise and use of that power.

Third—No one has ever questioned the power of the national government to lay an income tax, for, as was said by Justice White, the question has always been

"whether an admittedly unlimited power to tax has been used according to the instruction as to method," and it was to remedy the method alone that the amendment was submitted.

Fourth—The words "from whatever source" add nothing to the force of the amendment. It would, in constitutional parlance, be just the same if it said "to lay and collect taxes on incomes without apportionment," for who could then say that you would not have the right to lay taxes upon all incomes? The present taxing power would not be a particle stronger if it said to lay and collect taxes upon all property from whatever source.

Fifth—To construe the proposed amendment so as to enable us to tax the instrumentalities of the State would do violence to the rules laid down by the Supreme Court for a hundred years, wrench the whole institution from its harmonious proportions and destroy the object and purpose for which the whole instrument was framed.

Sixth—To construe it to cover those incomes from sources within the jurisdiction and control of the sovereignty laying the tax is to construe it in harmony with the principles given us by Marshall and followed from that hour to this.

Should Call Carter Off.

Senator Borah has introduced his bill providing for the issuance of bonds to complete and start new irrigation projects in the west.

This measure is in accordance with the recommendation of Secretary Ballinger and also in accord with the statements made by President Taft on his western tour.

The executive in his message approved the proposition by his declara-

tion that he agreed with the suggestions put forward by his department heads, but he also said he would send a special message to congress on this subject later.

Senator Carter announced 10 days ago that he would fight this bond plan, because he has a scheme of his own, involving the issuance of warrants.

Mr. Carter's proposition is not acceptable to the western senators who are irrigation experts, and there does not appear to be any good reason why a republican senator, or a senator of any other political party should desire to fight an administration which is friendly to irrigation and wants to help the west reclaim its arid wastes.

Just the same, unless pressure is brought to bear upon Mr. Carter, he is certain to start a most unfortunate controversy in the senate that is likely to end in no money being provided for irrigation, either by bonds or warrants.

The citizens of Montana and the west should demand of Senator Carter that he get into the administration band wagon and ride with it as far as possible along the reclamation road.

If simply through being disgruntled because his scheme has been sidetracked in favor of the administration's plan, the Montana senator defeats all financial legislation for irrigation, the people will hold him responsible, and he will hear from them in no uncertain way, but there is little satisfaction in this for those who are anxious to settle up the west as rapidly as possible.

SENATOR BORAH ON CONSTITUTIONALITY OF INCOME TAX.

In arguing for the income tax, Senator Borah points out that the case involving the constitutionality of the law of 1894 came before the Supreme Court as an application brought by stockholders of a corporation to enjoin the corporation from paying the tax. That is, both parties to the suit desired the court to decide that the law was unconstitutional. It was, in point of fact, a "moot case," in which the Government played a merely incidental part. Under these circumstances, the Supreme Court would

have been justified in declining to take cognizance of the suit at all. Many of the best lawyers of the country think that it never should have allowed the case standing in court.

In any event, this greatly exploited precedent, by which the law was declared unconstitutional, has not the weight or significance which would have attached to an action litigated by real instead of nominal parties, or in which the Government might have taken a leading instead of a casual hand. In short, the famous income tax case of 1894, was what is called in legal parlance, "a friendly action," somewhat of the kind of which partition suits and other litigations furnish familiar examples every day. It lacked the vim, the fire, the zeal, and probably the exhaustive consideration which belong to great and genuine litigations on matters of state. It would have been nothing surprising had the court been somewhat predisposed to find a law unconstitutional, when both the plaintiffs and the defendant wanted such a finding. The very way the case was brought into court was enough to prevent the establishment of any building or final precedent.

Senator Borah's analysis of the true inwardness of the case of 1894 is one of the most interesting things the income tax debate has developed. It proves that the importance of that judgment has been greatly exaggerated. The more the income tax is studied, the weaker the Constitutional objection grows. The litigation of 1894 appears not only to have been wrongly decided, but to have been originally brought on weak and insufficient premises. Should Congress pass an income tax, we very much doubt whether the opponents of such a measure would ever try to thresh out the question again in the Supreme Court. If they did, the chances would be altogether against them. From an argument, the "unconstitutional" interest has sunk to a status not much above that of a bugaboo.

Case No. 15, 1929

BORAH AND THE FOREST SERVICE.

Senator Borah has struck at the very root of the fault that is found with Pinchot's forest reserve policy. He declares that instead of the bureau being governed by its own rules and regulations, made, modified and altered to suit the pleasure of the head of the bureau, there must be well-established laws, giving every man his right to appeal to the courts for his rights and to protect himself and his property, and to live and do business under conditions which he knows to be the same conditions that his neighbor lives and does business under.

The Capital News has long tried to emphasize that fact, but Senator Borah in his Sandpoint speech seems to have brought it out clearer and more prominently than anything that this paper has been able to say or to do.

The objection raised by forestry officials to a codification of the laws which should govern forest reserves is that it would be difficult to do it. In a recent conversation with the writer one of them admitted that the system is still so imperfect that many changes have to be made. He feared that under a code of laws adopted to regulate the forests and their use, there would not be sufficient elasticity to make the objects attainable.

That admission is an arraignment of the bureaucratic policy that has prevailed and an admission of its inability to cope with the question in a satisfactory manner. The reason, perhaps, that it has not been able to do so is because it has not thought to establish a definite principle and then make its ruling universally applicable. It has permitted abuse and has become liable to be misunderstood and to be charged with partiality by making one rule apply to one person and another to another, and by changing its rulings to meet fancied differences in conditions. The people have a right to know what the rules are today and what they will be tomorrow.

It may be admitted that a set of laws could not be devised at first which would give universal satisfaction and accomplish the real conservation desired in a perfected state, but a beginning could be made, and congress is in session frequently enough to enable that body to make such amendments as may be demanded from time to time to perfect such a legal code.

The ideal law would be one by which congress would outline the policy it desired to be pursued and then leave it to the states interested to carry out that policy, but in the absence of that, it is better for congress to take charge direct than to leave the duty to an irresponsible head of a bureau.

BORAH DECLARES WAR ON THE FOREST SERVICE AS IT IS BEING ADMINISTERED

Will Carry the Fight to the Senate of the United States---Proposes Policy Which Will Prevent the Migration of American Settlers Into Canada---Promises are Made.

Borah Makes Pledge.

That he will make a determined stand against the present forest bureau policy with reference to law-making and conservation detrimental to the settler.

That he will, in every way, use his influence at the coming session of congress to prevent the country from going into a condition of bureaucracy, for he believes the constitution is still a living and vital thing.

That he will endeavor to have a policy adopted by which every acre of ground within the domain of this country can be developed and thus prevent the migration of Americans into Canada.

That he will support a flyer and harbor bill and a measure by which lands in northern Idaho can be reclaimed.

Having taken an attitude in opposition to the bureaucracy which he claims this country is rapidly going into owing to the liberties taken by the forest service and pledging himself, while in the northern part of the state, to use his influence in support of a measure that will strictly regulate that bureau, Senator William E. Borah is now en route to Washington

to prepare for the coming session of congress and his constituents are awaiting with considerable interest the methods he will pursue in striking at the forest service and also as to the attitude that Senator W. B. Heyburn, who recently returned from a trip abroad to be present at the same session, will take. The two Idaho toga wearers are apparently in harmony on the step to be taken by them with reference to this bureau and will force the issue when the important question of regulation of forest reserves is taken up. Those in touch with the situation here believe the fight to be waged against the service will be a long and bitter one.

Where Borah Stands.

"This country is going into a condition of bureaucracy faster than many people think," declared Senator Borah in an address delivered at Sandpoint, wherein he grilled the forest service policy. "I do not believe that any bureau has the right to make law or that any person shall have his liberty or property confiscated without the due process of law. Forest reserve laws should be duly enacted by congress that the settler may know his rights under the law. There is a golden mean between those who uphold the bureau in its every action and those who can see no good in the policy. I hope to see that middle ground struck."

The agitation in Idaho unfavorable

(Continued on Page Three.)

INCOME TAX OPPOSITION

Denounced By Senator Borah, Who Tells of Country's Unrest.

Washington, D. C., February 10.—In the Senate to-day Senator William E. Borah, of Idaho, attacked the position of those who oppose acceptance by the several states of the proposed amendment to the Constitution of the United States which would permit the levying of a tax on incomes without apportionment between the states.

Incidentally the Senator paid his respects to Governor Hughes, of New York, including him by inference among those who profess to be in favor of an income tax, but oppose practical measures which would permit its enforcement.

Senator Borah pictured the mind of the public as in a state of suspicion and discontent toward the Government, and declared that the people could not much longer be withheld from radical action if taxation were continued in protection of wealth and in exemption of "incomes which sustain luxury and breed idleness and idioy." The Senator said in substance:

"The history of the income tax since 1894 has not been one which any citizen can recite with pride. For 60 years, a rule of construction as established by the men who helped to write the constitution had received the approval of an undivided Court time and time again.

Precedents Overturned.

In 1894 and 1895, precedents were overturned; this constitution received an interpretation unknown to its makers. In the face of two most powerful dissenting opinions to which two other Judges assented, the nullifying and astounding doctrine was announced that the makers of the republic had hedged wealth about so that the taxing powers of the Government could not reach it even in time of war; that the founders of a government based upon equality and justice had made it impossible to divide the burdens of government between consumption and a large class of gathered wealth.

Last session of this body we were called upon to rally and declare by express vote assent to that interpretation. Under the rule of the majority we did so. We submitted this proposed amendment to remedy this supposed hideous defect in the fundamental law.

Defeat Is Their Aim.

"Now the scheme and plan is to defeat the amendment. Having as a law-making body solemnly accepted this construction of the constitution, thereby making it impracticable again to appeal to the Court, if this amendment can be defeated, the government of the people, for the people and by the people, will stand alone among all the civilized nations of the earth shorn of the power to tax that form of wealth best able to bear the burdens of government.

"Mr. President, no one ever saw this country in just the condition it is to-day. Never since this Government was launched has there been such a restless spirit among the great mass of the people, such ugly questioning, such persistent inquiry. No part of the Government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the constitution itself. An inquiet, dissatisfied, suspicious

public mind is the public mind of to-day.

Will Use Every Means.

"You can defeat this amendment. In view of the class of men who are joining the crusade against it I think you will defeat it. The forces which propose to encompass its defeat will not stop on the blither side of the most disreputable methods to accomplish their purpose.

"But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too strong among us. It will do much to foster disrespect for and brood disloyalty to the Government. When these who are able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn furthermore that all this must be met by a tax on consumption while incomes which sustain luxury and breed idleness and idioy go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in the Government.

"I do not know how long we can deal with a patient people in this way. But I venture to prophesy, not much longer.

"I hope, therefore, the Governors and Legislatures of this country will be brave enough to do their duty in this matter. It is time the people in this broad land bestir themselves upon this vital question before it is too late to do so. It would be nothing less than a catastrophe if this amendment should be defeated, if we are going also to be cut off from an appeal to the Court. This is in every sense the people's fight."

After adjournment of the Senate, Senator Root, of New York, was among those who congratulated Senator Borah on his speech. He said:

"Borah, I disagree with you on your criticism of those who are opposed to the amendment, but I entirely agree with you in your legal argument on the amendment."

"Then, Root," said Senator Cummins, of Iowa, "you ought to say so on the floor of the Senate."

For an instant the New York Senator was nonplused, and then he replied:

"If it will be of any use—if my views are of importance in the discussion—I will certainly do so."

Senators standing near, among them Bailey and Bacon, who likewise inform, as constitutional authorities, the views of Borah, congratulated Root on the announcement of his stand. It is said to-night that he has written a letter to the New York Legislature endorsing the income tax amendment, which will be read to the Senate and Assembly at Albany within a short time.

When Senator Borah stood trial on a land fraud indictment in the west, he waived his right to challenge or even examine jurymen. He stood his trial before a jury selected by the prosecution and was acquitted in eleven minutes without the cross-examination of a witness or the entering of a defense. This example is contrasted, today, with the action of Ballinger's friends in fighting to have Speaker Cannon, and Speaker Cannon alone, pick the house members of the investigation jury.

BORAH SPEAKS ON STATE INTEGRITY

Idaho Senator Declares Power
of Government Rests With
Towns, Not Congress.

DICKINSON LAUDS PEACE

Appomattox Day Celebration in Chi-
cago Made Notable by Addresses
on Source and Meaning
of Republicanism.

CHICAGO, April 9.—The celebration of Appomattox day by the Hamilton Club, in the Auditorium Annex tonight, was made notable by the presence of distinguished speakers whose addresses were of particular interest. General Fred D. Grant spoke briefly upon some personal recollections of Appomattox, and Secretary of War Dickinson chose as the subject of his remarks: "The Progress of Peace." Senator William E. Borah, of Idaho, spoke on "The Integrity of the States." In speaking on "The Integrity of the States," Senator Borah made a strong appeal in favor of jealous watchfulness to preserve local self government in its greatest vigor as the surest guarantee for a perpetuity of free institutions, and at the same time emphasized the importance of Federal power as provided by the constitution.

Describing the pure democracy that existed in Athens, he declared that, although that example of popular government had continued for less than 100 years, more than 2000 years had not dimmed in the least the lustre of its achievements. As the antithesis of this wonderful example of pure democracy, he traced the development of the Roman Empire and the coincident loss of all local government by communities brought under the sway of Rome.

New England Influence.

Tracing Anglo-Saxon civilization, Mr. Borah declared that the principle of the New England town meeting has seamed our whole civilization with strength and durability. Without its active presence, its living, pervading force, there could be no such thing as a truly republican government or Federal system.

"Our fathers understood this well," said Mr. Borah, "and were wise and cautious in jealously guarding it when they came to frame the Federal system. If they

were wise to preserve it, their children will be wise to continue to preserve it. It is a remarkably short period from the time when a people cease to be active in the affairs of government until they are incapable of discharging the duties imposed by government; and no people incapable of self-government ever long bred a class of statesmen who were capable of governing for them.

"God pity this Government in the hour in which we shall look to Washington for that economy in public expenditures, that comprehension of the common needs, that devotion to the general interests, the power and the willingness to correct abuses and distribute justice, all so essential to a democratic form of government, rather than to ~~entirely~~ public opinion gathered up and crystallized into law through those agencies of government which reach ~~down~~ and down to the great body of the people—the sole sovereignty of the republic.

Electorate Basis of Power.

"For what shall it profit," he continued, "to enact laws, create commissions and unfold the ambitious schemes of men who dream of international prestige and power unless we know what the electorate vander in the field, factory and mine is doing, or is willing to do, unless we know the measure of its ability, the worth of its patriotism. Responsibility alone gives strength and initiative to ~~efficiency~~, contact with government fosters public spirit, and local rule is the great school in which is reared and trained and equipped the kind of statesmen who take care that no harm comes to the Republic.

"A government from Washington by commission, reduced to its last analysis is no different from a government by ~~extrapies~~ from Rome. And simply because the people of the states do not see fit at any particular time to exercise the powers reserved for them, that is in itself no justification for the general government to exercise these powers. Such doctrines are rank heresy.

"The wisdom of the people may be as fully manifested in the failure to exercise the powers of the state in a particular way or at a particular time as in the exercise of that power. Action is not always statesmanship. Legislation is not always an evidence of sound judgment. The belief so prevalent that every evil of the body politic can be eradicated by an act of Congress, every virtue restored or augmented by the creation of a commission, is the refined and codified creed of official egotism."

Dickinson Talks of Peace.

Secretary of War Dickinson, responding to the toast: "The Progress of Peace," called attention to the fact that mankind was always hoping for the fulfillment of the prophecy that strong nations "shall beat their swords into plowshares, and their spears into pruning hooks, nation shall not lift up sword against nation, neither shall they learn war any more." He said that the time was yet far distant, "but there has been such development and strengthening of the forces that make for peace that its advocates are boldly aggressive, knowing that they have the potentiality that comes from the awakened, universal conscience of an enlightened age."

Secretary Dickinson cited various steps in the progress of arbitration and said "the formation of our Federal constitution, creating for the first time a court

PROBING THE CIVIL SERVICE

There are indications that the United States senate is to take kindly to Senator Borah's resolution providing for an investigation of the civil service. There are still many members of congress, with their thoughts turning back to the good old days, who look with disfavor upon the whole civil service system, but as it has come to stay they are willing that it should relieve them of certain kinds of patronage which is of no help to them politically.

An inquiry into the civil service system as it applies to the departments of government ought to determine whether promotions are made on a merit basis. Things are so much better than they were in the past that a few lapses from righteousness in the matter of original appointments appear as trivial matters, but if it is true, as charged, that the bureau chiefs for personal reasons recommend for promotion from one position to another clerks whose work does not warrant their advancement, gross injustice is done and the spirit of real civil service is dead.

If the Borah resolution passes, and congress acts on the report that probably will be made, promotions as well as appointments will rest on the ground of fitness only. Senators and representatives today are besieged by clerks, worthy and unworthy, who wish to be advanced in the service. Heed is paid to their pleas because Congressmen cannot tell whether or not the applicants have been unjustly treated by their chief.

It is not always possible to secure justice, and the desire of congress for a long time has been to make the civil service inquiry, but for one reason or another the day of investigation has been put off. It is time that the work was done, and now that the senate is in the mood it should act before the pressure of other business and the postponing fever which always afflicts the upper house conspire together to change the intention.



SENATOR BORAH OF IDAHO.

[Becoming one of the leaders among radical republicans.]

BORAH A GROWING SENATOR

Springfield Rep

WELL LIKED AND INFLUENTIAL.

Feb 1 1909

HAS SHOWN INDEPENDENCE

May be Considered the Coming Leader of the Radical Wing of the Republicans.

From Our Special Correspondent.

WASHINGTON, D. C., Saturday, Jan. 31.

Various articles have been written during the last year, describing in more or less exaggerated vein the rise of the so-called "younger set" or radical western group among the republican membership of the Senate. It is probable that in most cases these articles have chiefly contributed to one of two equally mistaken impressions: Either the acceptance of the whole story and the consequent belief that the republican radicals are actually on the eve of gaining control of the Senate, or else the utter rejection of the story and the belief that the so-called radical group is in reality composed of no more than two or three individual and unimportant malcontents and "soreheads." As usual the truth lies between. The exact situation is peculiarly worth an attempt at accurate setting forth, because there are involved in it not only interesting personalities and political rivalries, but also—and more importantly—certain significant signs of the times.

Although it is still far from controlling the Senate—even by alliance with the democratic minority—the radical republican group actually exists as a fairly recognizable and distinct body, at least as one which is becoming more and more distinct as time passes. It is composed of some 10 or a dozen western senators who either because of sincerely radical views or shrewd political sense have time and again taken a progressive or liberal stand opposed to that of the older and more conservative Senate leaders. The result of this repeated alignment on one issue or another is a certain amount of cohesion. This will naturally increase unless the older leaders are able to break up the group by one means or another. The men who are most clearly recognized as belonging to this progressive wing are Senators Borah of Idaho, Dixon of Montana, Brown and Barkett of Nebraska, Bourne of Oregon, Beveridge of Indiana, La Follette of Wisconsin and Cummins of Iowa (judging from his record as governor rather than from his as yet too brief service in the Senate). After March 4 there will certainly be added Brewster of Kansas and possibly Jones of Washington.

The name of Senator Borah is purposely put at the head of the list, although it is unquestionable that at the present moment both Senator La Follette and Senator Beveridge are far better known by the country at large and more prominently identified with republican radicalism. But here in Washington, those who study the game from the standpoint of close observers or from that of conservative participants who apprehend serious opposition to their own plans agree in looking upon Senator Borah as the coming man. In the first place, whether or not justice is done to La Follette and Beveridge, the feeling is that Borah is more sincere than either, while his courage as well as his sincerity has been clearly established by the surprising position which he has recently taken on several issues. Moreover, Borah seems better adapted to deal with the men around him. There is no question that while his future development, at least in Washington, may be more feared, he is certainly better liked than either La Follette or Beveridge by the Senate at large.

Senator Borah began his active service in the Senate a year ago last December. His career up to that time had been one of remarkable interest, and a brief reference to it before taking up his career as a senator will give some idea of the man and explain in a measure why so much is expected of him. His chief fame through the country has undoubtedly been due to his service as prosecutor of Haywood for the murder of Gov. Steunenberg of Idaho, which trial resulted in the acquittal of the defendant, chiefly because the astounding testimony and confession of Harry Orchard was not supported by other witnesses. In addition to this, the fact seems to have remained fixed in the general mind that at about the same time Senator Borah—he was then elected, but had not yet taken office—was indicted for alleged complicity in land frauds in Idaho. Reference is made to this latter incident for the reason that there has apparently been a general failure to fully understand that Borah was the attempted victim of a political intrigue. This was

afterward established by the summary removal of the district attorney who had secured the indictment as a means of revenge and through methods of astounding impropriety. This is the substance of a long story and it is sufficient to recall that in spite of the effort to injure him, Borah emerged from the episode with clean skirts.

The selection of Senator Borah as prosecutor in the Haywood trial was connected with and was also in a sense due to his prosecution of a famous murder case at the time of the Comy d'Alone outrage in 1899. At that time a band of the rioting miners seized a train and made a flying trap from Burke to Wardner, and then, after dynamiting the Bentler Hill mill, with consequent loss of life, hurried away from the scene of the outrage. Among those who, as a result, were accused of murder, was one Paul Corcoran. When his case was brought to trial, the testimony against him largely depended upon his identification as having been seen riding upon the top of one of the cars of the train referred to. The effort was made by the defense to show that it would have been impossible for him to make the ride on top of the car and that he could not have been so identified. When the matter had reached this stage, Mr. Borah asked for and obtained an early adjournment of court. When the court opened the next morning he had some highly interesting personal testimony made up just as the train seized by the rioting miners was known to have been made up, and on the top of one of the cars he had himself made the wild ride, although the engineer who drove the train was friendly to the miners and had opened the throttle wide around curves and bends in the effort to throw Borah from his perilous post. But Borah had stuck successfully and had jumped easily to the platform when the train pulled into the station. Largely as the result of the explanation thus given to the jury, and by the witnesses whom he had already brought forward, Borah was able to secure a verdict against Corcoran and his sentence to a life imprisonment.

One other picturesque incident of Senator Borah's career in Idaho is worth recalling. Last spring he made a long argument in the Senate upon the evidence in the Brownsville case and combatted the argument which had been previously put forward by Senator Foraker to show that the negro soldiers were guiltless of the famous raid. It was Borah's maiden effort, and was a carefully prepared and dispassionate presentation of the case from the standpoint of a trained lawyer. In referring to the speech at the time mention was made of the fact that Senator Borah was so situated that he at least could take such a stand without being accused of hostility to the negroes, and allusion was made to his once having saved a negro's life at the risk of his own. The circumstances of the act were as follows: Boise City, the capital of Idaho and Senator Borah's home, is about 20 miles from the main line of the Oregon Short Line railroad and is situated on a spur which joins the main line at a rival city by the name of Nampa. Some years ago, when the rivalry between the two places had reached into baseball, a nine went over one day from Boise City to play the Nampa team, and took with it as a mascot a negro bootblack whom Borah was ac-

customed to have shine his shoes. After the same this negro got into an altercation with a Nampa negro. When a local policeman endeavored to interfere the boot-black drew a revolver and shot him, but did not kill him. The negroes were arrested and early in the evening, when Senator Borah telephoned over, he was told there was no sign of riot.

But toward midnight Borah was aroused with the information that a mob had surrounded the Nampa jail, was trying to force an entrance, and was bent upon lynching the negro. Borah immediately called up the governor and asked for authority to act in his name in Nampa. He also called up the train crew and told them to have an engine and train in readiness at once for a dash. With only four men aboard besides the train crew—these four being Borah, the governor, and two of Borah's friends—the train pulled into Nampa after a record run and with all the curtains in the coaches drawn. The governor remained in the train, but Borah and his two friends immediately made their way to the jail, where the mob was at work trying to batter its way in. Borah endeavored to address the mob and to dissuade them from their purpose, but without avail. Then Borah forced his way through with his two friends to the steps of the jail, and a man there at work with hammer and chisel was seized by the scruff of the neck and pulled from his task. This violent but dangerous interruption gave Borah a moment's hearing, and he made the most of it. In a half-minute he told the crowd that what they were attempting was the disgrace of the state, and said that he had come there to protect the negro, adding, "And we have enough men to do it, too." It was this that tricked the mob, for the story had been spread that two companies of troops were concealed behind the curtains of the train. The upshot was that Borah and his two friends took the negroes from the jail and marched them deliberately through the mob to the train, and took them over to Boise City. Nor was it until the following morning that Nampa learned what a ruse had been played upon it.

No Attempt to Occupy Limelight.

When Borah came to the Senate he did not at once endeavor to occupy the limelight as certain egotists have done in recent years, but bided his time and studied the situation. It was not until the long session was nearing its finish that he made the speech already referred to upon the Brownsville affair. Nor did he then, nor has he at any time since, endeavored to electrify the Senate or cater to the galleries with more oratorical display, although those who were present throughout the Haywood trial still talk of the occasions on which he held the court-room spellbound by the dramatic intensity and power of his appeal. But, while Senator Borah thus wisely kept his oratory in reserve, an incident occurred last year in one of the Senate cloak-rooms, which was not without a certain dramatic quality. So far as is known, the incident has never before been referred to in print and has been known to but comparatively few persons, as Senator Borah has not told of it and as the other senator involved has probably not done so either, for obvious reasons. The other senator, a man of none too savory career, is known as an embittered foe to President Roosevelt. On the occasion in question he was abusing the president in violent and vituperative terms, so that all in the cloak-room

were forced to hear him. Frank Borah jumped up in indignation and told the other senator to his face that he must either stop his abuse of the president there in the cloak-room, or submit to be called upon by Borah to repeat it in the open Senate, where the public could judge of it and of him. The threat was sufficient and for at least that time and place the vituperation of the president ceased. Nor in view of Senator Borah's manner and his subsequent silence in regard to the affair (neither this story nor the accounts of his Idaho experiences have come from Senator Borah himself) has any respect or goodwill toward him been withheld by other senators, who, though opposed to the president, oppose him in clean and manly fashion and give credit to similar supporters.

During the recent campaign Senator Borah, at the suggestion of Senator Crane, was induced to journey into Massachusetts and go on the stump, and he did so very effectively at large political meetings about Boston. By that time his ability had become more generally appreciated and he was already looked upon by those in close touch with the situation as one of the senators who would stand particularly near the Taft administration and be of large influence. It has been well understood that Mr. Taft himself has the highest regard for the Idaho senator. It is upon this account that Senator Borah's stand in recently making persistent and open opposition in the Senate against the increase of the president's salary to \$100,000 becomes of special interest as an instance of good courage, where a mere diplomatist would have held his peace and not risked any cooling of his relations with the incoming president. Senator Borah's opposition was primarily based upon the claim that the increase of salary was not a square deal to the public, that it had not been proposed during the campaign, and that, if it had been proposed, Mr. Taft would probably have been the first to repudiate it. On the other hand, Senator Borah has come out squarely against the postal savings bank bill, as that measure is at present drawn, although the party platform included a plank for postal savings banks and although he favors the general idea. In this case Senator Borah's contention is that the section of the bill, which exempts postal savings depository funds from garnishment, etc., and from taxation by any state, is neither equitable nor constitutional, and it would seem as if the weight of good legal opinion in the Senate was likely to be on his side.

It would scarcely be accurate to describe Senator Borah as the present leader of the radical republicans, apparently he is the coming leader. As yet, at least, the group is not so organized as to have an actual chief. Senator Beveridge has apparently endeavored to make himself the dominant factor, but the melancholy truth has to be told, that Beveridge has of late been losing, rather than gaining ground, and largely because of the feeling in the Senate, that his radicalism and his brusque attacks upon individual conservatives have been due to mere political ambition rather than to deeply-founded ideas of government. As one senator has expressed it, the man who endeavors to gain political prestige solely by putting another man "in a hole," does not go very far. It is the appearance of any such plan which Borah must avoid and in avoiding which thus far, he has gained ground, while Beveridge has been losing.

Senator Borah's career will be worth watching during the next few years. He

is not yet 44. The picture which has been given of the man, is an assurance in itself, while in addition there are the signs of a growing publicist, which may give him a larger role of play, as time goes on and as the republican radicals of the Senate increase in number. There is promise in him because he has been willing to wait and grow, rather than burst into the national arena like a young Lochinvar, and because he is a student who takes his duties as a senator on a high plane of responsibility. When he was elected to the Senate he gave up his law practice entirely and it was only recently that he introduced a bill to prevent all members of Congress from acting as counsel in any case in which the United States is interested directly or indirectly, or as counsel for parties or corporations engaged in interstate commerce.

It may be a matter of local interest in Springfield to know that Senator Borah would have been glad to accept the invitation extended to him to be the Lincoln day orator there, had he not previously made an engagement to speak elsewhere on that day. Springfield might well renew the invitation on another occasion.

BORAH'S INCOME TAX PLEA ROUSES OLDER SENATORS

LODGE, BEVERIDGE AND ROOT AT- TACK HIS ARGUMENTS

New Yorker Says Measure Would Be
Double Taxation—Lodge Insists Prop-
erty Already Pays Enough — Piles
Speaks Three Hours on Lumber Duties.

Washington, May 3.—The senate jumped promptly today from the consideration of the lumber duties to a discussion of the proposed income tax. After Senator Piles of Washington had talked for more than three hours in favor of maintaining the Dingley law rate on lumber, to protect the industry of lumbering in the Pacific Coast states, Senator Borah of Idaho, one of the ablest of the "progressive" Republicans, devoted two hours to discussing the income tax.

He defended that form of taxation and raised a question not only as to the soundness of the decision of the Supreme Court in the Pollock case, holding the income tax law of 1894 unconstitutional, but characterized the case as "most" and questioned the jurisdiction of the Supreme Court to hear it. Senator Borah was mentioned by Senators Root of New York, Lodge of Massachusetts, and Beveridge of Indiana.

Senator Lodge did not agree with Mr. Borah's contention that the property of the country did not pay its just share of taxes, and insisted that as a rule the property of the country bore the burden of taxation, especially of state and municipal taxes. He cited as an illustration the city of Boston, which had approximately 110,000 legal voters and only 18,000 taxpayers.

Senator Borah retorted that the corporate wealth of Boston was about \$2,800,000,000, but that only \$500,000 of it was taxed. Senator Lodge expressed much surprise at this statement, and later Senator Borah corrected himself saying that he meant to say that \$500,000,000 worth of corporate property in Boston instead of \$500,000 was returned for taxation. This satisfied Senator Lodge apparently, after Senator Borah had stated he had his figures from the reports of a Massachusetts tax commission.

ROOT FEARS DOUBLE TAXATION

Senator Root interrupted to offer an explanation of the apparent disparity between the estimated corporate wealth of the states and the amount actually returned for taxation. He said that corporations paid taxes on all their property as corporations, and that it hardly would be fair to subject the shareholders in such corporations to taxation again upon their shares. To do so would be to impose double taxation, Senator Root explained.

Senator Lodge confirmed Senator Root's suggestions in regard to "double taxation" and expressed the opinion that in Massachusetts the corporations paid their full share. Under the laws of that state, he explained, they could not well escape making returns of all kinds of property, of which they were possessed, and he added that Massachusetts also had an inheritance tax, and an income tax. Senator Borah retorted that the argument against an income tax based on the suggestion of "double taxation" upon corporation wealth, was

"It is the same argument which Massachusetts and New York have always employed against an income tax," said Mr. Borah, and he quoted from Charles Sumner and Roscoe Conkling.

Replying to the suggestion that the wealth of the country represented by property interests paid its proportionate share of taxes, Senator Borah reminded Mr. Root that several estates in New York which were probated had aggregated for purposes of probate \$215,000,000, but for several years, just prior to their admission to probate, had been taxed for only \$3,000,000 in the aggregate.

LA FOLLETTE AIDED BORAH

The senator from Idaho was assisted from time to time by Senator La Follette of Wisconsin, another "progressive," who sat directly in front of him and who frequently passed over columns of reference and other information for Senator Borah's use.

In the early part of his speech the senator from Idaho quoted from a speech of the late Benjamin Harrison, in which the latter made a general condemnation of wealthy persons who sought to evade their taxes. The citation apparently interested Senator Beveridge, who inquired of Mr. Borah as to the date of the speech. Senator Beveridge then reminded his colleague that the context of the speech showed that General Harrison had employed the argument not to justify an income tax law, but to condemn persons who evaded state and municipal taxes. Senator Beveridge then read from the speech made by General Harrison at Carnegie Hall, in New York city, in the campaign of 1890, in which he apparently condemned the Wilson-Gorman income tax law.

Senator Bailey of Texas at this point introduced the suggestion that Oliver P. Morton had advocated the retention of the income tax law after the close of the Civil War, while occupying a seat in the senate from the state of Indiana. Senator Borah added that he expected to write from General Harrison to show that he had questioned the constitutional reasoning of the Supreme Court justices who declared the income tax law unconstitutional.

CITED CARRIAGE TAX.

Senator Borah said that he regarded it as unfortunate that the United States Government played such a relatively unimportant part in the hearing of the arguments on the constitutionality of the income tax law of 1894. He recalled that the first case was brought by former Senator Edmunds of Vermont in the courts of the District of Columbia, and that that able lawyer had said in his brief that the United States Supreme Court, in the Hilton case, cited by Senator Bailey a few days ago, upholding the carriage tax law, really had laid down the proposition that a tax on personal property was not a direct tax.

The senator read the names of 21 justices of the Supreme Court of the United States who had, in successive decisions by that court, adopted the opinion in the early case involving the constitutionality of the law of 1894. Finally reached the Supreme Court in the form of an application for an injunction, brought by stockholders of a corporation to enjoin the corporation from paying the tax. Thus both parties to the suit desired the court to decide that the law was unconstitutional.

He said that the part the government played in the case was purely incidental, and that many of the best lawyers in the country had held to the view that the Supreme Court should never have taken jurisdiction.

THE INCOME TAX.

(New York Post.)

Such discussions of the income tax amendment question as that of Senator Borah yesterday, and that expected from Senator Root very shortly, are of undeniable interest; but if it be the case, as Mr. Borah appears substantially to admit, that there is practically no prospect of the amendment passing in the face of Governor Hughes' objection, why not grapple with the situation as it stands? The objection can be removed without impairing by a jot or tittle the efficacy of the amendment for its purpose. If the words "from whatever source derived" were stricken out, the power of the United States to tax the income of state bonds would remain precisely what it is now, neither more nor less; while its power to tax incomes in general would become as broad and unhampered as the amendment now pending would make it. Why not concentrate on the substitution of an amendment that would be almost sure to be ratified, in place of an amendment which, whether for good reason or bad, is almost sure not to be ratified? If you move a formidable dif-

ficulty and still get exactly what you want, why not remove it.

UP TO CONGRESS

One of the very earnest pieces of work that the incoming Congress must take up if it cares anything for the respect of the public is an investigation of the outrageous swindles perpetrated on the people by the Sugar Trust and its tools in the customs service. It is no longer merely a case of exposing and punishing a law-breaking corporation; the honor of the United States government is involved and those who have betrayed it should be put in the pillory.

Happily, the chances for a congressional scraping out of the unclean sugar-pots seem excellent. Many Republican members believe that such action should be taken, among them Congressman Weeks of this State, who minces no words in calling the sugar frauds "the dirtiest thing that has ever been unearthed in the way of government scandal." Senator Borah of Idaho, another Republican, promises to call for an investigation under certain conditions.

But if it should happen, after all, that a member of the majority is willing to stand up and ask for the training of a searchlight on the dark corners of the Sugar Trust, the Democrats will certainly supply the motive power. And it will succeed. Few members on either side will care to be found voting to shield the already smirched sugar aggregation.

The putting on trial yesterday of seven men charged with weighing frauds in New York is a good beginning, but only that. The perfect ending lies with Congress.

LOOKING FOR THE WEST.

"The Government should do everything in its power to develop every acre of ground within its own domain," says Senator Borah, in a defiant protest against the policy of the feudists of the Pinchot school. Senator Borah has pledged himself to support a measure that will regulate the forestry service, so that there will be less so-called conservation of the forests and more real benefit to the settler. "Out of the reform which Senator Borah suggests, he hopes to secure the adoption of a policy by which every acre of ground within the domain of this country can be developed, and thus prevent the migration of Americans into Canada." Senator Borah, like Secretary Ballinger, is of the West, and he knows the West, its requirements and its possibilities. Theories and fads are not given serious consideration by practical, well-

informed men of this type, and it is for that reason that their deductions are seldom faulty.

No one from the West has invited the Eastern faddists to come to the Pacific Northwest and show us how we should conduct our affairs; but Oregon, especially, has been receiving advice and suffering interference in liberal quantities. In the attack on Secretary Ballinger, in the current number of Hampton's Magazine, and John L. Matthews is especially verbose and egotistical in his assumptions of knowledge as to what is needed in Oregon. This self-appointed expert on the needs of Oregon assures us that "If the Deschutes could be developed along the lines I have suggested, the country would fill up with people and the increased passenger and freight traffic would very soon wipe out the extra cost of construction."

For declining to elevate their tracks to a point where all of the value of the water-level grade would be lost, the railroads are accused of being "penny wise and pound foolish," although elsewhere in his article Mr. Matthews states that "the old routes from San Francisco north circle the base of Mount Shasta, after a heavy climb in each direction, and make travel and freight hauling slow and costly either way." By the new route through the Deschutes Mr. Matthews admits that it is possible to build a railroad from the Columbia River to San Francisco with a maximum grade of but 1 per cent.

Every one at all familiar with the situation and with modern railroad construction knows that "along the lines I (Matthews) have suggested," there would be no railroad up the Deschutes, and without a railroad there would be no development. The Borahs and the Ballingers of the West have the confidence of the Western people who are reclaiming this land from the wilderness and the desert. As true Western representatives of the West, they know far better what is needed here than either millionaire faddists of the Pinchot type or yellow muck-rakers of the Matthews stripe.

"By Their Fruits Ye Shall Know Them."

It is important to the country to have a quick tariff settlement and a general industrial peace. It is also important to the country to realize where rests the responsibility for the present muddle in the Senate that denies it both this settlement and this peace.

It seems fairly evident to thinking men that this responsibility rests with the so-called Republicans to whom party loyalty is but a word, signifying nothing—the Borahs, the Cummins, the Dollivers, the La Follettes and their

like—the "insurgents," who regard their places in the government of the nation chiefly as an opportunity to exhibit their oratory, gather materials for magazine articles and create subjects for Chautauqua lectures.

It is the common characteristic of these persons that they incessantly object, incessantly accuse, incessantly talk and do little or no real work. The leading Eastern daily organ of the political uplifters recently admitted, in other connections, and proved this truth by an extended comparison of the senatorial activities of Messrs. La Follette and Penrose.

The latter is commonly taken as the embodiment of all that is politically objectionable. But he does his work. He attends his committees. He grinds away at the details of bills and gets them into shape.

Regardless of motives or intentions, he gets the public business done, while the La Follettes and the Borahs merely make a noise and advertise themselves while shifting all the burden of constructive legislation to other shoulders.

These vociferous gentlemen, one and all, profess to wish to lower the tariff. Yet the result of their activities is to prevent a lowering of the tariff. They will not play unless the game is led by themselves. If the tariff be not lowered they will be as loud in denying responsibility as was Mr. Roosevelt in denying his part in the panic of 1907. We all know that Mr. Roosevelt did not mean to cause the panic and that his intentions were most benevolent. Yet all sane men know that without Mr. Roosevelt there would have been no panic in 1907.

To the Chautauqua scammers who are obstructing the Senate it is difficult to concede benevolent intentions, but let the concession be made. Even then, where is their justification?

By putting their party in the minority they necessitate a trading and a bartering with Democratic Senators, in order that a majority may be got together for the tariff bill. And the result is that, instead of tariff reduction, a tariff increase is ever more in evidence in the Senate schedules.

Their visible motives are to advertise themselves as not with those men of sin, the regular Republicans, and to gather material for more Chautauqua screaming. But be that as it may, they are not getting the tariff lowered, but raised, by their efforts, and on this result—on their responsibility for this result, they have to be judged.

"By their fruits ye shall know them."

THE DIFFERENCE.

Senator Borah in his speech advocating an income tax advanced as one reason for supporting the measure the fact that it would awaken public interest in national expenditures. Under the present system the expenditures of the federal government attract little attention from the average citizen. He does not directly contribute anything to the national treasury and feels that it makes no difference to him whether congress appropriates one billion or two. In fact many regard liberal appropriations as a good thing because they will make work and create a demand for commodities.

As a matter of fact every citizen does contribute in some way to the national income, but it is in such an indirect way that he does not realize it. Every time a resident of this country puts a spoonful of sugar into his coffee he pays something into the United States treasury. Everyone who smokes a pipeful of tobacco or a cigar contributes something to Uncle Sam. The beer, wine and whisky drinkers pay very heavily. The purchasers of a good many other commodities also pay. In fact it is the army of consumers that pays all the federal government's expenses and furnishes the money for congressional extravagance. But because when the purchases are made there is no separate item for taxes the one who pays does not see that he is paying. Hence it is that stump speakers inveigh against the extravagance of the national administration in vain.

When property owners are asked to pay for a sewer or street improvement it is different. He has put his hand into his own pocket and pays the cash over the counter. He knows exactly how much he is compelled to pay and he takes a very lively interest in getting as much for his money as possible. If every one were obliged to hand over a portion of his income directly to the tax gatherer he would take the same lively interest in national expenditures and the campaign speaker inveighing against extravagance would have an attentive audience. Many schemes which now meet with no opposition because the people do not understand that the money must come from their pockets would be strongly fought and defeated.

There is logic and fact in such an argument, but it may be doubted whether the people care to have their interest aroused in that way. There will be a long campaign before an income tax becomes popular.

WARNS TAFT NOT TO FORGET ROOSEVELT

Senator Borah Reminds President That Big Policies Still Live.

IN BAD COMPANY NOW

Progressives Disappointed by Executive's Subserviency to Aldrich.

From "The Record's" Correspondent.

Washington, D. C., May 3.—President Taft was given a veiled warning against the fatal mistake of throwing in his lot with the reactionaries of the Republican party in an able speech urging the adoption of an income tax, begun in the Senate this afternoon by Senator Borah, of Idaho.

Borah is one of the youngest of the new Republican Senators from the West, who have become known to be progressives because of their advocacy of the Roosevelt policies and some even more advanced policies that are looked on as almost Socialistic by the Aldrich crowd and the other representatives of special interests in the upper chamber.

In beginning his speech in favor of the inclusion of an income tax in the pending Tariff bill Senator Borah spoke in eulogy of the work that had been done by Roosevelt in trying to line his party up for measures demanded by the enlightened sentiment of the country, and which were for the benefit of all the people. He declared that, had it not been for this effort of the late President, the Republican party would long since have been swept out of power as unworthy of the confidence of the people and as regardless of their interests.

A Reminder for Taft.

"And without continued adherence to those policies," the Senator continued with emphasis, "and a faithful adherence to them, the party will go out of power. No man is politically so shortsighted or politically so blind as the man who thinks that the steamer Hamburg carried away the policies and principles, the public interest, the aroused public conscience and the surging, inquisitive public concern which this remarkable man bequeathed to his countrymen."

Everyone who heard the words of the young Senator from Idaho realized that his remarks were addressed to the White House rather than to the Senate, for it is known that Borah and other progressive Republicans of the Senate are rapidly losing confidence in the man in the White House. They

that Taft either lacks the ability or the desire to carry out the Roosevelt policies in good faith, and will soon be found as fully under the control of the reactionaries of the party on all questions of public policy as he already seems to be as regards the tariff. Taft continues to express his anxiety for a revision of the tariff downward, in accordance with his interpretation of the promises of the Republican platform. But he does nothing to encourage the men of his party in the Senate who are trying to get genuine revision. Instead, he gives his confidence to Aldrich and his lieutenants, and consults with them constantly as to the form the tariff legislation shall take.

Recalls Campaign Speech.

A somewhat direct intimation was given of lack of confidence by Senator Borah when he quoted at length from Mr. Taft's speech in favor of the principle of the income tax.

"Does the Senator believe," Mr. Sutherland asked, "that President Taft believed in the constitutionality of the Income Tax law—in other words, that he believed that the law pronounced unconstitutional by the Supreme Court was, in fact, constitutional?"

"I only know what he said to the American people when he was a candidate for the Presidency," responded Mr. Borah, "that he was in favor of an income tax which could be drawn to be made constitutional. I am not willing to believe that the President believed in drawing an income tax law applicable to men toiling in professions and then in exempting the vast accumulated wealth of this nation from taxation."

Mr. Borah advocated an income tax as a means of wiping out the Treasury deficit as well as awakening public interest in national expenditures, saying it was no more inquisitorial than the present system of national taxation.

A Shot for Carnegie.

Referring to Mr. Carnegie's statement that an income tax would encourage burglary Mr. Borah said:

"Mr. Carnegie did not make the Republican party and I wish I was just as sure that the Republican party did not make Mr. Carnegie."

Senator Beveridge, in a colloquy with Mr. Borah and Mr. Clay, said that he had been inclined to believe in the constitutionality of the income tax law, but when the Supreme Court of the United States decided against it, he was not inclined to set up his opinion against that of the Court. Furthermore, he believed that such a tax should be imposed only in great emergency, when he would first favor a tax on inheritances and then a tax on incomes.

Mr. Beveridge told Mr. Clay that a Tariff Commission would throw a vast amount of light on all these questions and added that he would speak on the income tax amendment later.

Uses the Yellow Scare.

A plea against free lumber and a story of Oriental labor figuring in the difference of cost between the two sides of the Canadian boundary line featured a speech by Senator Piles, of Washington, in the Senate to-day.

Mr. Piles contended that a tariff sufficient to save to the manufacturers

the United States market for their low-grade lumber and shingles will make it possible for them to utilize every part of the tree.

Free lumber, he said, would stimulate the development of Canadian provinces and be a detriment to the business interests of the country. He said that practically the only persons seeking a lumber tariff reduction are American owners of timber land in Canada. British Columbia, he said, uses upward of 75 per cent. of Oriental labor, but, so far as efficiency of the work is concerned, despite Oriental labor, mills of equal capacity on both sides of the boundary employ practically the same number of men.

INCOME TAX A VALUABLE INSTRUMENT.

Senator Borah: "I believe in an income tax, not that we may impose the whole burden of government upon the rich or upon wealth, but that wealth may bear its just proportion of that burden which it does not do under a system of taxation resting entirely upon consumption. Every system of taxation resting upon consumption should be supplemented with an income tax, not alone for the purpose of raising extra revenue, but for distributing the burden of whatever revenue is necessary more equitably and more in accordance with the ability to pay.

"I believe in it, strange as it may seem to some, as an educator in economy in public expenditures. For a hundred years we have been making speeches in favor of cutting down expenditures and voting the other way. The congress in which the voice of retrenchment was loudest has been followed almost invariably by the congress carrying the largest appropriations.

"Extravagance has become almost a national disease. It permeates the home, it permeates college and church, it pervades society and it is rife in every department of government—it has reached almost the point of criminality. It is a disease of the blood and you can not cure it like appendicitis by cutting it off. You will have to rehabilitate the system. This will take time and a great deal of attention and immeasurable persistence of purpose. In other words, you will never do it until public opinion is thoroughly aroused."

Will Journal Dec 25 1909

Utah N.Y. Press May 5 1909

HIGHER STANDARDS.

Senator Borah of Idaho has introduced a bill in congress to forbid members of congress to serve as attorneys for interests subject to federal control. The purpose of the bill is to eliminate the scandal of the corporation attorney seeking to serve two masters—the people and his clients.

We are making progress. A few years ago it was thought perfectly proper for a member of congress to appear in the supreme court and make argument for a corporation and return to his seat in the house or senate and vote upon a measure affecting his clients' interests. It has been a rule in congress that a representative or senator shall not vote upon a measure in which he may be personally interested, a rule observed in the breach rather than in the observance, but the agent or attorney has been free to vote upon measures directly affecting his principal's or client's interests without question.

The complaint often is made that municipal government in the United States is on the lowest plane of any of the divisions of government, but it long has been a criminal offense for aldermen to vote themselves contracts or to set upon legislation in which they may have a direct interest. Yet, manufacturers in congress have been free to vote for higher duties on the products of their factories. The banker in the house or senate has not hesitated to vote profitable privileges to the banks. Private interests often have taken precedence over the public good when the federal lawmakers have legislated.

The truth is, so far as the legislative department is concerned, the federal government in its ethical standards is behind the states and municipalities. Representatives and senators have been permitted to do things that were they done by aldermen would brand them grafters and invite indictment and prosecution and with conviction sentence to the penitentiary.

Washington has been the last to feel the force of the ethical movement—the awakened conscience—but it has been unable to escape the moral influence that has moved the nation. The standards of public service are being raised, slightly, perhaps, yet higher than they were. What formerly was done in the open, now must be done, if done at all, under cover and through indirection. Even the senators of oil and steel and coal and coke and sugar no longer flaunt their connection and hold public opinion in contempt.

Senator Borah and the Courts.

In an extended speech before the Senate, reported yesterday morning, an income tax was earnestly advocated by Senator Borah of Idaho. He said all the things in its favor he could think of and naturally suggested some arguments which his associates can refute very readily if they think it worth while. One of the principal objections to it is that it is not only inequitable but it is really a tax upon thrift. If it is to be imposed it must be imposed upon everybody, those with small as well as large income. Any tax must be general and not special in its application. The man who owns real estate is taxed whether it is worth \$100 or \$100,000, proportionately. The workman with his little house and garden pays his ratio as well as the wealthiest aristocrat in the community. It would not be just to say that the man who makes \$2,000 a year should be penalized and the man who makes \$1,000 goes free. Each has an interest in the government and its maintenance; each is protected by its laws and by the executive officials who enforce them. The man who earns \$2,000 may have more uses for his money than the one who earns \$1,000. Any such measure must be general and uniform in its application.

In point of law an income tax has been declared unconstitutional. It ran its course through the courts and has been so declared by the highest judicial tribunal in this country. It is urged by Senator Borah, as it has been by others, that in the opinion declaring it unconstitutional, all the justices did not concur. He urges that because the opinion rendered was not unanimous another law open to all the objections of the first should be enacted again, to take its course through the courts, which amounts to saying in substance that Congress does not believe in the judicial fitness and qualifications of the Supreme Court of the United States. If the mere fact that all the judges do not concur is to be taken as a symptom and sure sign that decisions thus rendered are not to stand as precedents, then the whole structure of judicial decisions in this country, both state and national, will be disturbed and unsettled and rendered insecure. The law of the land declares that a majority of judges sitting in an Appellate Court are entitled to determine and their decision stands and is just as effective and binding as if it had been unanimous. There can be no other construction to be put upon

It if decisions are to stand and be respected, in the subordinate courts, where the judges disagree, it may be ground for taking an appeal to a higher court, but when the court of last resort passes upon the question, that is and ought to be the end of it. To take any other view of it is to cast aspersions and insinuations against the integrity and the wisdom of the country's highest judicial authorities.

Praise For Borah.

Orofino Tribune: The press dispatches from Washington state that Senator Borah will receive the ha ha when he attempts to force the passage of his bill prohibiting congressmen from representing large corporations over which the government exercises control. This in itself is food for serious thought to the American student of history and economics. If this bill should again be turned down contemptuously by the majority it means that the American congress, through its representatives, stands committed to the services of the classes rather than the masses. It means if the different members are compelled to choose between two masters whom they will serve, they will choose the rich corporation and trusts, that pay enormous fees, for protection in the shape of pet legislation, rather than the plain American people. The courage shown by Senator Borah, in the presentation of this bill and its urging upon an apparent unwilling majority, is of the highest order and stamps him as a patriot, who would rather deal rightly with his countrymen than to fatten on the flesh pots of Wall street. The practice which he seeks to correct has been of long standing and history records the illustrious Webster as not being above benefitting by its operations. Regardless of what may happen to his bill in congress, in the country at large his motive is understood and appreciated.

United States Senator Root of New York is not to be caught napping when it comes to facts bearing upon questions of great public policies. Senator Borah of Idaho in discussing the tariff made a somewhat impassioned plea for an income tax, and in the course of his speech asserted that under existing laws a large part of the property of the country escaped a proper proportion of taxation. Senator Root was instantly on the floor with a ready reply. He denied that in this republic property does not bear a very great part of the burden of taxation and produced figures which proved that the ad valorem taxes levied on that property were at the rate of about three-quarters of one per cent,

which, he said, would be equivalent to an income tax of fifteen per cent. throughout the country. A cynical inquiry from Senator Borah as to who really paid this tax, the real estate owner or the renter, was in turn met by the quick response from Senator Root that, no matter what the analysis, it was indisputable that property paid the tax, and that the amount so collected, represented by the average rate throughout the country, showed that such property paid for the support of government nearly eight times the amount of the proposed income tax. In New York, declared the Senator, real estate does not yield a net income of more than three and one-half to four per cent. Much light is being thrown on these economic matters, and Senator Root is furnishing a full share of exact information.

The press dispatches from Washington state that Senator Borah will receive the ha ha when he attempts to force the passage of his bill prohibiting congressmen from representing large corporations over which the government exercises control. This in itself is food for serious thought to the American student of history and economics. If this bill should again be turned down contemptuously by the majority it means that the American congress, through its representatives, stands committed to the services of the classes rather than the masses. It means if the different members are compelled to choose between two masters whom they will serve, they will choose the rich corporations and trusts, that pay enormous fees, for protection in the shape of pet legislation, rather than the plain American people. The courage shown by Senator Borah, in the presentation of this bill and its urging upon an apparent unwilling majority, is of the highest order and stamps him as a patriot, who would rather deal rightly with his countrymen than to fatten on the flesh pots of Wall street. The practice which he seeks to correct has been of long standing and history records the illustrious Webster as not being above benefitting by its operations. Regardless of what may happen to his bill in congress, in the country at large his motive is understood and appreciated.

July 24, 1906, 11:45 AM

NY Globe Feb 1910

Business Day Enterprise
Dec 7 1909 47

SENATOR BORAH'S OBJECTION.

The objection to Governor Hughes's criticism of the income tax amendment which Senator Borah has urged and seems preparing to press in the Senate is much the most incisive that could be made. It will be far harder to meet than the kind of objection that Governor Fort of New Jersey makes.

Expressed very briefly, Senator Borah maintains—and quotes judicial authority on the point—that the power of a state to issue securities which shall be absolutely secure against federal taxation is essential to its "self-preservation." The Supreme Court has declared this to be the case. A day or two after Governor Hughes sent his income tax message to the legislature the force of this argument was pointed out in these columns—the decision on which Senator Borah placed his main reliance being inserted.

But Senator Borah does not discuss the obvious answer to his objection. He does not consider the possibility of the Supreme Court's construing the proposed amendment, should it be adopted, as a grant by the states to the federal government of one of their most sovereign powers—even a power that is theoretically essential to "self-preservation." What will Senator Borah say to that? Doubtless he will pooh pooh it if it is put to him, will say that such a construction is inconceivable, and so on and so on. But he will not be able to answer it! He will not be able to demonstrate beyond peradventure that the Supreme Court would not reach such a conclusion. His opponents will point to the unqualified and unlimited terms of the

TURN ON THE LIGHT.

That there will be an investigation of the sugar trust scandal seems certain. Enough prominent members of both houses have expressed themselves on the subject to seem to make this certain. Senator Borah of Idaho, a republican, says that unless the department of justice can plainly convince congress that such an inquiry would defeat the ends of justice and defeat the department in its work nothing can prevent an inquiry. Representative Weeks of Massachusetts, one of the strong republicans in the house, describes the sugar trust frauds as the "dirtiest thing that has ever been unearthed in the way of government scandal," says that he will insist upon congress making an investigation of the whole matter.

Senator Culberson of Texas, the minority leader in the senate, is quoted as saying that there must be a thorough investigation of the sugar scandal and while he would prefer that the initiative be taken by a progressive republican that the democratic minority will not shirk its duty.

Capital Tales

THAT a wide difference in opinion of Alexander Hamilton exists between Senator Martin Johnson of North Dakota and Senator Borah of Idaho is apparent. Senator Johnson has excited notice by wanting to prevent the erection of a statue to Hamilton here. He sees in Hamilton everything evil.

It is not so with Borah. His idea of the man was indicated the other day in his income tax speech by the following tribute:

"I am one of those, Mr. President, and there are thousands of them, who look upon Alexander Hamilton, all things considered, as the greatest intellectual force that ever dealt with the science of government. There was in all that he did that fascinating air of mysterious power, that indescribable force, which moved with triumphant ease to its immeasurable purpose. His career was the most sudden, the most startling, the most brilliant, and the most masterly of all of his compatriots."

He added that one might search in vain through the works of Hamilton to find any help or any argument which would relieve property and wealth from a part of the burdens of government.

amendment, and he will simply have to admit that there is, yes, a possibility—even though it be a small one—that the results might be contrary to his expectations.

It is the existence of that possibility that explains and more than justifies the position taken by Governor Hughes. If he could read the minds of the Supreme Court as it would be constituted a few years hence he might abandon it, but until such a supernatural power is given him he is not likely to do so.

What H.C. Jones
May 6, 1909

The Tribune.

THE TRIBUNE COMPANY, PUBLISHER.

FOUNDED JUNE 10, 1847.

ENTERED AS SECOND CLASS MATTER, JUNE 5, 1868, AT THE POSTOFFICE AT CHICAGO, ILL., UNDER ACT OF MARCH 3, 1879.

BORAH VERSUS HUGHES.

Gov. Hughes dealt the income tax amendment a hard blow when he said that if the federal government were given power to collect taxes on incomes "from whatever source derived" it could tax incomes derived from state or municipal bonds, and thus cripple the governments that issued them. The governor gave the enemies of the amendment an argument against it which seemed all the more forcible because he said he would have been for it had it not been for those four fatal words.

The other day Senator Borah made a speech in reply to Gov. Hughes in which he contended that the words were mere surplusage, and that whether they were in or out the federal government would have no power to tax income derived from state or municipal bonds, the salaries of state officers, or any of the instrumentalities of state governments. It was a clear cut, logical argument. Gov. Hughes has not yet tried to answer it. A failure to do so would be almost equivalent to a confession that it was unanswerable.

The chief point which Senator Borah makes is that the Supreme court has settled it beyond all controversy that the instrumentalities of the states cannot be taxed by the federal government, nor those of the latter by the former. There is no express provision of the constitution in either case, and the court had to base its conclusions on a principle drawn from the constitution as a whole. It said in one case:

The states are and they must ever be co-existent with the national government. Neither may destroy the other. Hence the federal constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the state or prevent their efficient exercise.

The same court which held that the grant of power of taxation was complete "and in all respects unfettered," also held

that the "great law of self-preservation exempts any and all means and instrumentalities of state government from federal taxation." It said that long prior to the decision that congress could not lay an income tax without apportionment.

Senator Borah argues that if the power were granted to congress with or without the words Gov. Hughes takes exception to it would still be out of the power of the national government to tax state instrumentalities, and that if it were to attempt to do so the Supreme court would interfere as on other occasions.

What has Gov. Hughes to say to that?

ROOT, IN DEFENDING TRUSTS, STUNG BY HORNET BORAH!

New Yorker Declares Corporations "Truest Members of Our Economic Society."

"WEALTH TAXED TO LIMIT"

Thereupon the Idaho Senator Phazes Him with Figures and Treats Lodge Likewise.

Washington, May 3.—Senator Root, availing himself of the first opportunity to defend the trusts since he succeeded Senator Platt, rushed gallantly into the breach this afternoon after Senator Borah had attacked them on the grounds that they did not bear their just burdens in the support of the Government.

"I will say for the benefit of the Senator from Idaho," said the New York member, "that the trusts and corporations of this country are the truest members of our economic society. They cannot conceal their wealth, and, therefore, when the tax assessor comes around, they are the first to be questioned. The wealth of this nation is taxed to its utmost, and no one knows it better than I."

Whereupon Senator Borah, in a carefully prepared speech on the income tax bill, pointed out to the friend of Thomas

Fortune Ryan and August Belmont that the records of the Probate Office of the City of New York contained a list of real estate holdings among 197 persons aggregating \$250,000,000, on which the assessed valuation was only \$3,000,000.

Has a Repuy for Lodge.

Senator Lodge came to Root's rescue by denying the truth of some of Borah's figures, whereupon the Idaho Senator answered by saying that he would tell the Massachusetts member some unpleasant truths, and proceeded to say that while the real estate of that State was assessed at \$2,000,000,000, the personal property valuation was fixed at less than \$500,000,000. He wanted to know if there was any justice in the proposition.

Senator Borah said he personally knew President Taft was committed to an income tax measure and that he would not be content until Congress passed one.

He said he did not directly charge the members of the Supreme Court, who in 1894 declared an income tax unconstitutional, with having been bribed or coerced, "yet," he added, "the proceedings attending that hearing were most unusual, so much so as to give license to criticism. I will not put myself on record by saying that there was collusion, but I do say that nearly every true and honest lawyer in this country holds an opinion different from that of the Court."

NO REASON FOR DELAYING IRRIGATION PROJECTS.

Senator Borah of Idaho is credited with being about to recommend that \$30,000,000 to \$40,000,000 in bonds be issued by the government to complete work on thirty-two irrigation projects that have been approved. The bonds are to be paid off with money received from time to time from the sale of the public lands improved.

The senator says many settlers have taken up lands where the projects have been announced and are simply starving to death while waiting for the government to act. The government irrigation work is now being paid for out of funds received from projects already in operation. But the returns come in so slowly that many years will elapse before water can be turned onto all the lands, if it is necessary to get funds under the present system.

The bond suggestion of the senator seems businesslike. If the projects recommended are such as should receive attention; if the reclamation is desirable and will be to the best interest of the public, there is no good reason for waiting. If the projects are to prove successful, and probably they would not be recommended unless that were likely, the sooner they are completed the better. The cost of making the improvements will be returned to the treasury. The government will lose nothing and will gain the advantage that will come from the cultivation of areas that otherwise would be waste during many years.

SCHENCK'S FOLLY, OR WORSE.

Men like Hubbard, Borah, Lowell, Griffiths and dozens of other thinkers who are familiar with conditions in the northwest, men who have made a study of the wants of the farmer and the homesteader, his trials and difficulties, are working hard for the passage of a bond bill. This bill, they feel, is practically the only solution of the situation confronting the reclamation service today. The secretary of the Interior wants to go ahead and provide water for those sections of the arid regions that need it, more particularly tracts like the northside upon which some work has been done, and the project of which it is a part in a state of incompleteness.

Effort has been made, and successfully, to induce the business men of Boise, Caldwell, Nampa and every town in this section to write letters to their eastern correspondents asking them to advance the cause of the measure.

That these letters are bearing fruit is evidenced by replies being daily received in Caldwell and other places from eastern senators and congressmen who have been approached in this way. The work is going on and Borah is getting added support to his efforts every day among his colleagues in Washington.

Borah is a Republican. The News is a Democratic paper. If we did not feel that Borah is doing good work for his constituents, did we not feel that the interests of the settlers is paramount to petty politics, we would not use these columns to commend and endorse his work.

Borah is right, Hubbard is right, the hundreds of distinguished Democrats and Republicans, Socialists and Idealists who are supporting him in this matter are right, in the course that is being taken in the interests of the homesteader and the farmer.

And now comes Schenck! This man, who is undeniably well posted on currency (and when that is said, all has been said in excuse of his action that is possible,) has issued a printed sheet in opposition to the whole plan. He entitles it: "Why Reclamation Bonds Should not Be Issued," and winds up his diatribe by the state-

ment that "the Socialist party is the only party that offers any relief or any means of escape from our present banking system."

Mr. Schenck brought a part of this matter, which he has now had printed presumably for free distribution, to the News office and wanted room in our columns for it. We declined to give it space and were told we didn't dare to print anything that is an attack upon the financial institutions of the country.

Mr. Schenck is wrong. We dare print anything that is right. We do not dare print anything that will retard or set back the sublime efforts that are now being made to pass measures for the relief of our homesteaders.

Schenck is right insofar that the nation's financial system is not perfect. Is that any reason why the only feasible plan of getting water where it will do the most good should be opposed? Fifty years from now there may perhaps be enough Socialists in the United States to effect certain reforms that we may, perhaps, concede to be righteous. Schenck wants the homesteader to wait for water until the Utopian ideas are concreted into laws.

Schenck wants non-interest bearing bonds. He knows there is about as much chance of getting it as there is of making Schenck a regular occupant of the Amen Corner. But he is willing to jeopardize the interests of his fellows for a chimera impossible of realization.

He says unless he can get a whole loaf he wants no bread! Who made him the guardian or spokesman for the homesteader? He says he is going to send a copy of his broadside to every senator and congressman in Washington. He wrote to Borah and

the senator replied and said:

"I think if those poor fellows who are trying to get a home upon the public domain and who are waiting for the water and enduring all kinds of hardships while waiting are willing to pay the interest upon these bonds that you and I ought not to complain."

There spoke a man, a man who is bigger than a Republican, a Democrat,

yes, even bigger than a Socialist!

Schenck, you ought to be ashamed of yourself! Your outbreak would have no effect here among people who know you. But opponents in Washington of everything for the amelioration of conditions in the west will only be too glad to grab at your straw and shout: "Here's a westerner who opposes the bond issue"—that's good enough excuse for renewed opposition.

No, Mr. Schenck, we don't dare print such truck. Our columns are open to everything that will aid the homesteader. Not willingly will we place so much as a straw in his way, and the man that does well deserves the execration of his fellows, as well as their contempt.

F. G. BURROUGHS

TAFT AIDS IRRIGATION PLAN

Would Afford Immediate Relief to Settlers of West.

BORAH EXPLAINS HIS BILL.

Scheme to Expedite Improvement and Finance Works.

Washington, D. C., Jan. 3.—[Special.]—Senator Borah's plan for pushing to completion all of the government's irrigation projects, so as to bring immediate relief to settlers on the reclaimed lands of the west, has won the endorsement of President Taft. The senator, ~~as a result~~, is greatly encouraged in his campaign to place the reclamation work on a new and sound financial basis.

The senator called at the White house yesterday at the invitation of President Taft, who desired to discuss with him the provisions of the proposed national incorporation act. Mr. Borah possesses a keenly analytical legal mind, and the president wanted his judgment of the questions of law that will be raised by the federal incorporation bill.

Each Modifies His Views.

For more than two hours these two lawyers argued the merits and demerits of the plan proposed for bringing corporations under federal supervision. It is understood that each confesses that he has changed his views to some extent as a result of the legal points raised by the other. In the main, however, the president and senator agree on the plan of corporation control.

It was incidental to this discussion that the question of the reclamation projects came up. Mr. Borah told the president of the bill he has introduced providing for a bond issue

...for the financing and comple-
ment of some of twenty-seven existing reclamation
undertakings. He described the ur-
gent need of bringing the entire work to a
speedy conclusion on account of the hundreds
of settlers who have taken up homesteads in
reclaimed areas and now are facing the
probability of waiting years before water can
be brought to their land. The president ex-
pressed the utmost concern over this situa-
tion, which was placed in a new light by the
senator's statements.

Explains Opposition to Bill.

Mr. Borah informed the president that the
opposition that so far has developed to
a bill arises from the reluctance to au-
thorize additional bond issues. A good many
members of congress favor the issuance of
certificates of indebtedness against individ-
ual projects. The senator strongly opposes
such certificates, which he maintains will be
of doubtful value and difficult to market
compared with bonds.

Since this talk President Taft has told
several senators who were interested in the
reclamation work that he will recommend
his special message to congress on con-
servation which will be sent to the capitol
on Monday of next week, that congress au-
thorize a loan of \$30,000,000, to be floated
either as short term bonds or certificates of
indebtedness to secure the necessary money
to complete the existing reclamation pro-
jects. The money is to be repaid to the gov-
ernment from the proceeds received from
the sale of reclaimed lands.

Rupert Pioneer-Record.

THURSDAY, February 17, 1910.

THE INCOME TAX.

It behooves the common citizen to
take pause, now and then, from the
eternal struggle for board and clothes,
and give a little thought to those big
problems of state that he is called upon
to solve every four years.

Now is the time for such a pause,
and it should be of sufficient duration
to read every word of Senator Borah's
speech on the income tax, delivered in
the United States senate last week,
and published in this issue of the Pio-
neer-Record. Truly it was a thunder-
ous enunciation of the rights of the
people, an unanswerable argument in
support of a righteous cause.

The income tax is the most scientific,
the most equitable and altogether just
measure of raising revenue ever de-
vised, and for a century the most emi-
nent jurists that this republic has pro-
duced sustained the constitutionality of

such a tax. It was not until organized
wealth obtained such a powerful and
merciless grip upon all branches of
government that the power of congress
to impose such a tax was questioned.

Senator Borah has addressed himself
to the task of writing the income tax
into the constitution, where it will be
secure from the assaults of a tax dodg-
ing plutocracy and a truckling judiciary,
and if the people will support him in
the fight he is making in their behalf,
he will succeed. It was through his
efforts that the proposed amendment
is to be submitted to the legislatures.
His speech is the "call to arms" in the
fight. He sounds "assembly" for the
battle. It is up to the people to "fall
in".

There is no doubt about Idaho or any
of the mountain states, because the
men and women of this region are free
and untrammled citizens, but in the
eastern states, where the plutocratic
power holds such tremendous sway,
there is a mighty struggle ahead.

Read the senator's speech. It will
do you good to know that the people
still have eloquent advocates in high
places.

**RANKS HUGHES
WITH ENEMIES OF
THE INCOME TAX.**

**Senator Borah by Inference Ac-
cuses Governor of Insincer-
ity in Opposing Pro-
posed Amendment.**

(Special to The World)
WASHINGTON, Feb. 16.—Senator
William E. Borah (Rep.) of Idaho to-
day attacked the position of those who
oppose acceptance by the several

My work

Feb 17 1910

States of the proposed amendment to the Constitution of the United States which would permit the levying of a tax on incomes without apportionment among the States.

Incidentally the Senator paid his respects to Gov. Hughes of New York, including him by inference among those who profess to be in favor of an income tax but oppose practical measures which would permit its adoption. His allusion was of course to Gov. Hughes's annual message to the New York State Legislature urging defeat of the proposed amendment on the ground that its language might be so construed as to authorize Congress to tax incomes derived from State and municipal bonds.

"If this amendment," said Senator Borah, "can be defeated, this, the Government of the people, for the people and by the people, will stand alone among all the civilized nations of the earth shorn of the power to tax that form of wealth best able to bear the burdens of government.

Criticism of Hughes.

"That is the scheme and plan, and such men as the great Governor of New York is giving them great aid and comfort. Men say, with great fervor of patriotism, 'I am in favor of this power being given to the Government to be used at least in time of war,' and straightway proceed to help defeat the amendment. If those who are the real enemies of this measure would come into the open its friends could deal with them far more successfully.

"Mr. President, no one ever saw this country in just the condition it is today. Never since this Government was launched has there been such a restless spirit among the great mass of the people, such ugly questioning, such persistent inquiry. No part of the Government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the Constitution itself. An unquiet, dissatisfied, suspicious public mind is the public mind of to-day.

"You can defeat this amendment. In view of the class of men who are joining the crusade against it, I think you will defeat it. The forces which propose to encompass its defeat will not stop on the hither side of the most disreputable methods to accomplish their purpose.

"But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too strong among us. It will do much to foster disrespect for and breed disloyalty to the Government.

"When those who are ill able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn furthermore that all this must be met by a tax on consumption, while incomes which sustain luxury and breed idleness and idlers go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in the Govern-

ment. I do not know how long we can deal with a patient people in this way. But, I venture to propose, not much longer."

Root to Reply to Hughes.

Senator Root also will openly antagonize the arguments made by Gov. Hughes. He is preparing a speech for delivery in the Senate at an early date. So he informed friends this afternoon. Mr. Root, during the tariff debate, became committed to the adoption of an income tax amendment.

Senator Brown, the author of the amendment, gave notice that he will discuss the matter soon. He said he believed the patriotism of the American people would give this Government the same means of protecting itself that is enjoyed by every other government on earth.

AT THE NATIONAL CAPITAL.

VALLEY PAPER COMPANY ISSUE.

CONGRESS AND COURT SUMMONS.

Senate Ignores the Letter, House Yields
— Senator Borah on the Income Tax — No Connecticut River Appropriation — The Mention of Mr. Long.

From Our Special Correspondent.

WASHINGTON, D. C., Thursday, Feb. 10.

The Senate would not permit itself today, directly or indirectly, to be summoned into court to answer the suit instituted before Justice Wright of the supreme court of the District of Columbia by the Valley paper company at Haysroke, which is dissatisfied with the award of the paper contracts made by the joint printing committee of both houses and would mandamus the committee. The members of the committee asked their respective houses what they should do. The Senate after protracted debate voted to instruct the senators on the committee to ignore the summons of the court, and the secretary of the Senate was instructed to appear before the judge and tell him what the Senate thought of his action.

Senator Nelson moved an amendment that the senators might be permitted to appear in the court out of respect for it, but to claim privilege not to answer, but it was held that this was committing the Senate to a proposition that the court had jurisdiction over Congress and would establish a bad precedent. The vote was 45 to 14 against the proposal. Among those voting against the amendment was Senator Lodge, but Senator Crane was absent, and it is understood that he would have voted nay also. It now remains for the supreme court justices to declare in favor of the plaintiff

or default, and if he chooses to cite the members for contempt there will be fur flying. The justice is given to considerable independence.

The House took the opposite view, debating the recommendations of its judiciary committee until midnight, and then by a vote of 174 to 56 authorized the House members of the printing committee to answer before the court. The judiciary committee was split on the recommendations, but the majority view prevailed.

Senator Borah's speech on the income tax was listened to by an attentive, though small, Senate. The old guard was conspicuous by its absence, neither Senator Aldrich nor either of the two Massachusetts senators being present during its delivery. But Senator Root of New York heard it from beginning to end, and congratulated the Idaho man and declared that he subscribed to his views. Afterward it became known that the New York senator would make a speech himself in the Senate attacking Gov Hughes on his position on the income tax amendment, and it became also known that the senator is drafting a letter to the governor in which he will take issue with him on the income tax amendment and support it. The question raised here is naturally which leader will the New York Legislature follow in the matter, Root or Hughes? At all events, at last Mr Root is about to speak, and apparently in no uncertain tones.

Mr Borah in his speech elaborated the point he has made that there is warrant in the taxing clauses of the constitution authorizing Congress to levy taxes on the bonds of states and the salaries of their officers, but that it has been inhibited by the decisions of the courts, which have said that the warrant in the constitution is to be interpreted in harmony with all the provisions of the constitution, and that it is axiomatic that neither the federal government nor the state governments can do aught to tax one another out of life.

The principle of state and federal self-preservation forbids, and this principle, he declared, is not at all jeopardized and cannot be by the constitutional amendment now before the Legislatures for adoption. Gov Hughes, therefore, has raised a false alarm, he declared, but probably has, he asserted, thereby defeated the constitutional amendment. The senator inveighed against the rich for their policy of dodging the taxing of wealth and putting the burden of it on the necessities of life. He pointed to the portents in the sky now in evidence in the restless and suspicious spirit of the people.

There is to be a speech, too, in favor of the income tax by Senator Brown.

The rivers and harbors bill contains no

appropriation for the improvement of the Connecticut river; chiefly because the army engineers have not reported on projects contemplated.

There are those here who desire that John D. Long run for Congress to succeed the late Mr Lovering, in the hope that his strength among the people would draw out a large vote and elect him by a thumping majority. The republicans want some expression of the people in the East to take away the bad taste left by the recent congressional election in Missouri. But there are signs that some here would not altogether welcome the advent of Mr Long and are placing, it is surmised, difficulties in the way of a unanimous demand for his nomination.

Senator Elkins, with unusual obstinacy, refuses to go beneath the steam-roller to permit Senator Lodge to be chairman of the Senate select committee to inquire into the high prices. Hence the delay in naming the committee. Elkins wants to be chairman and they will not let him.

Senator Crane called on President Taft in the morning.

ILLINOIS FOR THE INCOME TAX.

[From the Chicago Tribune.]

The opponents of the income tax in the eastern states have been watching the Illinois Legislature with solicitude. That was because, as a Boston paper recently said, "Illinois is in so many respects pivotal as the great state of the Mississippi valley." ~~and~~ that Illinois has spoken, in a practically unanimous vote of its Legislature, we hope there is no room for doubt as to what the other states of the Mississippi valley will do.

Now it is the turn of New York to declare itself. If Gov Hughes's argument against the amendment had been unanswered the Legislature would have voted against it and given his argument as a reason. It has been pulverized, first by Senator Borah and now by Senator Root. But the opposition to the income tax amendment in New York did not originate in a baseless fear of the taxation of income derived from state and municipal securities. It is due to the fact that the concentrated wealth of New York city would contribute more under an income tax which was not apportioned on a basis of population.

Senator Root rebukes that selfish and unpatriotic spirit. He tells the New Yorkers something they are too apt to overlook. It is that "the incomes of New York are in a great measure derived from the country at large. We have the wealth," he says, "because behind the city stands the country. We ought to be willing to share the burdens of a national government in the same proportion in which we share its benefits."

This applies to Massachusetts, Connecticut and some other eastern states which it has been assumed would vote against ratification, almost as forcibly as it does to New York. If the New York Legislature shall be governed by the arguments of Senator Root and not by the influence of aggregated wealth dreading the possibility of just taxation neighboring states may be affected likewise. If so the constitutional amendment would have more than enough votes.



Cummins of Iowa



La Follette of Wisconsin



Borah of Idaho



Dolliver of Iowa



Beveridge of Indiana

Borah of Idaho, a fine sample of the new style in Senators— young, able, eloquent, independent, and a graduate of the Kansas State University—did n't have half a chance in the tariff fight because home interests forced him to keep step, in the main, with Organization. But Borah chafed, and at times broke away. He will not stay hitched for another session. He will be one of the most determined and effective insurgents on all issues involving regulation of carriers and corporations and on every test of strength of whether the old order or a newer and more enlightened one shall dominate the Senate. It will be excellent politics to keep an eye on this young man in all calculations on the future of insurgency in the Senate. He is one of the most vigorous injections of the New Blood that the Senate has been needing.

BORAH SEES GRAVE DANGER IN UNREST IN THE COUNTRY

Senator Says Enforcement of Income Tax Would Remedy Conditions—Attacks Governor Hughes for Opposing Amendment

WASHINGTON, Feb. 10.—Senator William E. Borah, of Idaho, took occasion in the Senate today to attack the position of those who oppose acceptance by the several States of the proposed amendment to the Constitution of the United States which would permit the levying of a tax on incomes without apportionment between the States.

Incidentally the Senator paid his respects to Governor Hughes, of New York, including him by inference among those who profess to be in favor of an income tax, but oppose practical measures which would permit its enforcement.

The Senator said in substance: "The proposed amendment is submitted to remedy a hideous defect in the fundamental law.

"Now the scheme and plan is to defeat the amendment. Having as a law-making body solemnly accepted this construction of the Constitution, thereby making it impracticable again to appeal to the court. If this amendment can be defeated this, the government of the people, for the people and by the people, will stand alone among all the civilized nations of the earth short of the power to tax that form of wealth best able to bear the burdens of government.

"That is the scheme and plan, and such men as the great Governor of New York is giving them great aid and comfort. Men say with great fervor of patriotism, 'I am in favor of this power being given to the government to be used at least in time of war,' and straightaway proceed to help defeat the amendment. If those who are the real enemies of this measure would come into the open its friends could deal with them far more successfully.

People Are Restless

"Mr. President, no one ever saw this country in just this condition it is today. Never since this government was launched has there been such a restless spirit among the great mass of the people, such early questioning, such persistent inquiry. No part of the government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the constitution itself. An inquiet, dissatisfied, suspicious public mind is the public mind of today.

"You can defeat this amendment. In view of the class of men who are joining the crusade against it I think you will defeat it. The forces which propose to encompass its defeat will not stop on the hither side of the most disreputable methods to accomplish their purpose. But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too

Phil Engman Feb 11 - 1910
 Census

dividing among us. It will do much to foster disrespect for and breed disloyalty to the government.

"When those who are ill able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn furthermore that all this must be met by a tax on consumption, while incomes which sustain luxury and breed idleness and idlers so untaxed they will have little money with you in the hour in which you must plead with them against radical changes in the government. I do not know how long we can deal with a patient people in this way. But I venture to prophesy not much longer.

"I hope therefore the Governors and Legislatures of this country will be brave enough to do their duty in this matter."

Government Has Power

Senator Borah outlined his conclusion as follows:

1. That the proposed amendment adds nothing to the taxing power of the national government. This power was complete, unlettered, plenary, before. It can be no more than that should the proposed amendment be adopted.
2. The proposed amendment does not deal or propose to deal with the question of power which is already complete, but simply with the manner and method of its exercise and use of that power.
3. No one has ever questioned the power of the national government to lay an income tax for as was said by Justice White, the question has always been "whether an admittedly unlimited power to tax has been used according to the instruction as to method," and it was to remedy the method alone that the amendment was submitted.
4. The words "from whatever source" add nothing to the force of the amendment. It would, in constitutional parlance, be just the same if it said "to lay and collect taxes on incomes without apportionment," for who could then say that you would not have the right to lay taxes upon all incomes. The present taxing power would not be a particle stronger if it said to lay and collect taxes upon all property from whatever source.
5. To construe the proposed amendment so as to enable us to tax the instrumentalities of the State would do violence to the rules laid down by the Supreme Court for a hundred years, wrench the whole institution from its harmonious proportions and destroy the object and purpose for which the whole instrument was framed.
6. To construe it to cover those incomes from sources within the jurisdiction and control of the sovereignty, laying the tax is to construe it in harmony with the principles given us by Marshall and followed from that hour to this.

Mr Root Redeems His Promise.

Senator Root of New York has finally redeemed his promise, made in the Senate last summer, to urge the ratification of the federal income tax amendment in his state. The Republican was the first to call public attention to this promise of the eminent constitutional lawyer. It was done in the light of the storm created against the amendment by the ill-advised opposing message of Gov Hughes who had so worthily won the popular confidence by

his general public service as to lead many people, even those accustomed to think for themselves, to jump inconsiderately to the conclusion that he was on the right side here. It may not have been agreeable to the senator that his promise should at such a time have been dragged forth from the obscurity of the Congressional Record. Taking direct issue with the influential head of his party in his own state on a great public question could not be to him an attractive course of action; and many were the expressions of doubt that the promise would be fulfilled.

But it has been, and it may no longer be said that the senator's word lacks the force of his bond. His letter on the subject to Senator Davenport of the New York Legislature presents a full discussion of and answer to the constitutional points raised against the amendment by Gov Hughes. Mr Root's argument in substance is similar to that made recently by Senator Borah of Idaho. This is that the constitution already gives Congress full and plenary power of taxation, which is to be applied by rule of uniformity in some cases and by rule of apportionment according to population in other cases. The pending amendment therefore can add nothing to the taxing power of Congress. It undertakes only to remove taxes on incomes from under the rule of apportionment, where the supreme court placed them in 1895 against its own decisions of 100 years, and put them back under the rule of uniformity where they were before 1895. If, then, it were true or well adjudicated that the plenary taxing power of Congress did not before extend to the taxation of the instrumentalities of the state governments—their bonds, for example—such power would admit of the same exception now under the proposed amendment which includes incomes "from whatever source derived."

There is no gainsaying the great force of this argument, and the very fact that the framers and supporters of this amendment give it such modified construction would add to its force with the courts when they came to construe a law of Congress passed under the amendment if or when ratified. If perchance that law should impose a discriminating tax on incomes from state bonds, this argument would undoubtedly weigh conclusively with the court in pronouncing that part of the law invalid.

But past adjudication is not so well settled in relation to a tax on incomes from state bonds in common with incomes from other sources. There is no discrimination here and no injury whatever to the market for state bonds or the borrowing power of the states. The courts have further drawn a distinction between taxes on incomes and taxes on the sources of incomes; and down to 1895 federal taxes on incomes from state bonds were not considered taxes on the instrumentalities of state

governments and the court as now or hereafter constituted could and no doubt should go back to that former position without regard to the force of the clause in the pending amendment, "from whatever source derived." But it is certain, at any rate, in view of the arguments of Senators Root and Borah, and of Senator Brown of Nebraska, who framed this amendment, that the court is left with as much discretion as it ever had in guarding the instrumentalities of state governments from an impairing federal taxation. And so, if Gov Hughes's objections ever had any valid force, they are now removed.

It is to be considered, however, that these objections have counted for very little on their merits and very much as a blind behind which wealth could take refuge in resisting the effort to bring it under a just measure of contribution to the support of the national government. Therefore not the least important part of Senator Root's letter is that in which he meets the objection that a very large part of any income tax that might be levied on the rule of uniformity would fall upon New York state or New York city. He says:

The incomes of New York are in a great measure derived from the country at large. A continual stream of wealth sets toward the great city from the mines and manufacturing and railroads outside of New York. The United States is no longer a

mere group of separate communities embraced in a political union; it has become a product of organic growth, a vast industrial organization covering and including the whole country; and the relation of New York city to the whole organization of which it is a part is the great source of her wealth and the chief reason why her citizens will pay so great a part of an income tax. We have the wealth because behind the city stands the country. We ought to be willing to share the burdens of a national government in the same proportion in which we share its benefits.

This exposes the iniquity of the position of those who resist the adoption of the amendment on the ground that it makes a rule of taxation discriminating against some states in favor of others.

It does nothing of the sort. It discriminates only against great wealth in favor of the poor, as does any just and tolerable law of taxation; and the men who make the above objection are simply standing on the proposition that wealth should not be taxed more than poverty. Some of these men are to be found in the Massachusetts Legislature; some of them are representatives from this city or section in that body. Let them consider this part of Mr Root's argument, and be led thereby to appreciate the intolerable character of the position they have taken.

GOV HUGHES AND SENATOR ROOT.

An Interesting Situation Growing Out of the Income Tax Amendment.

(Washington Special to the New York Times.)

A speech of Senator Borah in the Senate to-day, replying to Gov Hughes's criticism of the proposed income tax amendment, drew from Senator Root and many other legal lights on both sides the chamber personal expressions of approval. The consensus of opinion was evidently that the governor had erred in supposing that the amendment would give to Congress the power to tax salaries of state officers and state bonds.

So strongly does Senator Root feel on this subject that in spite of the fact that he is a senator from Gov Hughes's state, he will within a few days make a speech in the Senate indorsing the stand taken by Mr Borah that the powers feared by the governor are not and could not be conveyed by the proposed amendment. Still more interesting is the fact, which developed afterward, that even prior to the agitation started by Mr Borah to put the Senate on record as to the intended significance of the amendment, Senator Root had drafted a letter to the Legislature of New York opposing Gov Hughes's views. That letter has not yet been sent, but when it reaches Albany it is expected that it will cause a most interesting situation.

Mr Root speaks always with the weight of the administration behind him. At least, that is the view held here, whether or not his utterances follow conferences at the White House. But in this particular case the interest will center on the relative effects on the New York legislative body of a formal message from the governor and a letter from Senator Root. The whole matter is further complicated, in the opinion of men here, by Mr Hughes's prospective candidacy for the presidency at some future date and by Mr Root's close affiliation first with the Roosevelt and then with the Taft administrations.

There has been no word indicating Mr Hughes's intention to run against Mr Taft in 1912, but the matter is spoken of as one of the natural possibilities. It is felt that, though Mr Taft has had nothing to do with steering any such scheme, a serious blow would be dealt to the popular confidence in Gov Hughes by making him appear to oppose the income tax against the wishes of the president and his cabinet.

TWO IMPORTANT BILLS

The bill introduced by Congressman Hamer regarding Idaho school lands, and the one introduced by Senator Borah regarding government irrigation enterprises are both of vast importance to Idaho.

The Hamer bill provides for Idaho to get the school lands back which Pinchot had confiscated as chief forester. The regular school sections 16 and 36 lying within the forest reserves of Idaho were claimed by the forestry bureau as government lands, which was equivalent to confiscating some thirty million dollars

worth of Idaho school lands. Congressman Hamer has introduced a bill restoring these lands to the state. He has consulted with Secretary Wilson Secretary of the Agriculture, under whose department the forestry bureau belongs, and Secretary Wilson has agreed to not oppose the bill. It has been favorably reported from the committee on public lands, of which Mr. Hamer is a member, and the prospects are that it will become a law without opposition.

the gainer in her school lands of some thirty millions of dollars, largely because she has a Congressman who not only knows the needs of the state but has sufficient influence with his fellow members in Washington and with the department officials to secure what is just and right.

The bill relating to the irrigation loan scheme of Senator Borah seems to be slated for passage all right. The powers that be objected to the name of "bond" being applied to the measure but has agreed to issue certificates based on irrigation enterprises some what after the plan that had already been used in work on the two Idaho projects. It has been agreed that there shall be an issue of thirty millions of these certificates and that their use shall be confined to the completion of projects already under way. This may possibly mean the irrigation of another 250,000 acres in Lincoln county lying between the Dietrich tract and the Minidoka project. It will mean the completion of the south side pumping system of the Minidoka Boise-Payette project to its ultimate limit of three hundred thousand acres. This bill will add a half million or more acres of irrigated lands to the state of Idaho. Lands that now are without value but which with irrigation will be raised to values from one hundred to three thousand dollars per acre. Even at the low estimate of \$100 per acre the lands redeemed in Idaho alone will add fifty million to the taxable wealth of the state.

Idaho has a delegation in Con-

gress or which any state man well be proud. No other state has two senators who have the strength of the two Idaho senators, and no other Congressman for many years has secured recognition in the short time of his first term as Congressman Hamer.

HUGHES IS ANSWERED BY SENATOR BORAH

Objections to Income Tax Amendment Controverted in Light of Supreme Court Decisions.

STATE BONDS NOT AFFECTED

Constitution Permits Congress to Tax Them Now, but Principle of Self-Preservation Does Not and Would Not.

Special to The New York Times.

WASHINGTON, Feb. 9.—Senator Borah of Idaho takes issue squarely with Gov. Hughes as to the pending income tax amendment to the Federal Constitution. Within a day or two he will call up his resolution directing the Senate Judiciary Committee to render an opinion as to whether or not the words "from whatever source derived" would empower Congress to tax incomes derived from State bonds. He will then deliver a speech to show that Gov. Hughes was in error in his annual message to the New York Legislature, in which he declared against the income tax amendment on the ground that it would permit the taxation of State bonds. Senator Borah has made a careful and exhaustive study of the question and is prepared to defend his proposition by citations from Supreme Court decisions from the time of Chief Justice Marshall down.

Senator Borah contends that as far as the language of the Constitution is concerned, Congress now has all the taxing power that a sovereign State could have. He quotes an opinion by Chief Justice Marshall referring to the taxing power of the Federal Government as "unfettered." Similar expressions have been used in other Supreme Court decisions. From this Senator Borah argues that since Congress now has "all" taxing power, neither the language of the pending amendment nor any other language could add anything whatever to that power.

It is not through any express limitation

N.Y. Times, Feb. 10-1910

BY THE CONSTITUTION ON THE TAXING POWER OF Congress that the Federal Government is now restricted from taxing the "means and instrumentalities" of the States. It is a recognition by the Supreme Court of the law of self-preservation. Senator Borah cites the opinion of Associate Justice Nelson, who wrote the opinion of the court in the case of *Collector vs. Day*, decided in 1870. This was a case under the income tax law of 1864, in which it was attempted to tax the salaries of State officials. The court overthrew the law. Justice Nelson said:

Such being the separate and independent condition of the States in our complex system as recognized by the Constitution and the existence of which is so indispensable that without them the General Government itself would depart from the family of nations, it would seem to follow as a reasonable if not a necessary consequence that the means and instrumentalities employed for carrying on the operations of their Governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution, should be left free and unimpaird, and should not be liable to be crippled by the taxing power of another Government, which power acknowledges no limits but the will of the legislative body imposing the tax.

* * * In respect to reserve powers the State is as sovereign and independent as the General Government. * * * 12 18 65

It is noted that there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of the States, nor is there any prohibiting the States taxing the means and instrumentalities of the Government. In both cases the exemption rests upon necessary implication, and is upheld by the great law of self-preservation, as any Government whose means employed in conducting its operations, if subject to the control of another and distinct Government, can exist only at the mercy of that Government.

Senator Borah said this afternoon that he would like to propose some questions to Gov. Hughes, and would be perfectly willing to rest his case upon the answers which the Governor would be compelled to make. The first question is: "Why are we now prohibited from taxing State bonds?"

The second is: "If there is any limitation upon the Federal Government preventing it from taxing state bonds what is the language of that limitation and where is it found?"

The third question is: "Would not the persons upon which the Supreme Court has denied the right of one sovereignty to tax the means and instrumentalities of another sovereignty be precisely the same after the adoption of this amendment as they are now?"

Senator Borah points out that the reasons inspiring the line of Supreme Court decisions to which he refers have been clearly understood from the time of the adoption of the Constitution. The language of the taxing clause of the Constitution was one of the chief reasons given by the opponents of its original adoption, their contention being that under it the Federal Government would be able to tax the life out of the States. This contention was clearly met then by just such reasoning as led to the opinions of Marshall and Nelson to which the Senator refers in the case of *Collector vs. Day*, already quoted. Justice Bradley dissented on the ground that the language of the Constitution was unlimited and that the court had no right to read into it the limitation imposed by the majority opinion.

Senator Borah admits that the inclusion of the words "from whatever source derived," in the pending amendment is unfortunate, because they add nothing to the amendment and tend to confuse the public mind on the question, but he contends that they are absolutely free from the danger ascribed to them by Gov. Hughes for the reasons he cites.

Mr. Root has shown no disposition to redeem his pledge to appear in Albany as an advocate of the passage of the income tax amendment to the federal constitution, but how can he avoid participating in the debate in the United States Senate which the new Borah resolution is sure to provoke? The western republicans who lured the passage of the amendment by Congress and its submission to the states are much disturbed by the present prospect that the amendment is lost, largely because of Gov. Hughes's opposition. And to they propose to discuss the points which the governor raised in his message to the New York Legislature. The Borah resolution reads:—

Resolved, That the committee on the Judiciary be and it is hereby directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the proposed amendment to the constitution of the United States, as submitted for ratification to the states at the special session, would, if adopted, authorize Congress to lay a tax upon incomes derived from state bonds and other municipal securities, or would authorize Congress to tax the instrumentalities or means and property of the states or the salaries of state officers.

Serving as a text for speeches, the resolution may be welcomed. It should nerve Senator Root to make the masterly argument of which he is capable in refutation of the position taken by the governor of his state.

Borah Blocked Alaska Scheme:

By W. S. Couch.

Press Bureau, Munsey Bldg.
Washington, Feb. 21.

President Taft has been compelled to drop the Alaskan government bill, and the Guggenheims have been headed off again in their frantic efforts to raid the Alaska mines. Senator Borah, Idaho, helped by the senate insurgents, blocked the game.

John Hays Hammond, mining expert for the Guggenheims and golf chum of Taft, attempted to turn the trick this time. It is impossible for the good-natured president to see any guile in a man who plays golf with him. He fell easily into the Hammond trap. Nor was he grateful when the insurgents rescued him. He is madder than ever at the insurgents.

When this congress opened the Guggenheims faced failure in their Alaskan campaign. Glavis and Pinchot had exposed their proposed Alaskan coal grab. Ballinger, their champion, was half-hung over the pit of disaster. They would not dare to try a new dodge through land office, or call on Commissioner Bennett or Ballinger for help while both were under fire.

GUGGENHEIMS' SCHEME.

They decided to shift control of the Alaskan mines, public property, if you please, from Washington to Alaska. Up in the bleak north they might pull something off. It was merely incidental that this flank movement would require new governmental machinery for Alaska. The territory had been asking for a government of its own, anyway. The Guggenheims would give it a government and, incidentally, a mining commissioner who would be Alaska's own. He would be the Guggenheims' own, too.

Hammond talked it all over with Taft while they played golf. Hammond first won the affection of the Taft family by soothing Wall-st into good humor with the Taft boom in the spring of 1908. Since then it's beer milk and honey on both sides.

HAMMOND'S LITTLE BILL.

Hammond finally put into Taft's hands an Alaska bill which provided the territory with a governor, to be appointed by the president, a legislative council of eight members to be appointed by the president, and a commissioner of the interior and mines, also to be appointed by the president. There was a minor office holder or two, but these were the really important people in the piece, especially

the commissioner of mines. All the officials were to enjoy four-year terms and the eight council members were to be bona fide residents of Alaska and to be selected two each from the four judicial districts. The commissioner of mines did not have to be a legal resident.

This commissioner was to supplant the secretary of the interior and commissioner of the land office for Alaska. Much was made in the bill of the independence it conferred on Alaska. The territory was to have its own treasury, its own everything, but more especially control of its own mines through officials appointed by the president. Of course, there were safeguards. The appointive council couldn't give rights and franchises away for more than 50 years or so, or without the approval of their acts by congress.

GUGGENHEIM GOVERNOR.

Guggenheim influences had already appointed Walter E. Clark governor of Alaska. He was to be reappointed. Guggenheim influences, strong enough to oust Garfield from the interior department and substitute Ballinger, strong enough to make Fred Bennett commissioner of the land office, strong enough to oust Pinchot and play golf daily with Taft, certainly looked strong enough to appoint the proposed executive council, and, more especially, the commissioner of the interior and mines. Once they had their grip on this well-oiled machinery, conservationists and muckrakers might rave and have the exercise for their pains. The Guggenheims would have the mines, and the curtain of the polar cold would chill too warm curiosity, distance and difficulty of travel would keep busybodies at home.

Delegate Wickersham came down from Alaska with a bill embodying the form of government which the people wanted, ordinary territorial government on the American plan, with an elective legislature of 24 members. There was no commissioner of mines in his bill. Wickersham got an awful frost. Hammond laughed at Wickersham from behind Taft's broad back.

Then Borah bored into this tangled mess. It didn't look good to Borah so he fought the administration bill. So did the rest of the insurgents. They got the Democrats to join them. Beveridge, chairman of the territorial committee, with the Alaskan bill in hand, found he could not move it an inch. Beveridge had not known it was bottled

himself, and he got nervous when he found his fellow insurgents fighting him. Beveridge went to Taft and complained that something was wrong with this Alaskan scheme. He washed his hands of it.

Taft, very peevish indeed, summoned Borah, who said: "This bill is the sum of legislative iniquity," and specified. Dolliver's comment was briefer: "This bill is rotten." The president gasped before such plain speaking and grew more peevish. He is no fighter, though. He dropped the Alaskan bill like a red hot coal. But he is not grateful. On the contrary, the president thinks the insurgents show him little consideration. He tells John Hays Hammond so when they play golf together. For they still play golf together, when the weather permits.

TAFT ON IRRIGATION BOND ISSUE

Senator Borah is to be congratulated on the fact that he has enlisted the cordial and earnest support of President Taft in his proposed measure of a bond issue to complete the valuable and important irrigation enterprises now practically held up throughout the west.

The president will issue a special message on the subject in which he will warmly recommend Senator Borah's wise measure and will lend his great influence in bringing it about.

At least, this is what the dispatches indicate. President Taft is quoted as saying:

"The administration is determined so far as it is within its power to secure sufficient funds to complete these projects and you will have the earnest and persistent support of the administration for that purpose. I myself believe the proper way to do it is by a bond issue, as you have provided in your bill, but if it is found necessary to satisfy some in order to get it through congress, to call them certificates, we will attach to them the same guarantee of validity as a bond would have, so that we can raise the money at no greater cost or rate of interest than we would pay on a bond.

"In legal effect that is what they must be. I am determined that those settlers who have gone upon these projects shall not wait any longer for their water than it is possible to get it there if congress will give me the money."

The president thinks that at least 30 millions of dollars will be necessary to complete the work.

The Statesman hopes that the same broad and patriotic views will be entertained by members of congress in both branches when this measure comes up for consideration. The at-

tention is not as if the west were asking the government to donate the money necessary to complete these giant enterprises. What is asked is that the government merely lend its credit to the west with the positive assurance that every dollar will be paid back into the treasury.

From the standpoint of empire building, it will prove a great success and will be far from bad as a financial proposition.

It should not be overlooked that by these irrigation enterprises for which temporary aid is asked millions of acres of land that now lie waste and unproductive will be brought under cultivation.

With our rapid increase in population, the question begins to assert itself how we are going to feed these rapidly increasing millions? The productive area must be increased; still more intensive farming must prevail.

The completion of these irrigation projects throughout the west will increase by millions of acres the productive area of our country, and enable the benefactors of their kind to grow untold millions of blades of wheat where none now grow.

It is to be hoped that no senator or representative will oppose the issue on sectional grounds. Merely because it more directly benefits the west is no reason why any eastern senator or representative should stand against it.

Daniel Webster in his great debate with Hayne launched the lightning of his invective against the narrow policy which refused recognition to everything that did not spring up within the narrow limits of one's own neighborhood.

Statesmen will rise to higher ideals and a wider outlook. They will follow the broad and patriotic leadership of President Taft and do a work for which future generations will rise up and call them blessed.

Scene - h for Woman Suffrage.

That western State of Idaho, famous for the produce of its mines and where Mormon and Gentile influences perennially contend, seems to have sent to the United States Senate its extremes of opinion—the types of reaction and leaping progress. Only a week or so ago Weldon B. Heyburn indicated by a speech on the floor of the Senate chamber his idea that the Civil War is still going on. He sought to galvanize into fresh life issues long recognized as dead, in which most of the living people of today have no concern, and which they would rather forget than argue. Not one of his associates voted for Mr. Heyburn's proposition. They rated it out of date. Now comes his colleague, William E. Borah, with a proposal distinctly up to date, if not in advance of the times, embodied in a resolution which presumably will be considered in the reg-

ular course. It provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." This to be the substance of an amendment to the organic law of the nation.

No throng of suffragists was present to cheer the western statesman and then he shooed out of the visitors' gallery. A suffrage bill in the British Parliament would excite old England from center to circumference, but here the atmosphere is different—the women in pursuit of the ballot stick to the sedate process of cultivating public opinion, in preference to pulling the hair of unhappy politicians. Should Congress endorse the scheme, and the amendment be ratified by three-fourths of the States, still the procedure would be a matter of much time. Possibly it may all come about sometime, if any Constitutional amendment for securing to women the right to vote be really necessary.

Senator Root's Defence of the Income Tax Amendment.

It is a grave public misfortune that the partisan exigency involved in the passage of the so-called Payne tariff bill by the Senate required in order to insure the necessary support that the Republican organization should give its ill considered and ill advised though somewhat perfunctory support to the adoption of an income tax amendment to the Constitution. Such a situation hardly furnishes justifiable or adequate occasion for a profound change in our fundamental law.

The plan thus engendered by legislative stress is in the process of gradual consummation. Senator DAVENPORT had read yesterday in the New York Senate a letter from Senator ROOR supporting the amendment and replying to the message of Governor HUGHES in which the Governor recommended that the "amendment should not be ratified" because it authorized the taxation of "incomes derived from State and municipal securities." In support of his failure to "agree with the views expressed" by the Governor on the construction of the proposed amendment the junior Senator from New York makes a plausible and ingenious though as we believe fallacious argument.

Before commenting upon the argument itself, there are a few preliminary suggestions proper to be made. In discussing the practical or political question involved, Senator ROOR urges that "at least in one time of peril" an income tax "proved essential to the nation's life"; and in summing up his reasons for the adoption of the amendment, he says it "may be again as it has once been vital to the preservation of national existence."

This insistence upon the passage of the amendment as being necessary to provide the Federal Government with an adequate resource in case of great national peril or exigency is well nigh universal upon the part of its advocates, and it is as disingenuous as it is universal. If the power to be vested in the Federal

Government by the amendment was contemplated only for such a purpose the amendment should have confined the exercise of the power to such occasions. Thus limited, there would no doubt have been an immediate abatement of enthusiasm and probably an active opposition on the part of those who now support it. It is not so intended and such is not its purpose. It is common knowledge that the real purpose is to make an income tax a permanent part of our fiscal system. Confined to national peril or exigency, the amendment would have no opposition. To urge it for that reason when it is not so confined and is not so intended is not entirely ingenuous.

The able Senator explains that the incorporation of an income tax

"in the new tariff law would be to present again to the Supreme Court the same questions which had been considered in the Pollock case, and to challenge a reversal of their decision. Thereupon the resolution for the submission of this amendment was introduced in the Senate and was passed by Congress."

He then says, as a justification for the submission of the amendment:

"The proposal followed the suggestion of the Supreme Court in the Pollock case."

If Senator Root means by this that the Supreme Court (which for the purpose of this point is the majority) even intimated that the Constitution ought to be amended or that they approved of such amendment, we beg leave to differ with him. Precisely the contrary is the fact. It is true that Mr. Chief Justice FULLER, on the rehearing in answer to the suggestion that the "Constitution should have been so framed that a tax of this kind could be said," made the obvious remark that it that was desired it could be accomplished by an amendment to the Constitution. But there is nothing that even tends to indicate that such an amendment would meet with his approval. On the contrary, in his first opinion he vigorously expressed himself as to the salutary effect of the provisions of the Constitution requiring direct taxes to be apportioned among the States in proportion to their population when he said it was "to prevent an attack upon ac-

cumulated property by mere force of numbers." He added:

"If by calling a tax indirect when it is essentially direct the rule of protection could be frittered away, one of the great landmarks defining the boundary between the United States and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property."

Mr. Justice FIELD in his concurring opinion said:

"The present assault upon capital is but the beginning. It will be but the stepping stone to others larger and more sweeping. Our political contest will become a war of the poor against the rich, a war constantly growing in intensity and bitterness."

We remark in passing that in his brief reference to the history of this income tax question Senator Root, as is usual with those entertaining his views, begins with the oft quoted Hylton case; and also, as is usual, proceeds blandly to assume that the Hylton case sustains his contention. If the learned gentlemen making that assertion would take time to read the statute there being construed they would discover that it was not a tax upon carriages *per se* or a tax upon a person because he was the owner of carriages, or upon carriages upon the basis of their value, which would be the assessment of a direct tax, but it was a "tax upon all carriages for the convenience of persons which shall be owned by or for any person for his or her own use." The case found that the carriages upon which the tax was laid were kept "exclusively for his own separate use." It was upon such carriages as were kept for his "own use" that the taxes were held properly to be laid. The tax was upon the "use," or an excise, and not upon the carriage as distinguished from its use. It is not surprising, then, that Mr. Chief Justice FULLER said in the Pollock case, in commenting upon the Hylton case, that it decided only:

"That a tax on carriages was an excise and therefore an indirect tax."

The Senator begins his argument with an ingenious paraphrase of the amendment, which paraphrase he thinks would not be held to include the power to tax State and municipal securities. The fatal defect in this paraphrase argument is that it is not the paraphrase but the amendment itself that is to be placed

in the Constitution, and the fact that it is necessary to paraphrase the language of the amendment in order to obviate the criticism that the amendment is sufficiently "all inclusive" to include State and municipal securities seems to us to warrant the inference that without the paraphrase it would so include them. Moreover, the Supreme Court has expressly held that:

"In expounding the Constitution of the United States every word must have its due force and appropriate meaning, for it is evident from the whole instrument that no word was unnecessarily used or needlessly added."

If the amendment is adopted it will become a part of the Constitution subject to this rule. It would be an offensive reflection upon the learned Senate to intimate that they did not use language with precision and care. This rule means that the words of the amendment (which will then be the words of the Constitution) will control; not some other words which it is ingeniously suggested might have been used or are believed to mean the same thing. The burden of the Senator's remark seems to be predicated upon the fact that inasmuch as it is now universally held that the Federal Government has no power under the Constitution as it stands to tax State and municipal securities, and this rule does "not arise from the terms of the Constitution or from the fact that being the necessary instrument of carrying on other and sovereign governments they were not the proper subject of national taxation, therefore no provisions of the Constitution, however wide the scope of their language, could be held to apply to such securities or to the income from them."

This is no doubt true of the Constitution as it now stands unamended, because it is under the Constitution as it now stands that this rule of construction has been adopted. While the statement reads well it does not advance the argument. Mr. Root, however, goes further and says:

"It is a rule of construction just as controlling in defining the proposed amendment as it is in defining the scope of the existing provisions."

This theory of construction was first discovered by Senator BORAH and announced by him in the Senate on Febru-

ary 10. If Mr. Root means by this mysterious logic that no matter how the amendment reads the construction of the Constitution and the scope of the amendment must be the same after its adoption as before because of this sacrosanct rule of law, he is driven to the grotesque legal absurdity of holding that although the amendment might in specific terms provide that the income from State and municipal bonds will be taxable, still by reason of this peculiar legal rule the specific amendment could not be construed to mean precisely what it said.

We suppose it will be considered that this immunity from taxation of their instrumentalities which the States now enjoy is an immunity that the States can surrender to the Federal Government if they choose so to do, and that the immunity can be surrendered by an amendment to the Constitution. In fact, this is the only way in which it could be surrendered. If the Senator concedes that the States can surrender this immunity, and that the adoption of an amendment specifically providing for its surrender would accomplish that result, notwithstanding this mysterious rule of law theretofore obtaining, we then come back to the place from which we started, namely: Does the language of the pending amendment clearly disclose the intent to accomplish that result? If it does, that effect will necessarily be given to it. As a contribution to the discussion this invention of Senator BORAH still remains new, but on analysis it ceases to be useful.

Now, the legislative history of the income tax amendment is instructive and it clearly negatives the Senator's contention. The original amendment as submitted by Senator BORAH and referred to the Finance Committee on June 17, 1909, read as follows:

"The Congress shall have power to lay and collect direct taxes on incomes, without apportionment among the several States according to population."

Here is no effort to define what incomes, or the sources from which the incomes are to be derived. If this had remained the language of the amendment there would have been some force in the argument that it was intended to

apply only to such incomes as were "the proper subject of national taxation." The committee were not content to leave it open to that construction. When they reported it on July 3, 1909, it was in the form in which it finally passed, they having added the all inclusive and strikingly significant words "from whatever source derived." It thus clearly appears that the use of this broad and most comprehensive clause was deliberate and intentional and not an inadvertence or a mere flourish of rhetoric. It was clearly added because with the word "incomes" standing alone and thus susceptible of the restrictive construction now contended for the amendment would not cover all incomes from "whatever source derived" — from every possible source. To render that restricted construction and application impossible the broadest and most comprehensive language possible was inserted in the amendment.

If it was not the intention of the Senate in adding this comprehensive phrase to language otherwise restrictive in its application to enlarge the application of the amendment to cover all possible sources of income, we should be glad to learn from the Senator what other purpose the Senate could have had in mind in making so significant an addition to the amendment.

The enactment of a statute in substantially the language of a statute that has already received judicial construction "is a legislative adoption of their known judicial construction." This doctrine has been applied to the Statute of Frauds, where it is held that in reenacting its provisions the statute must be taken as having adopted the known and settled construction which it had received by judicial construction in England. "The general rules of interpretation are the same whether applied to statutes or constitutions."

Does Senator Root remember that the language in question here has received authoritative judicial construction? The act of 1894 that was construed by the Court in the Pollock case on this point provided:

There shall be assessed . . . upon the

gains, profits and income . . . whether said gains, profits or income be derived from any kind of property, rents, interest . . . or from any other source whatever."

The pending amendment of 1909 reads:

"The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and regard to any census or enumeration."

It is quite easy to see where the Senate committee found the phrase "from whatever source derived."

Does Senator Root remember that in the Pollock case Mr. Chief Justice FULLER, after holding that the tax on the income from real estate was a tax on the real estate itself and therefore a direct tax and not being apportioned unconstitutional, said:

No question is directly presented by the record as to the validity of the tax levied by the act upon the income derived from municipal bonds."

In calling attention to the fact that the income from \$2,000,000 of the municipal bonds of the city of New York was part of the income involved in the case, he said, quoting from an earlier case:

To any extent, however inconsiderable, it is a burden upon the operations of Government, it may be carried to an extent which will arrest them entirely."

He then said:

"Applying this language to these municipal securities, it is obvious that taxation on the interest therefrom would operate on the power to borrow before it is exercised and would have a sensible influence on the contract and that the tax in question is a tax on the power of the States and their instrumentalities to borrow money and consequently repugnant to the Constitution."

Every one connected with that case conceded that the statute included State and municipal securities. Mr. JAMES C. CARTER in support of the act not only conceded it but insisted upon it and attempted to justify it. No one then had the temerity to contend that the broad and sweeping clause with which the statute concluded its description of the subjects of taxation could be narrowed by the general, peculiar and restrictive rule now relied upon. This general and sweeping clause is reported in the constitutional amendment with full knowledge on the part of the Congress that it has received judicial construction. The Court will be bound to assume what is undoubtedly the fact that it was used in

the amendment because it had already been construed and for the same purpose for which it had been previously used in the statute relating to the same subject matter.

In our judgment, therefore, the overwhelming weight of reason and authority sustains the position taken by Governor HUGHES in his message. So far as the fifteen amendments of the constitution relate to private rights they are all restrictions and limitations upon legislative and judicial power. This proposed amendment is the first instance where it is attempted to confer additional power upon the Congress and to emasculate the power of the States. Its adoption subjects "accumulated property" to attack "by mere force of numbers"; it places it in the power of an overwhelming majority with its independence submerged by partisan and political considerations to impose without limit burdens of taxation upon a helpless minority, while the majority and their constituents will be immune from bearing any portion of the burden thus imposed. The possession of such control is practically synonymous with its grave abuse.

The amendment surrenders the independence of the States and invites the national Government to impose upon their operations and instrumentalities a burden that "may be carried to an extent which may arrest them entirely." In any event, in the language of Mr. Justice BREWER in discussing this amendment: "You give them power to tax the States not out of their existence but out of their vitality."

The Republican organization, with a discreditable lack of appreciation of the gravity of the situation, has deliberately seen fit to use an amendment of this vicious character as a mere pawn in legislation. No thinking person can contemplate without the gravest apprehension the consequences of the removal of one of the great landmarks that has thus far been "one of the bulwarks of private rights and private property."

We are confronted with a condition that was effectually described by HAMILTON when he said:

"The suffering States would not long consent to remain associated upon a principle which distributes the public burden with so unequal a hand and which was calculated to impoverish and oppress the citizens of some States while those of others would scarcely be conscious of the small proportion of the weight they were required to sustain."

We believe that in regard to the taxation of State securities the legislators of New York, as the guardians of New York's interests, will accept Governor HUGHES's reasoning and reject Senator ROOF's.

SENATOR BORAH.

(Nampa Record.)

The people of Idaho certainly look with great pride on the junior senator now representing them in the upper house of congress. He is not an insurgent nor is he one of the staid conservatives who pride themselves on their ancestry or on what the Republican party has done. He is a member of that body said to represent the sovereign state, but at the same time he represents the people. His voice is being raised in behalf of the people of his state and of the people of this nation as few men are speaking today. Whenever the voice of Senator Borah is raised it comes out clear for a purer political national regime and a just and equitable distribution of the burdens of government. His great speech a few days ago, in which he warned the forces of wealth against a continuation of the unequal burdens of taxation and pleaded for the favorable consideration of the income tax amendment to the constitution, carried with it something of the ring of those men who saw the trend of the public mind against the institution of slavery and its menacing danger to the country.

His voice and his vote comes opportune at every occasion. When the senior senator lost his equilibrium and went off on a tangent, while the senators of both parties heard and frowned, Senator Borah was not moved from his sense of fairness and at once cast a vote as every reasonable citizen of the country realizes was right.

It may be that party politics must be re-arranged in this state, sometime in the not far future, but that re-arrangement will be a result of an incensed public mind, unwilling to submit to a continuation of a system of government adverse to popular good, and Senator Borah will no doubt be at the head of the new order as the idol of all who desire equality in the maintenance of the state and the nation.

Gov. Hughes denit the income tax amendment a hard blow when he said that if the federal government were given power to collect taxes on incomes "from whatever source derived" it could tax incomes derived from state or municipal bonds, and thus cripple the governments that issued them. The governor gave the enemies of the amendment an argument against it which seemed all the more forcible because he said he would have been for it had it not been for those four fatal words.

The other day Senator Borah made a speech in reply to Gov. Hughes in which he contended that the words were mere surplusage, and that whether they were in or out the federal government would have no power to tax income derived from state or municipal bonds, the salaries of state officers, or any of the instrumentalities of state governments. It was a clear cut, logical argument. Gov. Hughes has not yet tried to answer it. A failure to do so would be almost equivalent to a confession that it was unanswerable.

The chief point which Senator Borah makes is that the Supreme court has settled beyond all controversy that the instrumentalities of the states cannot be taxed by the federal government, nor those of the latter by the former. There is no express provision of the constitution in either case, and the court had to base its conclusions on a principle drawn from the constitution as a whole. It said in one case:

The states are and they must ever be consistent with the national government. Neither may destroy the other. Hence the federal constitution must receive a practical construction. Its limitations and its implied prohibitions must not be extended so far as to destroy the necessary powers of the state or prevent their efficient exercise.

The same court which held that the grant of power of taxation was complete "and in all respects unfettered," also held that the "great law of self-preservation exempts any and all means and instrumentalities of state government from federal taxation." It said that long prior to the decision that congress could not lay an income tax without apportionment.

Senator Borah argues that if the power were granted to congress with or without the words Gov. Hughes takes exception to it would still be out of the power of the national government to tax state instrumentalities, and that if it were to attempt to do so the Supreme court would interfere as on other occasions.

What has Gov. Hughes to say to that?

THAT was a good speech that Senator Borah delivered in the senate yesterday, of which the news service gives us a few excerpts in this issue. The people need illumination on this subject which involves the acceptance or rejection by the several state legislatures of the constitutional amendment proposed by the last congress, that has for its purpose the validating of an income tax law. Some of us will remember how pusillanimously the supreme court of the country behaved on this question some years ago, when it first declared the law constitutional and after an overnight consultation reversed itself. It is true that only one of the nine did this, but his shift reflected on the honor of the whole court, and most of their five to four decisions since then have been regarded as questionable, probably for the reason that when a question gets up to this supreme tribunal which sits apart from all commercial or political influences, it is surprising that it cannot come nearer to agreement on questions of law. However that is apart from the question to which the Idaho senator addressed himself yesterday and which he implored the country to take heed of. The amendment has to be accepted by two-thirds of the sovereign states through their legislatures. Some few states have already passed upon it in this way; only a few and thus far with no indication of a popular feeling in its favor; the great state of Massachusetts deliberately ignoring it. When Gov. Hughes of New York recently advised against acceptance by the state of New York the friends of the measure felt that it had received a severe blow, for the reason that Gov. Hughes has a national reputation for political uprightness, and the fear was that if he saw fit to advise against the acceptance of the amendment there were good reasons for so doing. So there were from the standpoint of

cupied by the New York governor, which was that of a state official protecting the welfare and incidentally the credit of his state, in this; New York, like many other states has issued and sold bonds on which it guaranteed exemption from taxation; meaning state taxation, which it had a perfect right to do, and by so doing was the gainer in getting, perhaps a better price for the bonds and certainly a better rate of interest. There being no direct national tax on the individual it was safe to make this guarantee to the bond purchasers, but if now an income tax is lawfully imposed, such bonds being a tangible and admitted source of income, become taxable, and the guarantee of the state of no avail in so far as the income tax is concerned. For this reason Gov. Hughes advised against the acceptance of the proposed amendment by the legislature of his state. Undoubtedly other states are similarly situated and if so the same argument will have force with these, but at best it is a selfish argument and one that will not be relished by the poorer people when they come to understand it. The salient point set forth by Senator Borah's speech is the injustice of the thing. Granting to men rich enough to be bondholders an exemption from taxation that, because of this exemption, must inevitably fall upon the shoulders of those too poor to own bonds.

Without a doubt the income tax is the fairest, most equitable tax ever levied, for the reason that all who have incomes above a certain amount are better able to pay than those in poorer circumstances, and because it is a tax that automatically adjusts itself, not only to the general circumstances of different men's ability to pay, but to the one man's ability, year by year, to pay more or less, in the proportion that fortune has favored him. The Idaho senator is right when he says that it will

be a dangerous thing to defeat this measure, and that few of it should be taken throughout the country and legislative candidates everywhere pledged to the acceptance of the amendment. It will certainly be made a campaign issue in this county for one.

TAXING WEALTH.

A few years ago, the words of Senator Borah, uttered the other day in discussion of the proposed amendment to the constitution permitting a tax on incomes, would have been characterized as the expressions of a demagogue. A sentiment has fast been developing, however, and it is to-day the sentiment of the best thinkers, that Mr. Borah has not overstated the question by one iota.

The senator from Idaho voices the inference that subway means are being employed to defeat the measure, which has been referred to the States for action. He notes that forces are at work whose purpose it is to defeat the measure. He notes that they are hidden forces, that they decline to come into the open and fight it out manfully, that they are acting the part of hypocrites, pretending that they are staunch supporters of the income tax, but all the time exercising their influence to the end that one-fourth of the State Legislatures shall reject the measure.

All this is well calculated to further arouse the discontent, the deep spirit of resentment, which is taking firm root in the public mind. The people are aroused in their own behalf as they rarely have been aroused before. They have had enough of the organized, authorized plundering and pilfering whereby special favors have been granted to the rich at the dire expense of the poor. The great mass of the people have become weary of supporting Republican administrations in their riot of extravagance. They have seen the rich grow richer and the poor grow poorer, not only that the Government may annually spend millions of dollars in sustaining and increasing a costly military establishment, but also that the particular friends of the party in power may fill their coffers to overflowing.

The people of these United States have suffered grievous burdens of taxation. They have reached the point where submission to these wrongs has ceased to be a virtue, if it ever was. Their patience has been tried to the breaking point. The tax on consumption which operates so unfairly, which creates so rank an injustice, is no longer to be tolerated.

The proposition to tax wealth, to compel those who have enjoyed special privileges to pay their just share of the cost of Government, is almost within

reach. To dangle this tempting morsel before the eyes of the overtaxed consumer only to snatch it away will only serve to arouse still further the class hatred which has been developing. That the powers of privilege are straining every nerve to protect their wealth by defeating the income tax proposal will not serve to relieve this sense of oppression and injustice. Warning ought to be given that the wealthy are only making matters worse by employing such underhanded measures. If they succeed in killing the amendment, they will only further arouse the passions of a tax-ridden people and lay themselves open to more drastic measures in the future. The risk is theirs. Wealth, not poverty, should and will be taxed.

BORAH DEMANDS TAX ON INCOMES OF RICH

Attacks Gov. Hughes as a Man
Opposed to Practical Steps.

PUBLIC MIND RESTLESS

Idaho Senator Says the Proposed
Amendment to the Constitution
Is the People's Fight.

WASHINGTON, Feb. 10.—Senator William E. Borah of Idaho took occasion in the Senate to-day to attack the position of those who oppose acceptance by the several States of the proposed amendment to the Constitution of the United States which would permit the levying of a tax on incomes without apportionment between the States.

Incidentally the Senator paid his respects to Governor Hughes of New York, including him by inference among those who profess to be in favor of an income tax, but oppose practical measures which would permit its enforcement. His reference was, of course, to Governor Hughes' annual message to the New York State Legislature urging defeat of the proposed amendment on the ground that its language might be so construed as to authorize Congress to tax incomes derived from State and municipal bonds.

Senator Borah pictured the mind of the public as in a state of suspicion and discontent toward the Government, and said that the people could not much longer be withheld from radical action if taxation were continued in protection of wealth and in exemption of "incomes which sustain luxury and breed idleness and sloth."

The Senator said in substance:

"The history of the income tax since 1891 has not been one which any citizen can recall with pride. For a hundred years a rule of construction as established by the men who helped to write the Constitution had received the approval of an undivided court time and time again. During this period there sat upon the bench of the Supreme Court some of the greatest lawyers of that or any other period of this or any other country. During this period the wealth of this country had not become so domineering, so powerful, so determined to have its own way. During this period, therefore, we had under the Constitution the right to impose a part of the tax upon wealth and a part upon consumption and we did so.

"In 1894 and 1896 these precedents were overturned. This Constitution received an interpretation unknown to its makers. In the face of two most powerful dissenting opinions to which two other Judges assented, the humiliating and astounding doctrine was announced that the makers of the Republic had hedged wealth about so that the taxing powers of the Government could not reach it even in time of war; that the founders of a government based upon equality and justice had made it impossible to divide the burdens of government between consumption and a large class of gathered wealth. At the last session of this body we were called upon to ratify and declare by express act our assent to that interpretation. Under the rule of the majority we did so. We submitted this proposed amendment to remedy this supposed hideous defect in the fundamental law.

"Now the scheme and plan is to defeat the amendment. Having, as a law-making body, solemnly accepted this construction of the Constitution, thereby making it impracticable again to appeal to the court, if this amendment can be defeated this, the Government of the people, for the people and by the people, will stand alone among all the civilized nations of the earth shorn of the power to tax that form of wealth best able to bear the burdens of Government.

"That is the scheme and plan, and such men as the great Governor of New York are giving them great aid and comfort. Men say with great fervor of patriotism, 'I am in favor of this power being given to the Government to be used at least in time of war,' and straightway proceed to help defeat the amendment. If those who are the real enemies of this measure would come into the open its friends could deal with them far more successfully.

"Mr. President, no one ever saw this country in just the condition it is to-day. Never since this Government was launched has there been such a restless spirit among the great mass of the people, such ugly questioning, such persistent inquiry. No part of the Government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the Constitution itself. An uneasy, dissatisfied, suspicious public mind is the public mind of to-day.

"You can defeat this amendment. In view of the class of men who are joining the crusade against it, I think you will defeat it. The forces which propose to encompass its defeat will not stop on the hither side of the most reputable methods to accomplish their purpose. But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too strong among us. It will do much to foster disrespect for and breed disloyalty to the Government. When those who are able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger

parties, increased burdens on the weak, and learn, furthermore, that all this might be met by a tax on consumption, while incomes which sustain luxury and broad idleness and idleness go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in the Government. I do not know how long we can deal with a patient people in this way. But I venture to prophesy not much longer.

"I hope, therefore, the Governors and Legislatures of this country will be brave enough to do their duty in the matter. It is time the people in this broad land bear themselves upon this vital question before it is too late to do so. It would be nothing less than a catastrophe if this amendment should be defeated, if we are going also to be cut off from an appeal to the court. This is in every sense the people's fight."

ROOT-HUGHES CLASH ON THE INCOME TAX

Senator Will Write to the Legislature Upholding Amendment the Governor Condemns.

WILL ALSO SPEAK ON IT

Probably Will Voice Taft's Views—
Borah Attacks Hughes's Idea, and
Many Senators Agree with Him.

Special to The New York Times.

WASHINGTON, Feb. 10.—A speech of Senator Borah in the Senate to-day, replying to Gov. Hughes's criticism of the proposed income tax amendment, drew from Senator Root and many other legal lights on both sides the chamber personal expressions of approval. The consensus of opinion was evidently that the Governor had erred in supposing that the amendment would give to Congress the power to tax salaries of State officers and State boards.

So strongly does Senator Root feel on this subject that in spite of the fact that he is a Senator from Gov. Hughes's State, he will within a few days make a speech in the Senate endorsing the stand taken by Mr. Borah that the powers feared by the Governor are not and could not be conveyed by the proposed amendment. Still more interesting is the fact, when developed afterward, that even prior to the agitation started by Mr. Borah to put the Senate on record as to the intended significance of the amendment, Senator Root had drafted a letter to the Legislature of New York opposing Gov.

Hughes's views. That letter has not yet been sent, but when it reaches Albany it is expected that it will cause a most interesting situation.

Mr. Root speaks always with the weight of the Administration behind him. At least, that is the view held here, whether or not his utterances follow conferences at the White House. But in this particular case the interest will centre on the relative effects on the New York legislative body of a formal message from the Governor and a letter from Senator Root. The whole matter is further complicated, in the opinion of those here, by Mr. Hughes's prospective candidacy for the Presidency at some future date and by Mr. Root's close affiliation first with the Roosevelt and then with the Taft Administrations.

There has been no word indicating Mr. Hughes's intention to run against Mr. Taft in 1912, but the matter is spoken of as one of the natural possibilities. It is felt that, though Mr. Root has had nothing to do with steering any such scheme, a serious blow would be dealt to the popular confidence in Gov. Hughes by making him appear to oppose the income tax against the wishes of the President and his Cabinet.

When Mr. Borah concluded his argument that it was inherent in the nature of the independent sovereignties of the State and the Nation, that neither could tax the means of support of the other, many Senators, including Mr. Bailey of Texas, Mr. Heburn of Idaho, Mr. Bacon of Georgia, and Mr. Smoot of Utah, crowded up to congratulate him, and all of them endorsed heartily the position he had assumed in regard to Gov. Hughes's attack on the amendment as it stood.

Mr. Borah said that so far as the Constitution was concerned, Congress already had the unlimited right to tax State bonds, but quoted several decisions of the Supreme Court to show that there was something inherent in the independent sovereignties of the States and the Federal Government that made it impossible for one to levy on the other's means of support. The power to tax was the power to destroy, he argued, and that was a power nothing could confer.

Mr. Borah predicted that the amendment would not be ratified and bitterly denounced the persons and interests lined up against it. When he concluded Senator Root approached the group of Senators who were congratulating Mr. Borah and said that while he thought the Idaho Senator had gone too far in speaking of the opponents of the measure, he agreed entirely with the defense of the proposed amendment.

Senator Brown, who was the author of the Constitutional amendment, announced that he would speak on the matter at an early date. In reply to questions he said that he endorsed Mr. Borah's interpretation of the powers conferred by the proposed amendment, but that he felt that should Gov. Hughes's interpretation of the wide scope of the taxing power be correct, that would only be another argument in favor of its passage.

NY Times Feb 11

BOND ISSUE.

THE WEST is to be congratulated, as well as Senator Borah, that the president has manifested so much interest in the passage of a bond issue of \$30,000,000 for the completion of irrigation enterprises now in process of development. The telegraphic dispatches indicate the president has promised a special message to congress in which he will strongly recommend the passage of the measure.

The president is reported as speaking of this matter in the following language:

"The administration is determined so far as it is within its power to secure sufficient funds to complete these projects and you will have the earnest and persistent support of the administration for that purpose. I myself believe the proper way to do it is by a bond issue, as you have provided in your bill, but if it is found necessary to satisfy some in order to get it through congress, to call them certificates, we will attach to them the same guarantee of validity as a bond would have, so that we can raise the money at no greater cost or rate of interest than we would pay on a bond. In legal effect that is what they must be. I am determined that those settlers who have gone upon these projects shall not wait any longer for their water than it is possible to get it there if congress will give me the money."

It is to be hoped this broad and liberal view will be endorsed by our representatives in both houses of congress, and not allow any sectional, narrow-minded views to enter into a consideration of this almost vitally important question to the rapidly developing West, and hold up the bill as has been done in the past. The plan of trading one section of the country against another in the interest of the advancement of sectional and local interests is growing disgusting and tiresome to the people irrespective of party considerations.

It is much to be desired our representatives will meet the president in his views, and rise above the practices of the past and in that

broad-minded, liberal spirit which should characterise statesmen pass this measure and benefit thousands of worthy citizens in the present and future. Including those now on the lands waiting for water and those to come so soon as water is available.

To retard the growth of the West, and longer deny those all ready on these lands would be little short of a crime. Hence we congratulate the West, on the encouraging words of the president; Senator Borah as author of the bill; and hope in the near future to congratulate the people on the favorable action of congress in the passage of the bill.

SENATOR BORAH.

That was a very strong speech made in the senate by Senator Borah of Idaho on Thursday. It had something of the ring in it of the old days when Webster and Calhoun and Cass and a few others addressed the senate, a kind of an organ tone of intellect which put to shame the effervescence of the ordinary senator.

We are not at all certain that that same Senator Borah will not make a great name before he is through. He does not speak very often, but when he does he always says something. His speech on the trial of the labor men in Idaho was one of the strongest we ever read, one of the strongest and clearest, and every sentence in his speech on Thursday was punctuated by a high thought; and it is not altogether fashionable in the senate now to bring real ideas in a stately way into a speech.

A Pointed Contrast.

Senator Borah of Idaho, interviewed at New York within the week, said much tending to the enlightenment of the Eastern mind about matters just now actively before the country. Among other things Mr. Borah called attention to the liberal land policy in the newer British provinces of North America. "Look," he said, "how we are losing the very best elements of population. Last year 40,000 Americans in the Western wheat belt crossed over into Canada to settle upon the new lands offered freely to those who will come and develop them. This year the movement of more than 70,000 Americans in the same direction is already arranged for. They will take with them a goodly supply of capital. Besides the loss of good, thrifty farmers, this means the loss of \$10,000,000 in

*Very high language
Thu 1910*

*Very important
Thu 12-1910*

good American money. The reason for this movement is that the Canadian government, in the effort to attract population, has framed up its land laws in liberal spirit. They have learned by experience that the land is worthless to anybody until it is used."

Senator Borah further surprised the New Yorkers by the statement of certain simple facts so familiar indeed in the West that their impressiveness has almost come to be lost. For example, under the "conserving" policy of the government in recent years—a policy enforced without change in the laws—one-third of the superficial area of Idaho is in forest reserve. This does not mean that one-third of Idaho is forested, only that for one reason or another it has suited the conservists to withdraw vast regions from occupancy and to dedicate them to silence and non-production. Governor Hughes of New York, to whom Senator Borah paid a visit, was quite taken off his feet when informed that at point of area the State of New York could be lost in the forest reserves of Idaho.

Senator Borah's statement with respect to the movement of American wheat farmers into Canada might have been made even more striking by reference to the comparative history of United States and British territories. There was a long period prior to the consolidation of British territories under the Canadian federation, when the shoe was on the other foot. Under the American home-stead law, aided by railway construction, promoted in turn by liberal land grants, the American regions of Wisconsin, Minnesota, and the Dakotas filled up quickly with an industrious and enterprising population. The corresponding British territories on the other hand, then under lease to great trading corporations, notably the Hudson Bay Company, were practically held as hunting reserves. Long after the American West had become a populous and productive country, the British West was still a wilderness, the abode only of savages and of the fur-bearing animals. The explanation lay wholly in the then contrasting policies of the two countries, for one region was practically like the other in natural conditions.

In those days we used to boast, as our Canadian friends used to lament, the contrasting differences. But that was before we had been taught the new and fine philosophy that a country is "saved" when it is left in a state of nature; that it has been "lost" when it has been occupied and developed and turned to profitable and beneficent account. It was before Mr. Pinchot had gotten his German education and had returned to instruct us that pretty much everything in America was on a wrong basis.

The Income Tax Amendment

The other day Governor FORT of New Jersey, in advising his Legislature to ratify the income-tax amendment, answered Governor HUGHES's objections one way. Now comes Senator BORAH of Idaho and answers them another way. Suppose, said the Governor, the language of the amendment does permit Congress to tax incomes drawn from State and municipal bonds—and that, evidently, is what Governor FORT *does* suppose—still, what's the difference? Would such securities depreciate in consequence? Never! People and banks are too patriotic to stop buying them for any such miserable reason as that they might be worth less. Would Congress, through such a tax, impair the power of the States? Again never! Congress is too representative to want to do such a thing, and if it did want to, the people would be too patriotic to let it. So the Governor is quite satisfied, although accepting Governor HUGHES's interpretation of the powers conferred by the amendment, that they will never be exercised the way Governor HUGHES fears.

Not so Senator BORAH. According to him, the words "from whatever source derived" in the amendment confer no such power on Congress as Governor HUGHES thinks. There is not now, the Senator points out, any language in the Constitution prohibiting Congress from taxing the "means and instruments" of the States. Congress is stopped from such a course merely because one sovereignty cannot tax the "means and instrumentalities" of another; that is to say, by the same reasoning which denies the States the right to tax Federal "means and instrumentalities," the power to tax being, as JOHN MARSHALL declared in arguing just this point, the power to destroy.

This is interesting talk, whether or not one happens to be a constitutional lawyer. So is Governor HUGHES's view interesting—if only because it is so very different from either Governor FORT's or the Senator's. It is reported that Senator ROOT agrees with Senator BORAH in his legal argument, and that he will so declare in the Senate, and will write to the New York Legislature, urging the acceptance of the amendment. That, too, is very interesting, but the thing we and a good many others are most interested in is the amendment itself and its chances of ratification; and we again venture to inquire why Congress and the President, if both are sincerely desirous of such an amendment, do not at once send to the States another proposal, free from the questioned language. The really important thing about Governor HUGHES's criticism is not its soundness or unsoundness, but the fact that it practically insures the defeat of the amendment as it stands.

through down.

INCOME TAX AMENDMENT.

The notable speech of the week in congress was that of Senator Borah of Idaho in favor of the adoption of the income tax amendment by the state legislatures.

Senator Borah took issue with Governor Hughes of New York. Following Senator Borah's speech, Senator Root, of New York, expressed privately his entire acquiescence in Borah's argument, and he announced his intention of either making a speech along the same lines or writing a letter to the legislature, taking issue with Governor Hughes on the desirability of adopting the proposed amendment.

The New York Legislature has not yet voted upon the amendment. Governor Hughes has opposed it on the ground that it will make possible the taxation by the federal government of state bonds. Senator Borah insists there is no prohibition of such taxation, and Senator Root agrees with this. Therefore, to defeat the amendment, in order to save a fancied advantage to the states, would be an error which would gain nothing for the states and cost the country the opportunity to reform methods of taxation, so earnestly sought by all who believe that wealth should bear a greater proportion of the burdens of the government than it does at present.

Addressing himself to the opponents of the income tax, which is favored by President Taft, the senator said:

"You can defeat this amendment. In view of the class of men who are joining the crusade it, I think you will defeat it. The forces which propose to encompass its defeat will not stop on the hither side of the most disreputable methods to accomplish their purpose.

"But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too strong among us. It will do much to foster disrespect for and breed disloyalty to the government.

"When those who are well able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn, furthermore, that all this must be met by a tax on consumption while incomes, which sustain luxury and breed idleness and idiocy, go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in the government. I do not know how long we can deal with a patient people in this way. But I venture to prophecy not much longer."

Chief Justice Marshall Against Gov Hughes.

Senator Borah of Idaho, in his reply last week to the objections of Gov Hughes of New York to the pending income tax amendment, took the position that the amendment conferred no power of income taxation which Congress did not have prior to the decision of the United States supreme court overthrowing the income tax law of 1894. If Congress then did not have power to tax salaries of state officers, as the supreme court ruled in Collector against Day; and if it did not then have power to tax incomes from state and municipal bonds, as the court ruled in 1895, but not previously, then it would not have such power under the pending amendment. The right of the

states, equally with the federal government to exemption from taxation by any other power of the instrumentalities of state or national government, was, Mr Borah held, an inherent right which the pending amendment either did not or could not take away. When, therefore, the amendment conferred upon Congress power "to tax incomes, from whatever source derived," it conferred simply a power to tax incomes subject to the exclusion, under judicial decision and precedent, of taxes upon the instrumentalities of state government.

Mr Borah's speech has not as yet appeared in the Congressional Record, being held back for revision; but that he took the position above described appears from fragmentary reports of the speech. When he had finished Mr Bailey of

Copy from the original

Texas rose to endorse the Idaho senator's argument, and then appealed to Senator Brown of Nebraska whether that was not his understanding of the amendment—which was drawn by him. He said in reply:—

My own judgment is that the words against which complaint is lodged, "from whatever source derived," neither add to nor take away from the power of the government to reach the incomes of the country, provided the proposed amendment is adopted. But I further maintain, Mr. President, and I shall do so at some length with the indulgence of the Senate, that, without regard to whether or not the proposed amendment will reach the incomes of state officers or the incomes arising from state securities, nevertheless the amendment should be adopted. I am not so clear, Mr. President, but that the very fact that the proposed amendment makes no exception of any income does not commend it to public approval. So that, conceding for the moment that this amendment would confer a power to reach state securities, nevertheless the fact that every man's income shall be reached may become one of the reasons why the amendment should be adopted.

This is precisely the point we have made in favor of the amendment and against the objection of Gov. Hughes. Congress should be given power to tax incomes from state securities in common with incomes from other sources; and the same is true as to state salaries where they exceed the exemptions usually granted in income tax laws.

There are several reasons for holding this view. A federal tax on individual incomes is a tax on citizens of the states in their character as citizens of the United States, and the citizen of a state does not cease to be a citizen of the United States on taking a salaried state office or investing in state securities, or divert himself of the obligation of supporting the national government. And when incomes from state bonds or salaries from states are taxed by the national government in common with incomes from other securities or other salaries, there is no tax upon the instrumentalities of the state governments in the sense of impairing their vitality. The market for state bonds is not injured in the slightest degree, as will be obvious on a moment's consideration of the matter; nor is the state salary made any the less attractive, since the private salary abandoned for the public salary is equably taxed. And Congress would never of course impose discriminating taxes on incomes from state bonds or from state salaries; since Congress is made up of citizens of the several states who represent the interests of the states as well as consult the interests of the general government.

Senator Brown is right, and if Senators Borah and Bailey hold to the full

exemption of the incomes from state bonds, etc., we trust he will be able to win them over to this broader view of the matter. The seriousness of permitting such an exemption to stand as a constitutional proposition may be understood when it is considered that municipalities, if not states, are more and more assuming industrial functions and borrowing money for their exercise; and that, under the said exemptions, a great body of wealthy citizens, becoming increasingly numerous as time passes, would fall out from under a federal income tax.

It is further to be observed that a mistake is being made in holding, as Gov. Hughes does in effect, that the relations between the state and federal governments are exactly reciprocal in matters of taxation,—that there is as much reason for prohibiting the federal government from taxing incomes from state bonds, for example, as for prohibiting the states from taxing federal bonds. This view was urged by counsel for the state in *McCulloch* against Maryland (1819) and was disposed of by Chief Justice Marshall in that great judgment of the United States supreme court as follows:—

The people of all the states have created the general government, and have conferred upon it the general power of taxation. The people of all the states, and the states themselves, are represented in Congress and, by their representatives, exercise this power. When they tax the chartered institutions of the states, they tax their constituents; and these taxes must be uniform. But when a state taxes the operations of the government of the United States, it acts upon institutions created not by their own constituents, but by people over whom they claim no control. It acts upon the measures of a government created by others as well as themselves, for the benefit of others in common with themselves. The difference is that which always exists, and always must exist, between the action of the whole on a part, and the action of a part on the whole; between the laws of a government declared to be supreme and those

depositors who may have deposits with the bank at the time when any amounts are realized upon. I am informed in New York state, also, excess profits above a certain amount have been credited to the depositors from time to time, so that eventually substantially all of their deposits have been returned to them. While this department would not wish to hold out such an inducement to the depositors for the acceptance of this proposition, as the matter has not been worked out in such detail as yet to warrant it, I am in hopes that it may be possible, if this bank is continued, to warrant the depositors now in bank in receiving additional amounts. Charles M. Preston, a former superintendent of banking in the state of New York, in a similar case, says: "It has been the policy of this state for a long series of years to permit savings institutions,

Senator Root's Defence of the Income Tax Amendment.

It is a grave public misfortune that the partisan exigency involved in the passage of the so-called Payne tariff bill by the Senate required in order to insure the necessary support that the Republican organization should give its ill considered and ill advised though somewhat perfunctory support to the adoption of an income tax amendment to the Constitution. Such a situation hardly furnishes justifiable or adequate occasion for a profound change in our fundamental law.

The plan thus engendered by legislative stress is in the process of gradual consummation. Senator DAVENPORT had read yesterday in the New York Senate a letter from Senator ROOT supporting the amendment and replying to the message of Governor HUGHES in which the Governor recommended that the "amendment should not be ratified" because it authorized the taxation of "incomes derived from State and municipal securities." In support of his failure to "agree with the views expressed" by the Governor on the construction of the proposed amendment the junior Senator from New York makes a plausible and ingenious though as we believe fallacious argument.

Before commenting upon the argument itself, there are a few preliminary suggestions proper to be made. In discussing the practical or political question involved, Senator ROOT urges that "at least in one time of peril" an income tax "proved essential to the nation's life"; and in summing up his reasons for the adoption of the amendment, he says it "may be again, as it has once been vital to the preservation of national existence."

This insistence upon the passage of the amendment as being necessary to provide the Federal Government with an adequate resource in case of great national peril or exigency is well nigh universal upon the part of its advocates, and it is as disingenuous as it is universal. If the power to be vested in the Federal Government by the amendment was contemplated only for such a purpose

the amendment should have confined the exercise of the power to such occasions. Thus limited, there would no doubt have been an immediate abatement of enthusiasm and probably an active opposition on the part of those who now support it. It is not so intended and such is not its purpose. It is common knowledge that the real purpose is to make an income tax a permanent part of our fiscal system. Confined to national peril or exigency, the amendment would have no opposition. To urge it for that reason when it is not so confined and is not so intended is not entirely ingenuous.

The able Senator explains that the incorporation of an income tax

"in the new tariff law would be to present again to the Supreme Court the same questions which had been considered in the Pollock case, and to challenge a reversal of their decision. Thereupon the resolution for the submission of this amendment was introduced in the Senate and was passed by Congress."

He then says, as a justification for the submission of the amendment:

"The proposal followed the suggestion of the Supreme Court in the Pollock case."

If Senator ROOT means by this that the Supreme Court (which for the purpose of this point is the majority) even intimated that the Constitution ought to be amended or that they approved of such amendment, we beg leave to differ with him. Precisely the contrary is the fact. It is true that Mr. Chief Justice FULLER, on the rehearing in answer to the suggestion that the "Constitution should have been so framed that a tax of this kind could be laid," made the obvious remark that if that was desired it could be accomplished by an amendment to the Constitution. But there is nothing that even tends to indicate that such an amendment would meet with his approval. On the contrary, in his first opinion he vigorously expressed himself as to the salutary effect of the provisions of the Constitution requiring direct taxes to be apportioned among the States in proportion to their population when he said it was "to prevent an attack upon ac-

N.Y. Gen. March 1910

accumulated property by mere force of numbers." He added:

"If by calling a tax indirect when it is essentially direct the rule of protection could be frittered away, one of the great landmarks defining the boundary between the United States and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property."

Mr. Justice FIELD in his concurring opinion said:

"The present assault upon capital is but the beginning. It will be but the stepping stone to others larger and more sweeping. Our political contest will become a war of the poor against the rich, a war constantly growing in intensity and bitterness."

We remark in passing that in his brief reference to the history of this income tax question Senator Root, as is usual with those entertaining his views, begins with the oft quoted Hylton case; and also, as is usual, proceeds blandly to assume that the Hylton case sustains his contention. If the learned gentlemen making that assertion would take time to read the statute there being construed they would discover that it was not a tax upon carriages *per se* or a tax upon a person because he was the owner of carriages, or upon carriages upon the basis of their value, which would be the assessment of a direct tax, but it was a "tax upon all carriages for the convenience of persons which shall be owned by or for any person for his or her own use." The case found that the carriages upon which the tax was laid were kept "exclusively for his own separate use." It was upon such carriages as were kept for his "own use" that the taxes were held properly to be laid. The tax was upon the "use," or an excise, and not upon the carriage as distinguished from its use. It is not surprising, then, that Mr. Chief Justice FULLER said in the Pollock case, in commenting upon the Hylton case, that it decided only:

"That a tax on carriages was an excise and therefore an indirect tax."

The Senator begins his argument with an ingenious paraphrase of the amendment, which paraphrase he thinks would not be held to include the power to tax State and municipal securities. The fatal defect in this paraphrase argument is that it is not the paraphrase but the amendment itself that is to be placed

in the Constitution, and the fact that it is necessary to paraphrase the language of the amendment in order to obviate the criticism that the amendment is sufficiently "all inclusive" to include State and municipal securities seems to us to warrant the inference that without the paraphrase it would so include them. Moreover, the Supreme Court has expressly held that:

"In expounding the Constitution of the United States every word must have its due force and appropriate meaning, for it is evident from the whole instrument that no word was unnecessarily used or needlessly added."

If the amendment is adopted it will become a part of the Constitution subject to this rule. It would be an offensive reflection upon the learned Senate to intimate that they did not use language with precision and care. This rule means that the words of the amendment (which will then be the words of the Constitution) will control; not some other words which it is ingeniously suggested might have been used or are believed to mean the same thing. The burden of the Senator's remark seems to be predicated upon the fact that inasmuch as it is now universally held that the Federal Government has no power under the Constitution as it stands to tax State and municipal securities, and this rule does "not arise from the terms of the Constitution or from the fact that being the necessary instrument of carrying on other and sovereign governments they were not the proper subject of national taxation, therefore no provisions of the Constitution, however wide the scope of their language, could be held to apply to such securities or to the income from them."

This is no doubt true of the Constitution as it now stands unamended, because it is under the Constitution as it now stands that this rule of construction has been adopted. While the statement reads well it does not advance the argument. Mr. ROOT, however, goes further and says:

"It is a rule of construction just as controlling in defining the proposed amendment as it is in defining the scope of the existing provisions."

This theory of construction was first discovered by Senator BORAH and an-

nounced by him in the Senate on February 10. If Mr. ROOR means by this mysterious logic that no matter how the amendment reads the construction of the Constitution and the scope of the amendment must be the same after its adoption as before because of this sacrosanct rule of law, he is driven to the grotesque legal absurdity of holding that although the amendment might in specific terms provide that the income from State and municipal bonds will be taxable, still by reason of this peculiar legal rule the specific amendment could not be construed to mean precisely what it said.

We suppose it will be considered that this immunity from taxation of their instrumentalities which the States now enjoy is an immunity that the States can surrender to the Federal Government if they choose so to do, and that the immunity can be surrendered by an amendment to the Constitution. In fact, this is the only way in which it could be surrendered. If the Senator concedes that the States can surrender this immunity, and that the adoption of an amendment specifically providing for its surrender would accomplish that result, notwithstanding this mysterious rule of law theretofore obtaining, we then come back to the place from which we started, namely: Does the language of the pending amendment clearly disclose the intent to accomplish that result? If it does, that effect will necessarily be given to it. As a contribution to the discussion this invention of Senator BORAH still remains new, but on analysis it ceases to be useful.

Now, the legislative history of the income tax amendment is instructive and it clearly negatives the Senator's contention. The original amendment as submitted by Senator BORAH and referred to the Finance Committee on June 17, 1909, read as follows:

"The Congress shall have power to lay and collect direct taxes on incomes, without apportionment among the several States according to population."

Here is no effort to define what incomes, or the sources from which the incomes are to be derived, if this had

remained the language of the amendment there would have been some force in the argument that it was intended to apply only to such incomes as were "the proper subject of national taxation." The committee were not content to leave it open to that construction. When they reported it on July 3, 1909, it was in the form in which it finally passed, they having added the all inclusive and strikingly significant words "from whatever source derived." It thus clearly appears that the use of this broad and most comprehensive clause was deliberate and intentional and not an inadvertence or a mere flourish of rhetoric. It was clearly added because with the word "incomes" standing alone and thus susceptible of the restrictive construction now contended for the amendment would not cover all incomes from "whatever source derived"—from every possible source. To render that restricted construction and application impossible the broadest and most comprehensive language possible was inserted in the amendment.

If it was not the intention of the Senate in adding this comprehensive phrase to language otherwise restrictive in its application to enlarge the application of the amendment to cover all possible sources of income, we should be glad to learn from the Senator what other purpose the Senate could have had in mind in making so significant an addition to the amendment.

The enactment of a statute in substantially the language of a statute that has already received judicial construction "is a legislative adoption of their known judicial construction." This doctrine has been applied to the Statute of Frauds, where it is held that in reenacting its provisions the statute must be taken as having adopted the known and settled construction which it had received by judicial construction in England. "The general rules of interpretation are the same whether applied to statutes or constitutions."

Does Senator ROOR remember that the language in question here has received authoritative judicial construction? The act of 1894 that was con-

strued by the Court in the Pollock case on this point provided:

"There shall be assessed . . . upon the gains, profits and income . . . whether said gains, profits or income be derived from any kind of property, rents, interest . . . or from any other source whatever."

The pending amendment of 1909 reads:

"The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and regard to any census or enumeration."

It is quite easy to see where the Senate committee found the phrase "from whatever source derived."

Does Senator ROOF remember that in the Pollock case Mr. Chief Justice FULLER, after holding that the tax on the income from real estate was a tax on the real estate itself and therefore a direct tax and not being apportioned unconstitutional, said:

"No question is directly presented by the record as to the validity of the tax levied by the act upon the income derived from municipal bonds."

In calling attention to the fact that the income from \$2,000,000 of the municipal bonds of the city of New York was part of the income involved in the case, he said, quoting from an earlier case:

"To any extent, however inconsiderable, it is a burden upon the operations of Government. It may be carried to an extent which will arrest them entirely."

He then said:

"Applying this language to these municipal securities, it is obvious that taxation on the interest therefrom would operate on the power to borrow before it is exercised and would have a sensible influence on the contract and that the tax in question is a tax on the power of the States and their instrumentalities to borrow money and consequently repugnant to the Constitution."

Every one connected with that case conceded that the statute included State and municipal securities. Mr. JAMES C. CARTER in support of the act not only conceded it but insisted upon it and attempted to justify it. No one then had the temerity to contend that the broad and sweeping clause with which the statute concluded its description of the subjects of taxation could be narrowed by the general, peculiar and restrictive rule now relied upon. This general and sweeping clause is reported in the constitutional amendment with full knowledge on the part of the Congress that it has received judicial construction. The Court will be bound to assume what is undoubtedly the fact that it was used in

the amendment because it had already been construed and for the same purpose for which it had been previously used in the statute relating to the same subject matter.

In our judgment, therefore, the overwhelming weight of reason and authority sustains the position taken by Governor HUGHES in his message. So far as the fifteen amendments of the Constitution relate to private rights they are all restrictions and limitations upon legislative and judicial power. This proposed amendment is the first instance where it is attempted to confer additional power upon the Congress and to emasculate the power of the States. Its adoption subjects "accumulated property" to attack "by mere force of numbers"; it places it in the power of an overwhelming majority with its independence submerged by partisan and political considerations to impose without limit burdens of taxation upon a helpless minority, while the majority and their constituents will be immune from bearing any portion of the burden thus imposed. The possession of such control is practically synonymous with its grave abuse.

The amendment surrenders the independence of the States and invites the national Government to impose upon their operations and instrumentalities a burden that "may be carried to an extent which may arrest them entirely." In any event, in the language of Mr. Justice BREWER in discussing this amendment: "You give them power to tax the States not out of their existence but out of their vitality."

The Republican organization, with a discreditable lack of appreciation of the gravity of the situation, has deliberately seen fit to use an amendment of this vicious character as a mere pawn in legislation. No thinking person can contemplate without the gravest apprehension the consequences of the removal of one of the great landmarks that has thus far been "one of the bulwarks of private rights and private property."

We are confronted with a condition that was effectually described by HAMILTON when he said:

"The suffering States would not long con-

FEBRUARY 12, 1910.

sent to remain associated upon a principle which distributes the public burden with an unequal hand and which was calculated to impoverish and oppress the citizens of some States while those of others would scarcely be conscious of the small proportion of the weight they were required to sustain."

We believe that in regard to the taxation of State securities the legislators of New York, as the guardians of New York's interests, will accept Governor HUGHES'S reasoning and reject Senator BOYAH'S.

Let Mr. Carter Have Credit.

It is very satisfactory to western citizens to learn that President Taft has informed Senator Boyah of Idaho that he is in favor of the latter's bill to raise \$10,000,000 by the issuance of bonds to complete the different irrigation projects now in course of construction in the west.

According to advices from Washington Senator Carter has promised to fight this plan, because he has a scheme of his own to issue warrants bearing interest instead of bonds.

All the leading western senators, however, appear to favor bonds for the reason that it is recognized that the present plan is popular with bankers and investors.

It is to be hoped that the Montana gentleman will not go so far as to jeopardize all financial legislation along these lines.

The advocates of federal irrigation are not so strong in the senate that they can afford to have differences among themselves.

It is asserted down in Washington that Mr. Carter might be placated if the bond bill were allowed to bear his name, and that his opposition is founded upon the fact that he wants credit for any legislation of this character.

At present, of course, the bond bill bears Senator Boyah's name, but in order to appease the Montana senator, the gentleman from Idaho, for the sake of the west, might let Mr. Carter get the credit for the bill.

Of course this would be rather a childish proposition, but rather than have no legislation at all, Mr. Boyah might permit Senator Carter to appear as its author, if he insists upon having this notoriety or else blocking all financial legislation.

HEYBURN, ALONE IN HIS WRATH

Odd Survival of Ancient Rancor—Senate's Opportunity to Suppress Waving of the Bloody Shirt by Idaho Member

(Special Correspondence of The Evening Post.)
WASHINGTON, February 11.—Eons upon eons ago, when the bat-winged pterodactyl swooped down relentlessly upon its prey— Well, maybe not as far back as that. At any rate, the last of the dodos. So let the story run, and let our hero of this afternoon be Weldon Brinton Heyburn, the last of the dodos. By ancient devices, Mr. Heyburn, who happens to be a Senator from the State of Idaho, has lifted himself from the moment from the obscurity in which he habitually dwells, and one must observe him hastily, if at all, before he again relapses into oblivion. This curious human being has disclosed to a world always ready to draw lessons from fossils and prehistoric remains that he is as curious a survival of old, far-off, unhappy times as would be a live megatherium, or the dipiodocus, which Mr. Carnegie has done so much to popularize.

About a year ago a Cincinnati shoe drummer was encountered in the smoking compartment of a sleeping-car. He was in a state of mind. He had been "making" the small country towns in an isolated section of South Carolina.

"Did you do any business?" another friendly drummer asked him.

"Did I do any business?" snorted the shoe man. "I did not. That country over there is all stirred up, getting ready to send reinforcements to Lee in Virginia."

This is only told to encourage Mr. Heyburn and to keep him from feeling lonely. If the shoe drummer told the truth (which is to be doubted, for he was a violent man, and obviously given to gross exaggeration), Mr. Heyburn may, by diligent search, find other cases of arrested intelligence who do not know yet that the war is over.

When Mr. Heyburn began waving the "bloody shirt" in the Senate last Monday afternoon, the older Senators who were

Carter Member Jan 12, 1910

present rubbed their eyes in amazement and looked on curiously. They did not know that one of those ensanguined garments was left in existence. It took them back to the old reconstruction days. The younger Senators, who had read of such performances, but had never seen one, looked on equally curiously. Nobody would have been greatly surprised had Mr. Heyburn led his discourse into an argument that the "Sun de negro." By their unanimous vote, taken a few moments later against Mr. Heyburn's contentions, the Senators made certain that his exhibition was in the nature of a "farewell performance." If there exists anywhere in the United States another person so far behind the thought of his day, it is certain sure that his views will never find expression on the Senate floor.

A VOLUBLE SENATOR.

But Mr. Heyburn has got one satisfaction out of his exhibition of himself, which must be meat and drink to him. He has got his name in the papers; he has been noticed. Through all his service in the Senate he has cruded words profusely. He has emitted views and opinions about every possible sort of thing, from the Homoeopathic Pharmacopoeia and national bank reserves to the Snake River Dam and denatured alcohol. This dialogue has long been stereotyped about the Senate chamber: "What is going on in the Senate today?"

"Nothing; Heyburn is talking."

When the tariff bill was under discussion last summer, Mr. Heyburn, as they say in the Senate, "submitted a few remarks" on antimony, asbestos, automobiles, barley, boracic acid, burlaps, coal, corporation tax exemptions, cotton goods, court of customs appeals, cutlery, grain sacks, hides, jute grain bags, lead, lumber, lumber on Rainy River, maximum and minimum rates, meats, monazite sand, Philippine products and manufactures, Philippine revenues, Philippine sugar, phosphates, protection, revision, tea, tungsten, white lead, wood pulp and print paper, wool and woollens works of art, and zinc ore. The knaves of the press employed in affairs of greater moment failed to transmit any of the Senator's words to an indifferent public. Along in June this began to get on Mr. Heyburn's nerves. He told the Senate his secret troubles:

HIS SECRET OUT.

"The joke siffers in the gallery. I will not say whose daily bread, but whose popularity, at least, is with the newspapers that they represent, are not interested in the zinc schedule. If you can get up some diverting controversy here that would verge upon a disregard of the rules of the body,

then they are happy. I saw an item in the editorial column of a paper this morning—I think I threw it in my desk—which illustrates what I mean very well. I will find it. It suggested an ad valorem duty upon speeches made in the United States Senate. It came in the editorial column of one of the daily morning papers published in this city, whose representative, by the courtesy of the Senate, occupies palatial and luxurious quarters here, and is only here by the courtesy of the Senate, and whose other representatives, through some idea that I am not able to understand, walk on the floor of the Senate. They put themselves in the position of the guest who ridicules his host.

"When you see that in the fugitive columns of a paper away from editorial responsibility, you do not pay any attention to it, because, as I say, we know that it merely comes from where it comes from, but when a newspaper editorially undertakes to criticize this body in the responsible performance of its duty, then it places itself in the position of a guest who misbehaves himself at his host's table."

Perhaps a small specimen of Mr. Hey-

burn's comments on zinc ores will show why his remarks were not spread broadcast by the joke-siffers: "Mr. President, zinc is produced under such a variety of circumstances that you cannot possibly determine this question by the consideration of any one condition. I do not believe with those who say that a tariff must be regulated upon the basis of the most prosperous of those who are affected by it, but I believe that just the contrary is the rule. Idaho is a zinc-producing State. Some may possibly say, with some reason, that I bring Idaho into these debates pretty often, but I bring it in when it is a good illustration of the principle. We had not been importing zinc into the United States from Mexico; until within the last five years we never imported any at all, etc., etc., etc."

Mr. Heyburn's delightfully archaic belief that when a newspaper whose representatives are admitted to the Senate press gallery "editorially undertakes to criticize this body in the responsible performance of its duty, it places itself in a position of a guest who misbehaves himself at his host's table," would pass current almost anywhere as an almost perfect conception of the neolithic mind.

POETIC JUSTICE.

Rarely does the punishment fit the crime in this sadly-ordered world, but occasionally the fates mete out exact and poetic justice. Jeff Davis of Arkansas was the only Senator to interrupt Mr. Heyburn when he was attempting last Monday after-

noon to induce the Senate not to allow the War Department to loan tents to the Confederate veterans when they meet at Mobile, next April. Mr. Heyburn is the Jeff Davis of the Republican majority in the Senate chamber. It was but meet and proper that these two stragglers behind the rear guard of progress and current thought should engage in single-handed colloquy. They are fairly and equally matched. This may seem a harsh judgment to the Jeff Davis partisans in Arkansas, but it is a just one.

Mr. Heyburn came to the Senate in 1903, and until recently has thought it worth saying in his autobiography in the Congressional Directory, that he "was not affected by the silver craze of 1896." That goes without saying. Mr. Heyburn's colleague from Idaho in the Senate is William E. Borah, who was not elected until 1907. The senior Senator from Idaho has undoubtedly squirmed under the fact that Mr. Borah has far outstripped him in the esteem of the Senate, and in the attention which his words command over a considerable section of the Western country. Mr. Borah has become a factor to be reckoned with in the Senate. He is looked upon by the other Senators as one of the ablest of the younger men. His views are sought upon party matters and important legislation.

THE LEE STATUE.

Before his attempt to prevent the loaning of the tents to the Confederate veterans, Mr. Heyburn this winter has been engaged in an effort to have the bronze figure of Gen. Robert E. Lee removed from Statuary Hall. The Senator from Idaho feigned to believe that the acceptance of the Lee statue would open the way for a figure of Benedict Arnold, if the people of Connecticut chose to present him as one of the sons of the State they wish to honor by a place among the collection in Statuary Hall. An amusing note has been injected into Mr. Heyburn's protest against the Lee statue by virtue of the fact that Idaho has selected one of her sons, named Shoup, to honor with a place among the statuary in the Capitol. The late Judge Shoup was an estimable and worthy man, no doubt, and amply entitled to the recognition that has been given him by his State, but so far as his claims to national recognition are concerned as compared with those of Gen. Lee—

Well, one day during the Portsmouth Peace Conference, a man walked into the palm room of the Hotel Wentworth, and offered to wager the assembled crowd of international journalists, secret service spies, cosmopolitan, minor diplomatic attachés, and steamship agents that nobody present knew whether Baghballan was the name of a battleship or a disease.

The general countrywide comment on Mr. Heyburn's exhibition in the Senate last Monday has been that he has unwittingly performed a public service. The rebuke administered him by the other Senators in declining to dignify his remarks by replying, and in their unanimous vote against his contentions has served to show how buried and forgotten are the old rancors and bitternesses. Jeff Davis may be induced to fight the war over again with Mr. Heyburn, but nobody else will. As the excellent and opportune Bartlett so aptly notes (scrupulously giving credit to John Wolfcett):

"What rage for fame attends both great and small!

Better be damned than mentioned not at all."

Boswell records that Dr. Johnson once affirmed: "That fellow seems to me to possess but one idea, and that is a wrong one."

E. G. L.

Good for Senator Borah.

Sees No Cause Why Lee Statue Should Not Occupy Place in National Hall of Fame and Declines to Oppose Acceptance of Same—In Letter to One of His Constituents the Idaho Senator Sets Forth His Reasons Fearlessly and Clearly, and Pays a High Tribute to the Character and Military Genius of Confederate Leader.

Thomas J. Peace, in News and Observer.

Washington, D. C., Feb. 16.—Although urged by several constituents to oppose the acceptance of the statue of Gen. Robert E. Lee in Statuary Hall Senator Borah, of Idaho, has declined to do any such thing, and his action is in striking contrast with that of the other Senator from Idaho, Mr. Heyburn, who recently waved the bloody shirt in the Senate.

In a letter expressing admiration for the lofty character of Gen. Robert E. Lee, and preaching the doctrine of peace, Senator Borah said to a constituent, Col. Wood, of Boise, Idaho:

"My Dear Colonel: I received some time ago your letter, also enclosing circular letter from the commandery of the State of Oregon,

both earnestly protesting against the placing of the statue of Gen Robert E. Lee in the Hall of Fame. I have received numerous other petitions along the same line. I should have answered sooner, but press of business has prevented my doing so. In view, however, of some telegrams which I have received along the same line within the last few hours, I feel I ought to say to you frankly how I feel about the matter. I am not going to criticize, by any means, or find fault with those who differ from me, and especially is this true with reference to the Grand Army of the Republic. They earned by their sacrifices the right to speak upon such matters, and no man likes to differ from them.

"In the first place, under the statute, it is peculiarly the province of each State to select those whom it would honor. I do not feel that we can with propriety interpose an objection to the placing of any statue there which a particular State selects.

"But in the second place, and for a more controlling reason, I cannot look upon the placing of Lee's statue in the Hall of Fame as a reflection upon you or your comrades or any disparagement of the cause for which you tendered 'the last full measure of devotion.' If I viewed it in that light I would, of course, vote against it. It is rather to my mind a manifestation of the profound determination upon the part of all that in so far as can be done, every vestige of ill will, of sectional difference, shall be forever and under all circumstances ignored. We are again one people, dominated and controlled by the pride, the unity of purpose, and the patriotism of one people. I do not believe that any act upon the part of the North great or small, should stand in the way of summoning the highest energies of a re-united people to the solution of the problems which I sincerely believe are no less grave than those of fifty years ago.

"I would not, therefore, give my consent to this statue being placed in the capitol because of Lee's military genius—though in my opinion only Hannibal, Napoleon and Grant precede him; nor because of his pure and spotless personal life—though in this respect he seems to have won the admiration and love of all who came within the spell of his fascinating character. These have been plead in his behalf. But I do so, Colonel, because I do not want, more-

over under no circumstances do I propose if I know it, by any act of mine to foster or keep alive national strife or feeling. I believe my course is in thorough harmony with the forbearance and tolerance with which Lincoln baptized a nation. I believe, too, that it is in harmony with the actions of our great commander at Appomattox. You will remember that when our troops began to fire the salutes of victory, Grant gave orders that the firing should cease, saying, 'The war is over, these men are again our countrymen.' You will recall, too, that after the war Gen. Lee was by direction of President Johnson indicted in the courts of Virginia. Gen Grant, then in command of all the armies of the United States went to his rescue and declared that he would resign his position if such proceedings were pushed. The indictments were dismissed.

"I believe, in other words, Colonel, that if the precepts of the parable of the prodigal son are sufficient upon which to found a religion, they ought to have at least as wide a diffusion as possible in a Christian nation. And this does not detract from or impeach the honor and glory which belongs to you and every member of the Grand Army of the Republic. Your place is too well fixed in the history of this country to be in any wise affected by a tolerance which a different age and a different generation require. From the hour when Grant sent the Southern soldier home with his horse to the present time, we have proceeded upon the theory that we are again one political family. I propose by every forbearance to follow that principle. The questions with which we have to deal today are too grave and important to admit of differences which ought to lie buried in the past.

"I submit my view to you and your comrades with great respect for you and those who join with you in the protest. I presume you will feel that my views merit criticism. But whatever view you may entertain as to my course, I want to assure you that no criticism will lessen my respect and appreciation of the services and sacrifices of the members of the Grand Army of the Republic.

"Very respectfully,
(Signed.) "WM. E. BORAH."

FRIDAY MORNING, FEBRUARY 18, 1910.

SENSIBLE SENATOR BORAH.

In striking contrast to the mad ranting of Senator Heyburn of Idaho are the sane words of his colleague, Senator Borah, written to Colonel Wood of Boise, Idaho, concerning the recent agitation about the placing of Gen. Robert E. Lee's statue in the national capitol.

Senator Borah wrote:

I cannot look upon the placing of Lee's statue as a reflection upon you or your comrades, or any disparagement of the cause for which you fought. If I viewed it in that light I would, of course, vote against it. It is rather to my mind a manifestation of the profound determination upon the part of all that, in so far as can be done, every vestige of ill will, of sectional difference, shall forever and under all circumstances be ignored. We are again one people, dominated and controlled by the pride, the unity of purpose, and the patriotism of one people. I do not believe that any act upon the part of the North, great or small, should stand in the way of summoning the highest energies of a reunited people to the solution of problems which I sincerely believe are no less grave than those of fifty years ago.

In conclusion, Senator Borah's letter stated that his views are in harmony with those of General Grant, who at Appomattox ordered his soldiers to cease firing salutes of victory, and said: "The war is over; these men are again our countrymen."

The Southern members of the Senate—even the Confederate veterans in that body, paid no attention to the ravings of Senator Heyburn, but how effectively he is answered by the other Senator from Idaho, the younger and more liberal man, who really stands for the true sentiment of his State.

The Spartanburg Herald

THURSDAY, FEB. 17, 1910.

SENATOR BORAH'S LETTER.

Elsewhere in this issue we publish a letter by Senator Borah, of Idaho, to a Grand Army constituent of his back in Idaho. It is very interesting reading, and when we realize from whose pen it came there is no little significance in its spirit citations of historical fact and arguments based thereupon.

Addressed to a Grand Army colonel, this letter displays courtesy

and respect but perfect clearness and firmness of decision. It is a brave letter. We like it and doff our hat to the senator from Idaho. His colleague in the senate, Mr. Heyburn, would display much wisdom in reading, marking, learning and inwardly digesting the history cited and the spirit revealed in said letter.

Note that the senator tells the Grand Army colonel flatly that in his judgment Lee is surpassed as a general only by Hannibal, Napoleon and Grant. The inclusion of the third name shows that Senator Borah was brought up where Grant is estimated at the top, yet he is now

very near to placing Lee there too. 'Twas never thus a few years ago among the admirers of Grant to the north of us.

The senator puts his finger upon one element in Grant's character that has always gone far to win respect for him as a soldier in the section of his former enemies. It showed Grant to be infinitely bigger than thousands of those, whose loyalty to the cause he fought for was shown in protestation rather than in deed. That Grant himself, the victor at Appomattox, hushed sternly all outbreak of exultation over the haggard exhausted men in gray, and decisively halted all persecution of General Lee afterward by a stinging rebuke of the government that proposed it, are facts that should be held before the eyes of all such as Heyburn and his ilk.

In this connection we would venture a guess, that we are sure the facts would verify, if they could be ascertained. Every now and then some vociferous protest is heard from a few Grand Army posts as to some action implying conciliation and rehabilitation of true union between North and South. We will warrant that such agitation is rarely initiated and pushed by men, who actually served in battle for years in front of Confederate armies, but by a type anxious to make good today the proof of their "patriotism" by vigorous protestations because there is too little proof in the records of war.

We doubt if one man in ten of those who fronted Lee throughout that fearful campaign from the wilderness to Cold Harbor and then through a nine months siege—the men who were again and again taught to know in fierce reckless struggle what manner of men and

soldiers confronted them under the great Virginian commander, would today begrudge a statue to that commander—placed anywhere. It is not the veterans, who were there, but the post-bellum made-up "veterans," who were not there, but from somewhere behind shouted with princely eloquence their undying hatred of "rebellion" and all the rest. This sort of veteran will survive to draw pensions until the crack of doom, but he cannot kindle the fires of hatred out of the ash-covered embers now left.

This kind of veteran is quietly, but keenly rebuked by Senator Borah's letter. We hope the letter will have wide circulation. This country has other business in hand now than wasting breath and energy reviving old quarrels that are dead. The South will honor her heroes today. Tomorrow all the nation will honor them, for we honor none that are unworthy.

The Alaska Bill Blocked.

Senator Borah, of Idaho, is credited by some of the Washington correspondents with being the man who blocked the Alaskan bill, to which President Taft had pledged his support, and which was intended to give the Guggenheims, speaking roughly, the Territory of Alaska.

According to the Washington representative of the Scripps-McRae league of newspapers, Mr. Borah, although aided in his raid upon this Administration measure, should be recognized as being the prime mover. John Hays Hammond, "expert for the Guggenheims and golf chum of Taft," hatched the scheme. The Guggenheims, seeing the defeat of their original campaign for the control of the Alaskan coal mines, decided to set up a Guggenheim-owned Government in Alaska and shift the control of countless millions of dollars' worth of public property from Washington to a place more removed from the limelight.

*Aut. 1910
Borah - Journal Key.*

To quote:

"Hammond finally put into Taft's hands an Alaska bill which provided the Territory with a Governor, to be appointed by the President; a Legislative Council of eight members, to be appointed by the President, and a Commissioner of the Interior and Mines, also to be appointed by the President. There was a minor office-holder or two. All the officials were to enjoy four-year terms, and the eight Council members were to be bona fide residents of Alaska and to be selected two each from the four judicial districts. The Commissioner of Mines did not have to be a legal resident.

"This Commissioner was to supplant the Secretary of the Interior and Commissioner of the Land Office for Alaska. Much was made in the bill of the independence it conferred on Alaska. The Territory was to have its own treasury, its own everything, but more especially control of its own mines—through officials appointed by the President.

"Guggenheim influences had already appointed Walter E. Clark, Governor of Alaska. He was to be reappointed. Guggenheim influences, strong enough to oust Gardard from the Interior Department and substitute Ballinger, strong enough to make Fred Dennett Commissioner of the Land Office, strong enough to oust Pinchot and play golf daily with Taft, certainly looked strong enough to appoint the proposed executive council, and, more especially, the Commissioner of the Interior and Mines."

Delegate Wickersham's bill providing for a form of Government for Alaska "on the American plan," but not creating a Commissioner of Mines, was received coldly by the Administration, and President Taft decided to back the Hammond scheme, out of friendship for Mr. Hammond. Senator Beveridge, who took charge of the bill in good faith, washed his hands of it when he found insurgent opposition and discovered its cause. According to the Scripps-McRae correspondent, the President summoned Senator Borah, who flatly told him that his friend Hammond's bill was "the sum of legislative iniquity." Next came Senator Dooliver, to say, in a plain, blunt way, that it was "rotten."

Says Mr. Couch:

"The President gasped before such plain speaking and grew peevish. He is no fighter, though. He dropped the Alaskan bill like a red-hot coal. But he is not grateful. On the contrary, the President thinks the insurgents show him little consideration. He tells John Hays Hammond so when they play golf together. For they still play golf together, when the weather permits."

The Guggenheims reckoned without their hosts when they saw their way

to the control of Alaska through the hands of the National Administration in behalf of "business" without much regard to the morals of business, and when they counted upon the facility with which the President's personal friends are able to persuade him of the purity of their motives and of the measures they advocate. The Taft Administration got under way with the extraordinary session of Congress upon its hands, and the President's acquiescence in the Aldrich-Payne-Cannon highway-maury was virtually, "Know all men by these presents where the Administration stands." Since that time the public has had an eye peeled on the Republican machine, and the hullabaloo that has resulted has not been without effect. President Taft was recently quoted as saying of the situation, "Let them yell." They have—insurgents and an insurgent press—and not without effect.

REGULARS SEIZE A COMMITTEE

They Add Smoot and Dixon as Well to Make Sure About Borah.

WASHINGTON, Feb. 2.—No chances are being taken by the "old guard" in the Senate in the matter of filling committee vacancies. The Committee on Committees met to-day to select a Republican for the Committee on Civil Service and Retrenchment, of which Senator Cummins is chairman. Senator Borah wanted the assignment and Chairman Cummins had expressed a desire that he be named.

Examining the personnel it was found that Senator L. A. Follette already is on the committee with Mr. Cummins and the appointment of Borah, whom some people think has "insurgent" proclivities, would give that faction a majority of the Republicans, as there are only five Republicans on the committee.

Senator Borah was put through an examination in which he declined to state where he stood on the question of pensions for superannuated Government employes, and on other questions with which the committee has to deal. He also asserted with force that he was not a member of any faction, and that he did not care to be interrogated in any such manner.

No good excuse for rejecting Borah was found and since there was some doubt as to what faction might get his support on important questions, it was decided to increase the Republican membership to seven. The new members will be Senators Borah, Smoot and Dixon. The membership of Senators Perkins and Lodge give the "regulars" unquestioned control of the committee.

INCOME TAX UPHELD BY BORAH IN SENATE

Objections Raised Against Amendment by Hughes Called Groundless.

SEES PLOT TO DEFEAT IT

Warns of Aftermath of Class Hatred to Come When Manipulation Is Discovered.

BY SUMNER.

[SPECIAL TO THE RECORD-HERALD.]

WASHINGTON, Feb. 10.—The income tax bill was set rolling in the United States senate to-day. When the proposed amendment to the Constitution, which now is up to the states, was submitted through a joint resolution of Congress last summer, it was the understanding in well-informed circles that a scheme even then had been hatched to defeat it and thereby prevent, until such time as the whole Constitution of the fathers may be made over, any taxing of incomes in this country.

Existence of this scheme, together with the reasons that would embarrass the advocates of the tax in their effort to have the amendment ratified, were related exhaustively in THE RECORD-HERALD'S Washington dispatches immediately after the adoption of the resolution by Congress. Since then further obstacles have appeared and it is plain that the campaign must be even harder than anticipated to bring winning results. Governor Hughes of New York has contributed largely to the strength of the opposition by his message urging the New York legislature not to ratify on the ground that the amendment, as worded would permit the taxing of incomes derived from state and municipal securities.

SEE FEAR AS GROUNDLESS.

There are constitutional lawyers, however, who hold that the courts have firmly established the principle that one sovereignty cannot tax the instrumentalities of another sovereignty, so that the fears ex-

posed by Governor Hughes' contention are groundless. In an elaborate legal argument this afternoon Senator Borah of Idaho took this "other side of the question."

"The proposed amendment," said Senator Borah, "does not deal and was not intended to deal with the question of power. It deals alone with the matter of exercising that which is already complete, that which is already without limit, and the sole obstacle to be removed by those who sought to change the Constitution was that of apportionment.

NOT TEXT, BUT PRINCIPLE.

"So far as an express provision of the Constitution is concerned, there is no reason why we could not impose a tax on state bonds and municipal bonds and upon the salaries of state officers at the present time. The principle upon which the Supreme Court has held that, notwithstanding the completeness of the taxing power now in Congress, you cannot tax the instrumentalities of a state, is founded upon principles which are imbedded in, interwoven with and are a part of the texture of the whole instrument and are in no sense changed by this amendment nor could they be by any words which are contained in it."

Senator Borah cited various Supreme Court opinions to show that the inhibition to tax the instrumentalities of another sovereignty is found elsewhere than in the taxing clause of the Constitution, and the opinion of Chief Justice Marshall in particular, wherein the latter declared that, however full the grant of power of taxation might be in the Constitution, there must always be subtracted from that power the right of the distinct sovereignties created by the Constitution to perform their functions as such. To construe it otherwise, the chief justice said, would be to read the whole fabric into shreds.

SEES NO BASIS FOR ALARM.

"I undertake to say without fear of successful contradiction from the authorities that the national government has not any more jurisdiction as a governmental fact over the functions of a state government than it has over the property across the line in Canada as a territorial fact. It is not within its power or control. Until we revise the Constitution as a whole, take the instrument up and revise it and definitely announce that these separate and independent sovereignties are no longer to be so, no court will ever hold that you can interpret the taxing clause of the Constitution so as to destroy those sovereignties.

"The history of the income tax since 1894 has not been one which any citizen can recite with pride. For nearly one hundred years the construction of the Constitution as established by the men who helped to write it had received the approval of an undivided court time and time again. During this period there sat upon the bench of the Supreme Court some of the greatest lawyers of that or any other period of this or any other country. During that period wealth had not become domineering and so powerful and so determined to have its own way. During that period this government had the power to dispose and divide the burden of government between consumption and the different forms of wealth, and we did so.

CALLS DECISION ASTOUNDING.

"In 1894 these precedents were overturned. This Constitution received a construction unknown to its makers. In the face of two

powerful dissenting opinions, assented to by two other judges, the humiliating and astounding doctrine was announced that the framers of the republic had made it impossible to levy a tax upon some forms of wealth even in time of war; that the builders of this government had made it impossible to disperse and divide the burden of government between consumption and the different forms of wealth.

"At the last session we were called upon to express our assent to this interpretation of the Constitution by express act of our acceptance of it. Under the majority rule there was submitted this amendment to cover and eliminate that supposed hideous defect in the fundamental law.

"The scheme and plan is to defeat that amendment. Having as a legislative body solemnly declared our acceptance of this construction of the Constitution, thereby making it practically impossible to again appeal to the courts, now if this amendment can be defeated this government of the people, for the people and by the people will stand alone among all the civilized nations of the earth shorn of the power to divide the burden of government between consumption and the different forms of wealth. This is the scheme and the plan and, unfortunately, the great governor of New York has given much aid and comfort to the cause by reason of his great standing among the people of the country.

BORAH DEFENDS THE INCOME TAX

Idaho Senator Takes Issue with Gov. Hughes.

TALKS OF RESTLESS SPIRIT

He Thinks, However, That Amendment Will Be Defeated.

WASHINGTON, Feb. 10. In a speech in the Senate to-day Senator Borah of Idaho came to the defence of the income tax and, incidentally, took issue squarely with Gov. Hughes of New York. Senator Borah expressed anxiety for the constitutional amendment authorizing the imposition of an income tax. He made an earnest plea to the States to adopt the amendment, although he admitted that the outlook appeared to be unfavorable.

"The history of the income tax since 1894 has not been one which any citizen can recite with pride," said the Senator. "For a hundred years a rule of construc-

tion as established by the men who helped to write the Constitution had been received with the approval of an undivided court time and time again. During this period there sat upon the bench of the Supreme Court some of the greatest lawyers of that or any other period of this or any other country. During this period the wealth of this country had not become so domineering, so powerful, so determined to have its own way. During this period, therefore, we had under the Constitution the right to impose a part of the tax upon wealth and a part upon consumption, and we did so.

"In 1894 these precedents were overturned, this Constitution received an interpretation unknown to its makers. In the face of two most powerful dissenting opinions to which two other judges assented, the humiliating and astounding doctrine that the makers of the Republic had hedged wealth about so that the taxing powers of the Government could not reach it even in time of war; that the founders of the government based upon equality and justice had made it impossible to divide the burdens of government between consumption and a large class of gathered wealth, was announced. At the last session of this body we were called upon to ratify and declare by express act our assent to that interpretation. Under the rule of the majority we did so. We submitted this proposed amendment to remedy this supposed hideous defect in the fundamental law.

"Now the scheme and plan is to defeat the amendment. Having as a law-making body solemnly accepted this construction of the Constitution, thereby making it impracticable to again appeal to the court, if this amendment can be defeated, this the government of the people, for the people and by the people will stand alone among all the civilized nations of the earth shorn of the power to tax that form of wealth best able to bear the burdens of government. That is the scheme and plan, and such men as the great Governor of New York is giving them great aid and comfort. Men say with great fervor of patriotism, I am in favor of this power being given to the Government to be used at last in time of war, and straightway proceed to help defeat the amendment. If those who are the real enemies of this measure would come into the open, its friends could deal with them far more successfully.

"Mr. President, no one ever saw this country in just the condition it is to-day. Never since this Government was launched has there been such a restless spirit among the great mass of the people, such ugly questioning, such persistent inquiry. No part of the Government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the Constitution itself. An unquiet, dissatisfied,

Summary of Speech 1910

suspicious public mind is the public mind of to-day.

"You can defeat this amendment. In view of the class of men who are joining the crusade against it I think you will defeat it. The forces which propose to encompass its defeat will not stop on the higher side of the most disreputable methods to accomplish their purpose. But when the people learn what you have really done, the manner in which this has been manipulated, it will go far toward exciting to renewed force that feeling of wrath, of class hatred, already too strong among us. It will do much to foster disrespect for and breed disloyalty to the Government.

"When those who are ill able to meet the burdens of Government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn, furthermore, that all this must be met by a tax on consumption while incomes which sustain luxury and breed idleness and idioey go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in the Government. I do not know how long we can deal with a patient people in this way. But, I venture to prophesy, not much longer.

"I hope, therefore, the Governors and legislatures of this country will be brave enough to do their duty in this matter. It is time the people in this broad land bestir themselves upon this vital question before it is too late to do so. It would be nothing less than a catastrophe if this amendment should be defeated, if we are going also to be cut off from an appeal to the court. This is in every sense the people's fight."

In conclusion, Senator Borah submitted the following propositions:

"That the proposed amendment adds nothing to the taxing power of the national Government. This power was complete, unfettered, plenary, before. It can be no more than that should the proposed amendment be adopted.

"The proposed amendment does not deal or propose to deal with the question of power which is already complete, but simply with the manner and method of its exercise and use of that power.

"No one has ever questioned the power of the national Government to lay an income tax, for, as was said by Justice White, the question has always been 'whether an admittedly unlimited power to tax has been used according to the instruction as to method,' and it was to remedy the method alone that the amendment was submitted.

SENATOR BORAH IN EARNEST.

On February tenth Senator Borah of Idaho delivered in the United States Senate one of the strongest speeches that body has listened to in recent years. It was an argument in support of the proposition for an income tax, seems to be impressive as a legal argument, while even more effective as expressing the sentiment of the public of America, and the reasons which should be considered by legislators. Here is one paragraph:

You can defeat this amendment, and I fear, from the men who are gathering to the crusade, that it will be defeated. Some of those who are proposing to encompass its defeat will not stop on the higher side of most disreputable means to accomplish their purpose. They are vitally involved. But when you shall have accomplished your purpose and the people shall have ascertained how their rights have been manipulated away, it will go far toward exciting to renewed force and strength that feeling of wrath and class hatred which is already too strong in this country. When those who are ill able to bear the burden of government see the expenses of the government constantly increasing, when they see the creation of larger armies and larger navies, the burden of expenses increasing everywhere, and learn that, after all, this entire burden must be borne by what they eat and upon what they wear, and that certain forms of wealth which breed luxury, idleness, and idioey go untaxed they will not listen to you when you are called upon to plead with them against radical changes in our form of government which will be submitted to this country within the next fifty years.

The address is valuable as a study of history. Clearly the Supreme Court of the United States took a view in ninety-four different radically from the view held by that body in the sixties. And the income tax was not sustained in the sixties on the ground of being a war measure, and necessary for the preservation of the government. It was sustained on constitutional grounds. But later the doctrine of state rights seems to have received a greater consideration, and the same constitution is relied on to defeat a similar measure.

We believe Senator Borah is right; that the income tax amendment to the constitution should be approved by the states. Justice demands it. It is as necessary now as in war time. And it is as righteous now as then.

The speech of Senator Borah will be remembered in his favor by the people of industry and commerce.

THERE WAS SOUND JUDGMENT and sincere patriotism in the recent reproof of Senator Borah, of Idaho, for our national neglect of Alexander Hamilton. Hamilton has no memorial in Washington worthy the name, or worthy the man. Democracy has canonized Jefferson; the Nation, and the world, have recognized George Washington as one of the great men of all time. Every other of our statesmen and our patriots has been enshrined in permanent marble: but Hamilton, whose work for this Republic is "more lasting than brass," has been neglected. But his labors speak loud for him still, and the *Hamilton Memorial Association* is active now in the national capital to redeem our indifference. "We rear monuments to men, not deities," said Senator Borah in addressing this Association two weeks ago. "What a dismal place yonder Hall of Fame would be if great men had to be as perfect as the rules and demands of small men would make them.

. . . . In these days, when national questions are forcing us to their solution, let us honor the man who, more than all others, fought for the great national powers now so essential to the people's happiness and the Government's stability." Prosper such a sentiment.

Johnny on the Spot.

That Senator Borah was Johnny on the spot with his vote in the United States Senate on February 7th when Senator Heyburn had the entire Senate at a high tension when discussing the bill authorizing the loaning of the U. S. Army tents to the old confederate soldiers for their annual re-union, shows that Senator Borah is the right man in the right place. To the Leader and the general public it looks like Senator Heyburn made a grave mistake when entering the protest that he did and has greatly lowered himself in the esteem of the people not alone of the southern states but of Idaho. The war was over 45

years ago and there is absolutely no need of bringing the subject up at all after all of these years. There were just as honorable men fought on the southern side as on the northern side and it is a fact that in many instances families divided and fought against each other, when they laid down their arms they were again citizens of this great union and are today just as loyal to the stars and stripes as the people of the north. It is no more than right that they should be allowed to use the few tents needed for their re-union and that their flag be allowed to float above these same tents along beside the stars and stripes. It is also just as proper that the statue of Gener-

Union News
 Feb. 10 1910

Grandville News
 Feb 1910

Robert E. Lee be allowed a place in the Hall of Fame, for a noble American never was born and just because he held different views on the slavery question than we did does not in any way depreciate his honor. It is our belief that Senator Heyburn made a serious mistake and we are more than pleased with the prompt action taken by Senator Borah when given the chance to vote on the measure before the senate at that time. Senator Heyburn has proven himself a great man and has done wonders for Idaho but he has also demonstrated the fact that he may make mistakes.—Nampa Leader.

The people of Idaho certainly look with great pride on the junior senator now representing them in the upper house of congress. He is not an insurgent; he is one of the staid conservatives who pride themselves on their ancestry or on what the Republican party has done. He is a member of that body sent to represent the sovereign state, but at the same time he represents the people. His voice is being raised in behalf of the people of his state and of the people of this nation as few men are speaking today. Wherever the voice of Senator Borah is raised it comes out clear for a purer political national regime and a just and equitable distribution of the burdens of government. His great speech a few days ago, in which he warned the forces of wealth against a continuation of the unequal burdens of taxation and pleaded for the favorable consideration of the income tax amendment to the constitution, carried with it something of the ring of those men who saw the trend of the public mind against the institution of slavery and its menacing danger to the country.

His voice and his vote comes opportune at every occasion. When the senior senator lost his equilibrium and went off on a tangent, while the senators of both parties heard and frowned, Senator Borah was not moved from his sense of fairness and at once cast a vote as every reasonable citizen of the country realizes was right.

It may be that party politics must be re-arranged in this state, sometime in the not far future, but that re-arrangement will be a result of an incensed public mind, unwilling to submit to a continuation of a system of government adverse to popular good, and Senator Borah will no doubt be at the head of the new order as the idol of all who desire equality in the maintenance of the state and the nation.

BORAH'S PROPHECY

Perhaps Senator Borah overdraws his picture of conditions and the state of the public mind throughout the United States. No doubt, he does as applied to the income tax. The revolt he hinted at in his speech in the senate favoring the passage of the proposed amendment, is less likely to occur over the income tax question, than it is over the high cost of living or the inequalities of the tariff. The people understand these things better than they do the income tax. They know that something is wrong when increased wages and general prosperity are followed by a reduction of the purchasing power of a dollar. They want to learn of some way to combat that. Perhaps they are bound to have an interesting time trying.

But Borah speaks by the book when he declares the spirit of unrest is abroad. It is. It always is. Prob-

ably it always will be. There never has been a time when that spirit did not manifest itself. The world has never been satisfied; never contented, and when it is, if it ever shall be, progress will cease. Revolution is a step backwards and arrives at nothing. Cranks and criticism are not bad or useless levers, however, in advancement.

The question Borah's speech now raises hinges around the extent of the unrest he discerns and the deep-seatedness of it. On the surface is a lot of froth; beneath is a belief that change will inevitably come, because it must come. This government can not be run as the protector of the few against the rights of the many. The few will have to yield that position. They can not stand in the path of the people. Conflict on that point has been waged ever since government was first formed. Tendency, though slow, has ever been in the direction of the people. It is that way now. But before it reaches anything as serious as seems to underlie Borah's words, political revolution will come. And that is just what the Republican party now faces.

Abstract West World Feb/16/1910

Review of the Income Tax
 Borah on the Income Tax

In arguing on the income tax, Senator Borah points out that the case involving the constitutionality of the law of 1894 came before the Supreme Court as an application brought by stockholders of a corporation to enjoin the corporation from paying the tax. That is, both parties to the suit desired the court to decide that the law was unconstitutional. It was, in point of fact, a "moot case," in which the government played a merely incidental part. Under these circumstances, the Supreme Court would have been justified in declining to take cognizance of the suit at all. Many of the best lawyers of the country think that it never should have allowed the case standing in court.

In any event, this greatly exploited precedent, by which the law was declared unconstitutional, has not the weight or significance which would have attached to an action litigated by real instead of nominal parties, or in which the Government might have taken a leading instead of a casual hand. In short, the famous income tax case of 1894 was what is called in legal parlance "a friendly action," somewhat of the kind of which partition suits and other litigations furnish familiar examples every day. It lacked the vim, the fire, the zeal, and probably the exhaustive consideration which belong to great and genuine litigations on matters of State. It would have been nothing surprising had the court been somewhat predisposed to find a law unconstitutional, when both the plaintiffs and the defendant wanted such a finding. The very way the case was brought into court was enough to prevent the establishment of any building or final precedent.

Senator Borah's analysis of the true inwardness of the case of 1894 is one of the most interesting things the income tax debate has developed. It proves that the importance of that judgment has been greatly exaggerated. The more the income tax is studied, the weaker the constitutional objection grows. The litigation of 1894 appears not only to have been wrongly decided, but to have been originally brought on weak and insufficient premises. Should Congress pass an income tax we very much doubt whether the opponents of such a measure would ever try to thresh out the question again in the Supreme Court. If they did, the chances would be altogether against them. From an argument, the "unconstitutional" protest has sunk to a status not much above that of a bugaboo.

THE SENTIMENT of the West is in harmony with the expressed views of Senator Borah on the question of conservation when he says:

"The West is just as thoroughly devoted to conservation as the East, but as we understand it, conservation means the use and development of our natural resources. It is waste pure and simple to tie up these resources indefinitely."

Any policy prohibiting or curtailing a wise use of these lands by the present generation would be unwise. Not waste or devastation but a wise practical utilization of natural resources to the benefit of the people and the country at large, is what is desired in the West.

Senator Borah's Review of the Income Tax
March 7
Senator Borah's Review of the Income Tax
Feb 1910

BORAH SAYS INCOME TAX WILL SAVE ALL

Without It, Declares Haywood Prosecutor, Grave Things May Happen to Our Noneyed Autocracy.

WASHINGTON, Feb. 10.—A dramatic prophecy of evil times which might result if the income tax amendment to the Constitution is not ratified by the necessary two-thirds of the states, was delivered in the Senate this afternoon by Senator Borah (Rep., Idaho). Borah was one of the prosecutors in the Moyer-Haywood case.

"If the amendment to the Constitution can be defeated," Borah said, "then this government of the people, for the people and by the people (laughter) will stand alone among all the civilized nations of the earth shorn of the power to tax that form of wealth best able to bear the burdens of government. That is the scheme and plan, and such men as the great governor of New York are giving them aid and comfort.

"You can defeat this amendment," the Idaho senator continued, dramatically, "but when the people learn what you have really done, it will go far toward exciting to renewed force that feeling of wrath, of class hatred already too strong among us. It will do much to foster disrespect for, and broad disloyalty to, the government. When those who are ill able to meet the burdens of the government see its enormous expenditures continue to increase and learn that this must be met by a tax on consumption, while incomes which sustain luxury and breed idleness and idocy go untaxed, they will have little mercy with you in the hour in which you must plead with them against radical changes in government. I do not know how long we can deal with a patient people in this way. But I venture to prophesy not much longer."

Borah challenged the opinion of Governor Hughes that the income tax amendment, if adopted, would give the government power to tax state bonds. It would add nothing to the taxing power of the national government, he said.

STATESMANSHIP IN IDAHO.

The impression we get about Idaho through the frequent philippics of Hon. Fred T. Dubois, of Blackfoot, is that it is reeking with polygamy and sodden with Mormonism. The impression we might get from the vivid rhetoric of Hon. W. B. Heyburn, of Spokane, is

of an indignant and deserving people outraged by an unscrupulous national administration through its infamous forest reserve policy. The impression we have from the quiet and convincing oratory of Hon. W. E. Borah, of Boise, is that Idaho gets along very well with the Mormons and with Roosevelt; and that it refuses to get excited about polygamy or the President's effort to save the forests for the benefit of the whole people.

The Mormons are criminals and there is nothing in Idaho but polygamy, cries Dubois. There is no polygamy in Idaho, because it is against the law, and the people of Idaho are law-abiding, answers Borah. The forests were made to be despoiled by anybody that comes along, yells Heyburn. The forest reserve policy is correct; the bona fide settler will be taken care of, responds Borah.

Now, what is Idaho going to do about it? Senator Dubois has done much toward giving Idaho an unenviable notoriety by his lamentations about the criminal practice of the Mormons, so that there is in the United States a considerable number of people who think the dreadful monster polygamy has crushed out every decent instinct of its citizenship. Senator Heyburn has opposed the national administration in its war on the land-grabbers and timber thieves, and he has done much to show that Idaho is not keeping step with the mighty march on the grafters. If Idaho deserves to emerge from the cowboy and pickax period, it will have to change its representation in the Senate at Washington. The Oregonian doesn't at all say that Borah is the man to send; but it unhesitatingly declares that some man who stands for the things Borah advocates will do better things for Idaho at Washington than its present anti-Mormon agitator and bow-wow statesman. Who it shall be Idaho will of course determine for itself.

HARD SLEDDING FOR PROPOSED ALASKAN LEGISLATION.

Wash. Times D.C.

The Senate discussion thus far of the bill to change the form of government of Alaska, putting the Territory in charge of a governor and legislative council, indicates that that bill will have hard sledding. The discussion of this bill has not gone into many phases of the questions involved, but it has developed decided opposition. Senator Borah in the early discussion of the measure referred to the fact that it was proposed to create a "peculiar and extraordinary legislative body" to take practical legislative control of Alaska. "We are engaged here in creating a scheme and form of government which

has never been tried under an American system except once, and then it went down in sixty days of its own weight."

Senator Borah was of the opinion the plan was dangerous, and said it was impossible for the President to appoint a legislative council "without getting information from a source which is liable not to suggest the best kind of legislative council."

Further than this, Senator Borah declared he knew that 90 per cent of the people of Alaska were trying to prevent this legislation, but no more attention was paid to them than if they were aliens.

It will be the part of wisdom for Congress to go about this proposed change in the Alaskan government with the greatest deliberation. Already there is a well-defined fear in many quarters that great interests see in it that which will be to their advantage. Alaska is one of the world's richest prizes, and Congress will do well to see that its vast mineral wealth is so safeguarded as to benefit the greatest number. The proposed Alaska government bill is arousing a storm of criticism, and Congress cannot afford to overlook it.

BORAH'S LOAN BILL.

We note that Senator Borah's bill to provide for the issue of \$30,000,000 in Government certificates, to aid in the completion of reclamation projects in the arid States, is nearing the point of passage in the Senate.

This bill puts into form the recommendation of the President on this subject. President Taft, in his tour in the West, ascertained, by personal inquiry and observation, that a large number of reclamation projects, partly completed but useless in their present state, are held up by reason of a lack of money to complete them. And inasmuch as a large number of settlers have filed claims on the lands which are to be watered from these reclamation reservoirs, and as much hardship and injustice would follow the failure to complete the projects, the President took the matter in hand and made the recommendation he did for Government relief to the amount of \$30,000,000.

It is a good, wise proposition, much needed in the reclamation service. In fact, it is imperative and we shall look with anxious hope to see both Houses of Congress pass this much needed bill, especially as the money is all sure to be repaid, the advance being a lien on the land.

PROTECTING THE PEOPLE.

Senator Borah of Idaho is the author of a bill which is now in the hands of the senate judiciary committee and which ought to be of general interest. The bill provides that senators, representatives and delegates in congress shall not represent, as attorneys or otherwise, any corporations, companies or persons doing business over which the government exercises regulative jurisdiction. Conviction of this offense under the provisions of the bill, may result in sending the offender to prison for not more than two years and in finding him not exceeding \$10,000.

The Borah bill, if passed would undoubtedly affect a number of men who are now in congress. The practice of attempting to represent the people during congressional sessions and attempting to represent corporations that are subject to congressional regulation during congressional recesses is not as uncommon as some may imagine. When private and public interests, thus centered in congressmen, conflict, it is not difficult to imagine which profits most by the condition. The system is certainly not to the advantage of the people, and even though the congressmen may be honest and may be acting in good faith, they can not well avoid being prejudiced.

PAYNE SEES A BUSY SESSION FOR WINTER

AUBURN, N. Y., November 27.—Representative Sereno E. Payne,

chairman of the house committee on ways and means, thinks that the approaching session of Congress will be one of the busiest which that body has ever seen. Before leaving for Washington today, he said:

"There will be amendments to the interstate commerce law, the postal savings bank question will come up; ship subsidy will be prominent, and the Sherman anti-trust law will need consideration.

"I don't think Congress will interfere in the Nicaraguan question, which the State Department seems to have well in hand. I don't think Congress will investigate the sugar trust matter. Mr. Lobb and the Federal prosecutors seem to be doing very well with that matter in New York."

*East Lake Tribune
Feb 1910*

*Justice
Jan 1910*

ROOT WILL OPPOSE IN SENATE INCOME TAX STAND OF HUGHES

Has Written Letter Also to New
York Legislature Indorsing
the Amendment.

BORAH ANSWERS HUGHES

Says Change Would Be Only in
Method; No New Power for
U. S. Government.

Washington, Feb. 10.—Senator William E. Borah of Idaho, to-day delivered a brilliant reply to the criticisms of Governor Hughes, of New York, on the proposed income tax amendment to the Constitution. His general argument was that the proposed amendment will confer no powers on the central government with regard to taxation that it does not already possess, and that, therefore, the fears of Governor Hughes are idle.

As a direct consequence of the Senator's argument, it was developed that Senator Elihu Root, of New York, is about to emerge from his shell and give that support to the income tax amendment that he promised during the debate in the Senate at the special session. Root, in other words, is coming out in defense of the amendment, and in a speech on the floor of the Senate will take direct issue with Governor Hughes, specifically, following the same line of argument as that adopted by Senator Borah to-day.

Writes to N. Y. Legislature, Too.

The following interesting conversation occurred on the floor of the Senate just after adjournment this afternoon. Coming over to congratulate Borah, Root said:

"Borah, I disagree with you on your criticism of those who are opposed to the amendment, but I entirely agree with you in your legal argument on the amendment."

"Then, Root," said Senator Cummins, of Iowa, quickly, "you ought to say so on the floor of the Senate."

For an instant the New York Senator was nonplussed, and then he replied:

"If it will be of any use, if my views are of importance in the discussion, I will certainly do so."

Senators standing near, among them Bailey and Bacon, who likewise in-

course, as constitutional authorities, the views of Borah, congratulated Root on the announcement of his stand.

It is rumored to-night also that he has written a letter to the New York Legislature indorsing the income tax amendment, which will be read to the Senate and Assembly at Albany.

Brown Defends His Bill.

Senator Brown, of Nebraska, author of the income tax amendment, also addressed the Senate to-day briefly on the subject, declaring his belief that if the views of Governor Hughes are correct, that all incomes can be taxed, even those derived from State and municipal bonds, he regarded that as additional reason why the amendment should be adopted.

Senator Brown, however, declared that he shared the views of Senator Borah on the main question, though he differed with him in the latter's belief that the amendment will be defeated by the States through the power of increased wealth. He added that his faith in the American people was such he was convinced they would ultimately adopt this amendment to the Constitution.

Senator Borah's argument was listened to by nearly all the membership of the Senate, and when he had concluded he was warmly congratulated by a score of his colleagues. Under six heads, the Senator disposed of the criticisms of Governor Hughes, as follows:

"1. That the proposed amendment adds nothing to the taxing power of the National Government. This power was complete, unfettered, plenary before.

Power to Levy Tax Undoubted.

"2. The proposed amendment does not deal with the question of the power which is already complete, but simply with the manner of its exercise and use of that power.

"3.—No one has ever questioned the power of the National Government to lay an income tax. It was to remedy the method alone that the amendment was submitted.

"4.—The words 'from whatever source' add nothing to the force of the amendment. It would, in constitutional parlance, be just the same if it said, 'To lay and collect taxes on incomes without apportionment,' for who could then say that you would not have the right to lay taxes upon all incomes?

"5. 'To construe the proposed amendment so as to enable us to tax the instrumentalities of the State' would do violence to the chief laid down by the Supreme Court for a hundred years, wrench the whole Constitution from its harmonious proportions and destroy the object and purpose for which the whole instrument was framed.

"6. 'To construe it to cover those incomes from sources within the jurisdiction and control of the sovereignty laying the tax is to construe it in harmony with the principles given up by Marshall and followed from that hour to this.'

All Precedents Overturned.

In concluding his address Senator Borah said:

"For a hundred years a rule of construction, as established by the men who helped to write the Constitution, received the approval of an individual court time and time again. During this period we had under the Constitution the right to impose a part of the tax upon wealth and a part upon consumption, and we did so.

"In 1864 and 1865 these precedents were overturned, this constitution re-

ceived a construction unknown to the makers. The humiliating and astounding doctrine that the makers of the Republic had hedged wealth about so that the taxing powers of the Government could not reach it even in time of war; that the founders of a government based upon equality and justice had made it impossible to divide the burdens of government between consumption and a large class of gathered wealth was announced.

Last session we were called upon to ratify and declare by express act our assent to that interpretation. Under the rule of the majority we did so. We submitted this proposed amendment to remedy this supposed hideous defect in the fundamental law.

Now the scheme and plan is to defeat the amendment. Having solemnly accepted this construction of the Constitution, making it impracticable to again appeal to the court, if this amendment can be defeated, then this government of the people, for the people and by the people, will stand alone among all the civilized nations of the earth, shorn of the power to tax that form of wealth best able to bear the burdens of the government.

That is the scheme and plan, and such men as the great Governor of New York are giving them aid and comfort.

It would be nothing less than a catastrophe if this amendment should be defeated; if we are going also to be cut off from an appeal to the Court, this is in every sense the people's fight."

The republicans in the Senate managed to get together Saturday on the postal savings bank bill and it went through on a party vote, all the republicans voting yes, and all save one of the democrats voting no. But as it stands the measure cannot be acceptable to the administration. What reconciled the western insurgents to it is what antagonizes the president—Senator Borah's amendment confining investments of savings in government bonds only to such as yield at least 2½ per cent. This rules out the \$700,000,000 of government 2 per cent. bonds for the most part by national banks to secure note circulation. President Taft said in his recent New York speech—

We have now about \$700,000,000 of 2 per cent bonds with respect to which we owe a duty to the owners to see that these bonds may be taken care of without reduction below the par value thereof because they were forced upon national banks at this low rate in order that the banks might have a basis of circulation. This implied obligation of the government the postal savings bank funds would easily enable it to meet.

And it is precisely for the purpose of disabling the government from making such use of the funds that the Borah amendment was put forward and supported by the insurgents. They saw in the other plan a scheme to let the national banks out of their government bond investments without material loss in case a central bank of issue is recommended by the Aldrich monetary commission. It goes without saying, therefore, that every effort will be made by the republican regulars to throw out the Borah amendment when the bill reaches the conference stage.

Root vs. Hughes on Income Tax.

Senator Root has redeemed the pledge "to advocate the income tax amendment in his own state." His letter to a member of the legislature is a powerful and well-reasoned reply to the special Hiram's message which startled the country by recommending rejection of the amendment and which has impressed a good many editors. If Albany and other solons are not merely searching for excuses to mask general hostility to the proposition, they will ratify the amendment without fear or misgiving.

Senator Root, an able constitutional lawyer, agrees with Borah and others that the amendment as drafted does not empower Congress to tax the income from state and municipal bonds. He cites decisions, authoritative opinions and precedents to prove that the amendment, if ratified, could not possibly be made by Congress an instrument of usurpation and abuse against the states.

The doubts and objections of Governor HUGHES were plainly founded on a superficial study of the subject. The states are not threatened with anything dire; they will not be put at the mercy of Congress if the amendment is ratified. Hence the duty of the legislatures is simple and imperative, and to persist in opposition on far-fetched, technical grounds will mean, as Senator BORAH said in Congress to arouse suspicion among the people and widen the breach between the progressives and the conservatives, accused of reaction and "plutocratic sympathies."

BILL FOR ALASKA DIES IN SENATE

Borah's Opposition Puts Quiet on Administration's Proposed Law.

TAFT'S PLEA IS IN VAIN.

Charge That Act Was in Interest of Guggenheims; Blow to Beveridge.

[BY A STAFF CORRESPONDENT.]

Washington, D. C., Feb. 16.—[Special].—The administration bill for the government of Alaska is dead. It fell today before the onslaught of Senator Borah, and before the herded assault of expert muckrakers. The charge behind its sudden taking off is that it would turn Alaska over root and branch to the Guggenheims. The funeral obsequies were presided over in the senate today by Senator Beveridge, chairman of the committee on territories. Beveridge acted upon the suggestion of President Taft. In this strange case Alaska turned up once as the administration's pursuing Nemesis. The president had stood behind this bill, to create a legislative commission for the territory. The draft of it had been sent to the senate by the administration. When the president first heard of Senator Borah's opposition he sought to dissuade him. It is understood that he tried to prevent the attack which Borah made in the senate two weeks ago. He invited Borah to a conference and they had it out.

Bill Favorable to Big Interests.

It is understood that Borah told the president in plain language just what his bill would do to Alaska. He may not have specially mentioned the Guggenheims, but he declared that the legislation was favorable to big interests entrenched in Alaska. This left no doubt of his meaning. He maintained firmly to the president that inevitably such a commission as was sought to be created would be completely dominated by great financial interests.

If the president in his interview today opened to reserve Borah, he soon learned his mistake. The Idaho senator has had experience with the Guggenheims in his own state, and he considered that he knew what to anticipate for Alaska if the door were thrown open to them. While standing for the president's legislative program, and being in close sympathy with him in his purposes, yet Borah showed Mr. Taft that it was out of the question for him to yield on what he considered a matter of principle.

At the conclusion of the interview the president reached the conclusion that Borah might be right. He sent for Senator Beveridge and indicated his belief that it would be unwise to force the Alaskan bill in the face of determined opposition. This measure was the senate's unfinished business for the day

and, when it was called up for consideration Senator Beveridge said he would consent that it be no longer considered as unfinished business. He suggested that its place might be taken by the postal savings bill.

Beveridge in Uncomfortable Position.

This backdown on the part of the administration leaves Senator Beveridge in an uncomfortable position. Without suspecting the possible presence of an Ethiopean in the woods, he accepted the Alaskan bill from administration sources and sought to put it through with absolute loyalty to the president. So determined was he in his faithfulness to the administration that he is said to have resented Borah's intimation that the bill was dangerous, and to have declared that it would be a battle royal if Borah wanted to fight.

The decision of the administration to call off the bill also is connected by some with the recent activities of muckrakers. Certain experienced muckrakers have been making persistent inquiry into the history of this legislation and its effect on Alaska. Their effort has been directed, it is understood, to connect the origin of the legislation with John Hays Hammond, the mining expert who draws the biggest salary in the world from the Guggenheims. Hammond has of late been active in politics, being at the head of the National Organization of Young Men's Republican Clubs and being associated to some extent with President Taft. It is said that the results of this muckraking effort were intended for publication within a few days.

The Alaska Bill Blocked.

Senator Borah, of Idaho, is credited by some of the Washington correspondents with being the man who blocked the Alaskan bill, to which President Taft had pledged his support, and which was intended to give the Guggenheims, speaking roughly, the Territory of Alaska.

According to the Washington representative of the Scripps-McRae league of newspapers, Mr. Borah, although aided in his raid upon this Administration measure, should be recognized as being the prime mover. John Hays Hammond, "expert for the Guggenheims and golf chum of Taft," hatched the scheme. The Guggenheims, seeing the defeat of their original campaign for the control of the Alaskan coal mines, decided to set up a Guggenheim-owned Government in Alaska and shift the control of countless millions of dollars' worth of public property from Washington to a place more removed from the limelight.

To quote:

"Hammond finally put into Taft's hands an Alaska bill which provided the Territory with a Governor, to be appointed by the President; a Legislative Council of eight members, to be appointed by the President, and a Commissioner of the Interior and Mines, also to be appointed by the President. There was a minor office-

favorable to Guggenheim's plan 1910

holder or two. All the officials were to enjoy four-year terms, and the eight Council members were to be bona fide residents of Alaska and to be selected two each from the four judicial districts. The Commissioner of Mines did not have to be a legal resident.

This Commissioner was to supplant the Secretary of the Interior and Commissioner of the Land Office for Alaska. Much was made in the bill of the independence it conferred on Alaska. The Territory was to have its own treasury, its own everything, but more especially control of its own mines—through officials appointed by the President.

"Guggenheim influences had already appointed Walter E. Clark Governor of Alaska. He was to be reappointed. Guggenheim influences, strong enough to oust Garfield from the Interior Department and substitute Ballinger, strong enough to make Fred Dennett Commissioner of the Land Office, strong enough to oust Pinchot and play golf daily with Taft, certainly looked strong enough to appoint the proposed executive council, and, more especially, the Commissioner of the Interior and Mines."

Delegate Wickersham's bill providing for a form of Government for Alaska "on the American plan," but not creating a Commissioner of Mines, was received coldly by the Administration, and President Taft decided to back the Hammond scheme, out of friendship for Mr. Hammond. Senator Beveridge, who took charge of the bill in good faith, washed his hands of it when he found insurgent opposition and discovered its cause. According to the Scripps-McRae correspondent, the President summoned Senator Borah, who flatly told him that his friend Hammond's bill was "the sum of legislative iniquity." Next came Senator Dooliver, to say, in a plain, blunt way, that it was "rotten."

Says Mr. Couch:

"The President gasped before such plain speaking and grew peevish. He is no fighter, though. He dropped the Alaskan bill like a red-hot coal. But he is not grateful. On the contrary, the President thinks the insurgents show him little consideration. He tells John Hays Hammond so when they play golf together. For they still play golf together, when the weather permits."

The Guggenheims reckoned without their hosts when they saw their way to the control of Alaska through the bias of the National Administration in behalf of "business" without much regard to the morals of business, and when they counted upon the facility with which the President's personal friends are able to persuade him of the purity of their motives and of the measures they advocate. The Taft Administration got un-

der way with the extraordinary session of Congress upon its hands, and the President's acquiescence in the Al-
Archie-
Archie-Fayne-Cannon highway mania was virtually, "Know all men by these presents where the Administration stands." Since that time the public has had an eye peeled on the Republican machine, and the hullabaloo that has resulted has not been without effect. President Taft was recently quoted as saying of the situation, "Let them yell." They have—insurgents and an insurgent press—and not without effect.

Is Borah Insurgling?

In his recent speech defending the income tax bill Senator Borah of Idaho spoke in part as follows:

"Mr. President, no one ever saw this country in just the condition it is to day. Never since this government was launched as there been such a restless spirit among the great mass of the people, such ugly questioning, such persistent inquiry. No part of the government seems to escape challenge or criticism, and it is fast becoming popular to scoff at the constitution itself. An unquiet, dissatisfied, suspicious public mind is the public mind of to-day. " " When those who are ill able to meet the burdens of government see its enormous expenditures continue to increase, larger armies and larger navies, increased burdens everywhere, and learn furthermore that all this must be met by a tax on consumption while incomes which sustain luxury and breed idleness and idiocy go untaxed they will have little mercy with you in the hour in which you must plead with them against radical changes in the government. I do not know how long we can deal with a patient people in this way. But I venture to prophesy not much longer."

IN THREE PARAGRAPHS.

The objection made to the amendment is that this will confer upon the national government the power to tax incomes derived from bonds issued by the states or under the authority of the states, and will place the borrowing capacity of the state and its governmental agencies at the mercy of the federal taxing power.

I do not find in the amendment any such meaning or effect. I do not consider that the amendment in any degree whatever will enlarge the taxing power of the national government or will have any effect except to relieve the exercise of that taxing power from the requirement that the tax shall be apportioned among the several states.

The effect of the amendment will be, in my view, the same as if it said, "The United States may lay a tax on incomes without apportioning the tax, and this shall be applicable whatever the source of the income subjected to the tax," leaving the question "What incomes are subject to national taxation?" to be determined by the same principles and rules which are now applicable to the determination of that question.

Senator Root's reply to Governor Hughes on the proposed tax amendment to the Constitution is a very clear and interesting statement of the administration's view of the subject. It is a statement that has been somewhat anticipated in the message of Governor Fort of New Jersey, who pleaded for the amendment, and in the remarks in the Senate of Senator Borah. But Mr. Root's reputation as a constitutional lawyer is such as to give his address an importance which the others could not have.

His argument may be summed up briefly in the three concise paragraphs quoted above, where he cuts his way through the confusion involved, according to the President and his friends, in Governor Hughes' contention. The New York chief executive thought that the proposed amendment would authorize the federal government to tax incomes derived from state and municipal securities. Mr. Root's reply, fortified by a long and able discussion of the Supreme Court's position, is that such an outcome is forestalled by the well-settled constitutional doctrine that the federal government cannot tax the instrumentalities of the several states.

STRONG ON INCOME TAX.

The speech made by Senator Borah of Idaho in favor of the income tax, reported in yesterday morning's Tribune, is a very strong argument. The Senator disagrees entirely with the administration programme upon this measure. He does not believe in the legislative department conceding its impotence to levy this tax. He points out that the power to levy such a tax was unquestioned for more than a hundred years, and that if this Government has not the power to levy an income tax, then it is the most helpless of all the governments of the earth. He does not believe in the legislative department of the Government admitting such helplessness. And incidentally he takes a fall out of Governor Hughes of New York for his untenable position that the income tax amendment as proposed is an attack upon the power of the States to sell their bonds.

It is much easier to ignore such a speech as that delivered by Senator Borah than to answer it. His positions are clearly stated. They, as we believe, are absolutely unassailable. The fact that the United States Supreme Court decided the income tax of 1894 to be unconstitutional is by no means conclusive, for that decision was made by a court composed of nine judges, four of whom absolutely dissented from the conclusion of the five; and it has always seemed to a great many people, including lawyers of great eminence, that the positions taken by the four were much stronger than those taken by the five.

It would be much more satisfactory to have another ruling of the court upon the income tax law formed somewhat different from the law of 1894, than to proceed as though the last and final ruling had been made on the question. There has been a very great advance in the last fourteen years in the way of nationalizing this Republic, and it is quite reasonable to presume that the United States Supreme Court has progressed somewhat in conformity with the general progress of the country on that line.

Borah for Suffrage.

Easterners like Thomas Wentworth Higginson and John D. Long and ex-Governor Douglas of Massachusetts, may advocate woman's suffrage with philosophic calm; looking upon it as does Justice Brewer of the Supreme Court, in the light of something bound to come when the popular mind is educated up to it; ready to assist in that education of the popular mind; frank enough in expressing their views, but without the impatience which so often leads to un wisdom in expression and in methods. William E. Borah is a different sort of man. A native of Illinois, a graduate of a college in Bleeding Kansas; long a practitioner of the Kansas Bar, the Senator from Idaho believes in cutting the Gordian knot with one snip of the shears. His proposed amendment to the Federal Constitution would settle the whole matter so far as the United States is concerned. Whether the liberty it would establish would run into the Philippines and Hawaii and Porto Rico the Supreme Court would have to determine.

Mr. Borah would put it into the fundamental law that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." Fortunately, or unfortunately, the passage of his resolution by both branches of Congress would be only a preliminary. It would have to be ratified by the legislatures of three-fourths of the States. But no one can deny that if put before the states by Congress the issue would have to be settled on its merits in every state. No conspiracy of silence would be possible.

Mr. Borah is a Rooseveltian of the Rooseveltians. In some quarters there will be a suspicion that he has the advance knowledge that Nimrod returning as Africans will back up his move. In that case the opponents of woman's suffrage would get a lot more hard fighting than they bargained for!

Senator Borah of Idaho deplors the fact that one-third of his State is tied up as a forest reserve, and that the timber upon it is going to waste when there are so many lumbermen only too anxious for an opportunity to cut it off and make good use of it. What virtue there may be in his criticism we do not know, but it is quite certain

that the condition he points to is regrettable when he says:

"Look how rapidly we were losing possible settlers. More than 70,000 Americans will cross into Canada this year looking for homes. They will take with them an average of \$1,000 apiece. Besides the loss of good thrifty farmers, this means that \$70,000,000 of good American money is leaving the country all because the Canadians have framed their land laws on a liberal plan."

BORROWED PARAGRAPHS.

Idaho's Delegation. (Idaho Falls Post.)

Truly, the Idaho delegation in congress is attracting attention, "but how different is the brand of attention!" Borah, with his manly, vigorous and eloquent appeals for better conditions and advancement for this section of the west; Hamer, with his tenacious and conscientious efforts toward securing concessions for the state he represents—and Heyburn, with his tubboony, malice and vicious attacks on offenders that have been sanctified with the best blood of the nation. Aye, the attention is great—but what a difference it makes to Idaho when the quality of that attention is applied to each of its representatives! The distinction is very broad!

Senator Borah has enlisted the support of President Taft for his reclamation and irrigation bond bill. This gives the senator's bill a standing which will insure its passage if it proves to be what is claimed for it. The bill proposes a bond issue to raise funds for the completion and promotion of government irrigation projects in the arid west, the amount to be refunded to the government in fees and the purchase price of lands thus reclaimed, which makes the government aid in fact simply a use of its credit in supplying the funds for the improvements. From our knowledge of the measure it seems to be the proper and economic solution of the question of irrigation for arid public lands.

REGULATING THE REGULATORS.

Senator Borah of Idaho has introduced a bill to prohibit members of Congress from acting as attorney for any corporation over which Congress exercises regulatory control.

On the same day this bill was introduced, the dispatches announced that many corporations over which Congress exercises the power of regulation were opening headquarters for lobbyists then hurrying on to Washington.

This sufficiently indicates the condition of things in Congress to prove that Senator Borah's bill would not entirely eradicate the evil aimed at.

A Congressman or a Senator may be employed as attorney in fact to register the will of his employer on the Journal, without any one ever knowing anything about it.

That's why the oily boys go to Washington and open up headquarters for the winter's campaign.

In this way the corporations regulate the regulations of those who would regulate the corporations.

HONORS GRANT'S MEMORY.

G. A. R. Observes General's Eighty-eighth Birthday Anniversary.

The eighty-eighth anniversary of the birth of Gen. Ulysses S. Grant was observed by the department of the Potomac, Grand Army of the Republic, last night in the Metropolitan Methodist Episcopal Church, which Gen. Grant attended when he resided in Washington.

Senator Borah, of Idaho, was the principal speaker. He pictured Grant as civilian, soldier, and statesman, and said that, in everything he did, he showed his greatness.

Arthur Hendricks read the last orders issued by Gen. Grant, and Col. John Tweedale, U. S. A., read a poem, George H. Lillibridge sang "Daybreak at Appomattox," Lieut. Ulysses S. Grant, 3d, a grandson of the former soldier and President, was seated on the platform between Senator Borah and Secretary of War Dickinson.

After the call to order by Department Commander H. A. Johnson, past commander in chief of the G. A. R., Gen. S. S. Burdett, was introduced as the presiding officer. The Marine Band played patriotic airs, and songs of a like nature were sung by Miss Newland and Miss Collison.

A New Lincoln Anecdote.

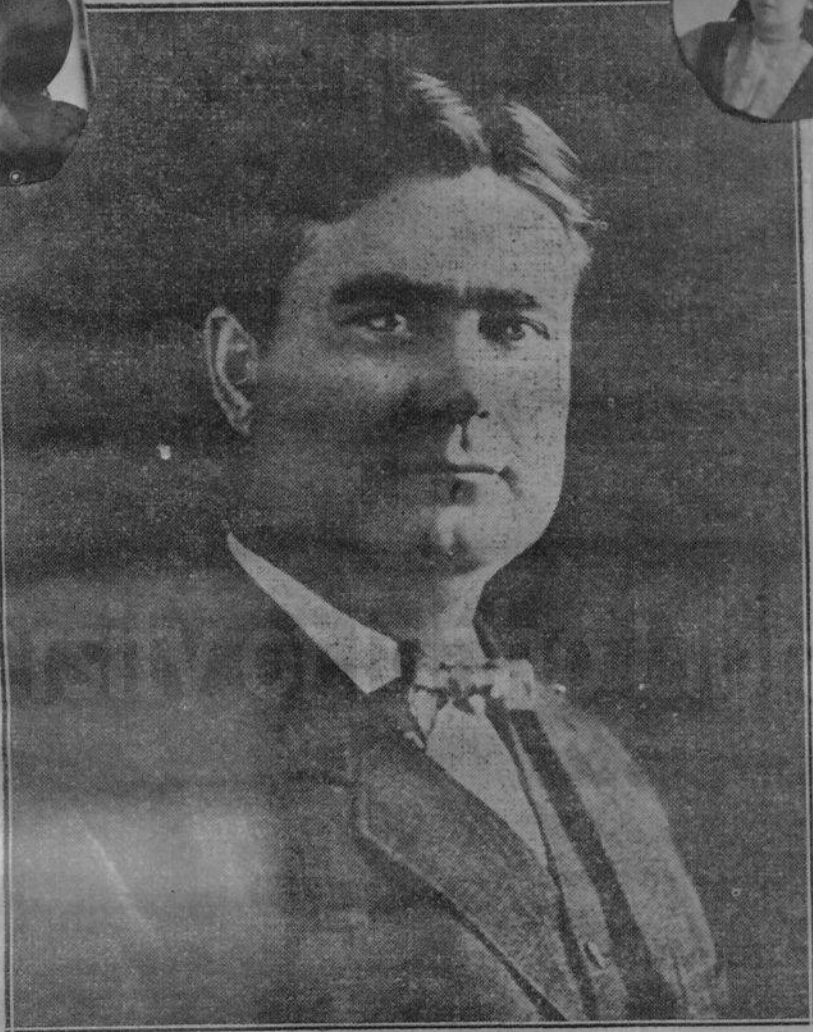
Jasper Allan Cozzett, in Metropolitan Magazine.

One of the comical characters in Washington during the war was Jolly old Isaac Newton, the Philadelphia Quaker whom Lincoln appointed commissioner of agriculture—a new office just created by Congress. Newton, who tried and at the same time amused the President, had made his reputation on a dairy farm; beyond this he knew little of agriculture.

Hearing which, I could not refrain from asking Lincoln why he had appointed such an ignorant man to the office.

"Because I think he's competent enough to attend to all the agriculture we will have till the war is ended," was the answer.

"ROUGHED IT" IN THE EARLY DAYS.



WILLIAM E. BORAH,
Senator from Idaho.

By JAMES B. MORROW.

Either by design or accident, William Borah was scouting along the particular edge of his cornfield that was farthest from the house. On the grass, leaning against a rider of the snake fence, he discovered his son and namesake reading a book.

There was a sudden pounce, and William Edgar, jr., eating abominable fruit in private, and deaf to the sounds of approach, felt the book jerked from his hand. Looking up, he saw his father turn to the title page, and then observed his moving lips as he read: "Some of the Mistakes of Moses," by Robert G. Ingersoll, a free-thinking and hysterical

collection of catchy quips and dashing phrases popular with village and country boys of that period.

Now "Uncle Billy," as he was called, in respect and affection, was a solid man in the community—solid agriculturally, politically, and theologically. Having power and skill with language, he sometimes addressed his neighbors on the issues of the coming election. Going to the Presbyterian church on a Sunday morning and finding the minister ill or absent, he read a text and preached extemporaneously. Rare was the clergyman who knew the Bible any better than Uncle Billy.

Threshed a Future Senator,
The episode at the edge of the corn-

Work / His father / 17th / 1910

fell, in religion and logic, not to mention social economy, could have but one ending. Moses was carried off and thrown in the fire, no doubt. Another detail need not be dwelt upon except to say Uncle Billy did not know when he walked away that he had thrashed a future Senator in Congress from the sovereign State of Idaho; nor would Uncle Billy have cared a continental. Years afterward, the son having stopped in Illinois on his first journey from Boise to Washington for a parental greeting, he said: "William, you should have stuck to your profession."

The Inquisition never converted any one. The boy of the cornfield now confesses that he followed Ingersoll until he read the life of Napoleon. Ingersoll was flippant, funny, and superficial. Napoleon was a philosopher and a statesman. So he traded heroes. "Tell me," Napoleon said, on the deck of a ship bound for Egypt, to the learned, inquiring, and controversial infidels who accompanied him, "who made the firmament, and then I shall talk to you about religion." And skepticism vanished and the rod of the father was justified, but it was the intellect that conquered.

In the matter of thrilling human experiences, Senator Borah is a drama of the untamed West. Desperadoes are grouped around him. Dead men and a gallows are in the distance. Exploding dynamite shakes the earth beneath his feet. As a prosecutor of the lawless—resourceful, relentless, and fearless—he reads like a romance rather than like a narrative of actual facts. Furthermore, he is an able constitutional lawyer, and his standing, although a young man, is very high in the Senate.

Picked the Right Man.

Picked by President Roosevelt, he argued the case against the battalion of negro soldiers dismissed from the army for rioting at Brownsville, in Texas.

Borah is a Republican. Once he rescued a negro—hiring a special train at midnight and riding to Nampa, twenty miles distant—after a party of lynchers had broken down the door of the jail and were shooting their rifles and pistols. Historically, sentimentally, and in other ways, President Roosevelt, therefore, chose the right man to explain and defend his drastic action.

Since then, Borah has made three great speeches in the Senate upholding the power of the national government to lay a tax on incomes. The proposed sixteenth amendment to the Constitution of the republic, taxing incomes, was vigorously pressed by him. It passed Congress and has gone to the country to be voted on by the legislatures of the different States. In the debate, which he carried through with remarkable grace and learning, he met the hostile questions and arguments of some of the best lawyers in the Senate. He first came to the notice of the country, however, as one of the prosecutors of William D. Haywood, charged with complicity in the murder of

Frank Steunenberg, a former governor of Idaho, who was horribly killed with dynamite at the gate leading into his own garden. Borah's argument closing the case occupied two days and would have filled forty columns of a newspaper.

His Life in Danger.

Manifestly, he would be incomplete were the striking and dramatic events of his life omitted from his record. But he talked about them with repugnance, shunting them over, begging indulgence, and courteously protesting. Physically, he is not a large man, but he is lithic and muscular. His head is broad, his face is wide, and his eyes are as blue as a Holland teacup and saucer. While his voice is low and his manner most agreeable, it is plainly to be seen that he is a determined and intrepid personality. Threats of assassination were never taken seriously, but I dare say he was ready. Idaho, however, had passed through its cycle of gunfighters, of ghostly sheep herders, dead in the tall grass of lonely valleys, and of vengeful miners hunting for their enemies with bombs, rifles, and daggers. Borah, therefore, coming into the tranquil present and looking toward serenity, if not culture, minimizes the past, with its terrors and tragedies.

In a word, necessary to a coherent comprehension of his story, Borah worked on his father's farm until he was sixteen years old, "when, being restless and wanting an education and to be a lawyer," he went to his sister's home at Lyons, in Kansas. "I didn't know how I was to get an education, nor had I any definite plans, but I thought fate in some manner would take care of my case. My father had previously signed notes for another man and lost a considerable part of his property."

"You completed your education," I said "at the Kansas State University?"

Populism Is Rampant.

"Yes; my sister and my father helping me with money. But I taught school whenever I could during my course at college. After being graduated, I studied law at Lyons. By the time I was ready for the bar, Populism was working a queer transformation in Kansas. Jerry

Simpson, of Medicine Lodge, was the candidate of that party, in my district for Congress. Farm products were selling for almost nothing. Lyons was a small place. I determined, accordingly, to begin practice somewhere on the Pacific Coast.

"A friend advised me to stop at Boise, the Territorial capital of Idaho. I might have gone on to San Francisco, but when I arrived in Boise I had only \$25 left for my travels. I drummed the law offices for work, but was unsuccessful. It didn't take long for me to

for their lives. One of them, wounded on the range, had dragged himself to his covered wagon, where he died. The bodies were not found until fourteen days after the crimes were committed. I was employed by the Sheep Owners' Association to discover and prosecute the murderer.

"Going to the town of Wells, in Nevada, I hired a horse and rode to Abdon, in Idaho, stopping at the cattle ranches on the way and seeking information. I was roughly dressed and no one knew my name or occupation. One night I came

see that I either had to get into another kind of business or begin practicing myself, and without a partner. I bought some cheap furniture and announced that another lawyer had settled in Boise. The announcement created no excitement.

"The first year in Idaho was the most melancholy of my existence. I battled desperately for a living, and many times was on the point of surrendering. I was an utter stranger in Boise, and the town was full of attorneys, all of whom had plenty of friends and acquaintances. But I kept on, I don't know how or why, and in the second year came brighter days and improved prospects. Little by little I built up a respectable business."

"Your first case in Idaho," I said, "had to do with a gambler?"

Killed a Chinaman.

"Only indirectly. I had met a gambler on the train that carried me into Idaho. He lived at Nampa, twenty miles from Boise. One morning he telephoned for me, saying that a man whom he knew was in trouble. I found, on reaching Nampa, that a telegraph operator had killed a Chinaman. The operator had quit work late at night and gone into the kitchen of the hotel where he boarded to get a luncheon. There was a dispute with the Chinese cook, who took up a knife and chased the telegraph operator into the dining-room. After the cook had turned to walk to the kitchen the operator shot him in the back, killing him almost instantly. The preliminary examination was before an old justice of the peace named Lang. In his information, Hayes, the prosecutor, charged the telegraph operator with murder.

"It is not murder," Lang said pretty vigorously, "to kill a Chinaman."

"In view of the known facts," Hayes replied, "I am compelled to insist upon the charge as I have made it. The law will permit of nothing else."

"The court, I saw, meant to discharge my client, which happened a little later, and so I refrained from cross-examining the witnesses and from making an argument. Now and then I would say a harmless word or two, that Lang might not forget my presence. As we walked away, I said to the telegraph operator:

"I don't know much about the courts in this part of the country, but anywhere

else, if you had shot a human being in the back and killed him, you surely would have been punished. I advise you to get out of Nampa as quickly as possible."

"The operator departed that night and never returned.

"My second case came to me because the other lawyers in Boise had declined to take it." Senator Borah went on to say. "It was a claim three or four years old against a railway for the killing of some live stock. The railway was new and popular, and damage suits were then unheard of in Idaho. I settled the case to the satisfaction of my client, and after that I was employed in criminal practice and in litigation between sheep and cattle men."

Jack a Gun-fighter.

"Tell me about Diamond Field Jack?" I asked.

"He was a gun-fighter and a cowboy, and was quicker with his hands and on his feet than any person I have ever seen. He worked for the Sparks-Harrell Cattle Company, of Nevada. In those days there was friction between cattle and sheep men over the boundary lines of their pasturage. A line was never respected, as the saying went, until somebody had been killed upon it. Two sheep herders, so it appeared, had been shot down in cold blood and given no chance

to a Sparks-Harrell ranch, of which a negro named Harris was the foreman. I talked about the killing of the sheep herders, and he told me that Diamondfield Jack, whom he seemed to dislike, had stayed over night at the ranch two or three days previous to the murder. He changed his light-colored suit for black clothing, saying he had some work to do after dark. Harris also noticed that he had a .45-caliber revolver loaded with .44-caliber cartridges. Diamondfield Jack, he said with anger, lay in his bed and shot at the rafters overhead. Harris showed me the bullet holes. Jack had returned later and had spoken vaguely but exultantly about doing business with a couple of sheep herders.

Both Sides Armed.

"We were pretty well prepared, therefore, to prosecute Diamondfield Jack for murder. The trial was tremendously interesting. The sheep men, of whom there was a large and nervous representation in town, sympathized with the prosecution. The cattle men, equally as numerous and expeditious, were hot partisans of the prisoner. Certain persons before each session of the court were searched and relieved of their weapons. During the trial Diamondfield Jack made a cheerful lunge toward me, but an officer caught him. We proved that the sheep herders had been killed with .44-caliber cartridges fired from a .45-caliber revolver. When Harris was put on the stand he knew nothing. Strangely enough, he did not recognize me as a guest of a not very

remote evening, I began his cross-examination by asking if he remembered the man who stopped with him all night, and to whom he told about Jack's revolver, his change of clothing, and so on. He was so badly frightened and so much surprised that he made a clean breast of the whole matter to the jury.

"Diamondfield Jack was convicted and sentenced to be hanged. Thirty minutes before the hour fixed for his execution, the gallows being up and the rope noosed and dangling, further proceedings were stopped by a writ of habeas corpus. Afterward his sentence was changed to life imprisonment. In two or three years he was pardoned on the ground that all the evidence of his guilt was entirely circumstantial."

"What became of him?" I asked.

"He quit the cattle business and got into mining. Senator George D. Nixon, of Nevada, who knows him well, says he is now interested in some of the mines of Mexico. His nickname originated in a plan that he had of organizing a syndicate of gentlemen like himself for digging diamonds in South Africa. Senator Nixon says that he once owned 1,000 acres of claims at Goldfield, Nev., and could have sold his interests for \$50,000 in money. His ambition was to fit out a buccaneering expedition, seize some small country in South America and make himself a king. All in all, he was an imaginative character. He called at the Reno club one day to talk to Nixon on a matter of business. Nixon offered him a chair.

Sold Boycotted Papers.

"If it is all the same to you," Jack replied, "I'll stand up. I am not prepared to sit down." Whereupon he lifted the tail of his coat and showed six big revolvers. Then he unbuttoned the front of his coat and a sawed-off shotgun was seen sticking out of an inside pocket. Still, Nixon says he is not a spectacular proposition, but a quiet man, who minds his own business. Once, when there was a strike of Sun printers in Goldfield and newsboys were driven from the streets, Jack, loaded with pistols and a bundle of the boycotted newspapers under his arm, walked all over town, in and out of stores and saloons, loudly shouting his wares and defying anyone to call him a 'scab' or to interfere with him in any particular. He left Goldfield without a penny."

"You also prosecuted the celebrated Coeur d'Alenes cases in 1892?" I said.

"There was a contest to compel the operators of mines to recognize the miners' union and to refuse to employ nonunion men. On the 26th of April, in broad daylight, 1,000 miners, masked and armed, took possession of a railway train at Burke and rode to Wardner, where they destroyed the mill of the Bunker Hill and Sullivan Company with dynamite. The mill was worth \$200,000. It was actually blown to splinters. No greater rain of a building could be imagined. On

their way back to the railway station, the masked miners caught a number of nonunion men who were watching the procession. When near the depot, the nonunion men were told to cut and run. While they were making off as fast as they could, several guns were fired. A nonunion man was killed, and so was a union man, but by accident. Gov. Frank Steiensenberg declared the region under martial law and the militia took possession. I was employed with others to prosecute the ringleaders of the dynamiters. We went to Wardner and began our investigation. A woman told us she recognized the man who fired the shot that killed the nonunion mill worker. A puff of wind had blown the handkerchief to the side of his face and she saw he was Paul Corcoran, leader of the Burke Union.

Sent to Penitentiary.

"About twenty men were arrested. Twelve of them were sent to the Federal penitentiary in California. Eight bribed a military guardman at the bull pen, where they were confined, and got away. The escape was fortunate in that it disposed of them for all time. They never came back. The guardman was sent to prison.

"We tried Corcoran for murder. The railroad from Burke to Wardner runs in a high and narrow canyon, with houses here and there and a few small stations between. Persons along the line said they saw Corcoran retaining his rifle, seated on the top of a high box car, a rifle in his lap, and his feet hanging downward. They knew it was Corcoran by the stump in his shoulders. The defense claimed Corcoran was not at Wardner on that day in April. Moreover, because of the crooked track and the sharp windings of the canyon, no man could ride the road seated on the top of a box car. Brakemen and conductors, taking the stand, agreed with the defense in that particular.

"I decided to try the experiment myself. James H. Hawley, my associate, who has prosecuted and convicted, defended and acquitted more men charged with crime than any lawyer in America, said I might be killed, or at best, if I couldn't ride the car, I would kill our case. I had ridden on freight trains, but was not an expert."

Sometimes Took a Freight.

"Why did you ride on freight trains?" I inquired.

"I don't think I shall go further into the matter," Senator Borah replied. "There are times when I have wanted to be somewhere else. You can draw your own conclusions. Well, I got an order from the railway company to have the engineer of April 23 duplicate his train and running time from Wardner to Burke. I stationed two witnesses along the road and took four men with me. With a rifle on my lap and my feet hanging over the side of a high box car, I made

the trip and wasn't joggled off. At Burke I jumped to the ground, as Corcoran was said to have done, and got a hard jolt. If any one thinks it is fun to jump from a tall box car, let him go through the experience just once. The turn in the case came with my practical test. Corcoran was convicted and was confined for two years in the penitentiary."

"You also prosecuted William D. Haywood," I said.

"Yes. I had refused to accept criminal business, but Gov. Steunenberg's murder grew out of the events of 1899, and I was persuaded to assist Jim Hawley, who framed up the case and to whom not enough credit has ever been given by the public or the press. Steunenberg had declared martial law at Wardner and had ordered the prosecution of the dynamiters. Six years afterward (he was out of office at the time and no labor troubles agitated Idaho) he was assassinated in a terrible manner by means of a bomb buried in the ground at his garden gate. Haywood, as you know, was acquitted."

Favors Income Tax.

"Why have you urged the charging of a tax against incomes?"

"Because I do not believe that all of the cost of the government in Washington should be met by the men who toil for their bread and butter. We are increasing our army and navy, we are improving our harbors and rivers, and we are constantly adding to the already enormous sum of our national expenses. Practically all of the money comes from a tax on what the consumers of the country eat and wear. Mr. Carnegie, for example, has a yearly income of \$12,000,000 from bonds of the United States Steel Corporation. Twelve of the men who worked in his mines or mills and are working now for his successors contribute more to support the government than he does. The theory of our system of taxation goes back to the days of feudalism, when, it has been said, the clergy prayed for the government, the nobles fought for it, and the common people paid the bills. I would equalize the load and shift some of it to the shoulders of the rich, where it justly belongs."

"Would you tax all incomes?"

"No, I would exempt those of less than \$5,000 a year. Beyond that sum, I should lay a tax of 2 per cent. Thus a man with an annual income of \$10,000 would pay \$200 to the national government, and the money so paid would never be missed."

(Copyright, 1916, by James B. Morrow.)

WALLACE, IDAHO, TU

FORSEES BORAH AS SENATE LEADER

DENVER PAPER SAYS HE
WILL SUCCEED
ALDRICH.

That Senator W. E. Borah may take the mantle of leadership in the United States senate when it is doffed by Aldrich and that President Taft considers Borah the strongest man in the senate and the best leader to put through the administration's policies, is the growing belief of astute politicians, according to the latest opinion expressed by W. J. Adams, Washington newspaper correspondent, representing the Denver Times and other big western papers.

Adams reaches his conclusion that Borah is the next leader of the senate through a process of elimination of the other possibilities. By political reasoning almost mathematical in its accuracy, Adams lops off the heads of the oldest senators one by one, leaving Borah the logical successor to Aldrich.

After handling without kid gloves such men as Lodge, Frye, Crane, Penrose, Elkins, Scott and others whose names have been suggested for leadership in the most powerful legislative chamber in the world, Adams pays the following tribute to Borah:

Tribute to Borah.

"There is a man from the west, and the far west, too, whose future, measured by his progress in less than a single senatorial term, offers more hope to President Taft than any other senatorial figure. That man is Borah of Idaho. He is an insurgent to all intents and purposes, yet he has a following among the regulars. President Taft likes him very much, and, while there have been differences of a very serious nature between him and the



SENATOR BORAH WHO MAY BE SENATE LEADER.

president, his frank, outspoken, manly just methods appeal not only to the president, but to senators who are not ambitious to be leaders themselves and sincerely desire the success of Taft's administration. Of the possibilities now on the horizon, Senator Borah is more likely to become the recognized republican leader than any who will remain after Aldrich and Hale shall have departed.

POETIC JUSTICE.

Rarely does the punishment fit the crime in this sadly-ordered world, but occasionally the fate meets out exact and poetic justice. Jeff Davis of Arkansas was the only Senator to interrupt Mr. Heyburn when he was attempting last Monday afternoon to induce the Senate not to allow the War Department to loan tents to the Confederate veterans when they meet at Mobile, next April. Mr. Heyburn is the Jeff Davis of the Republican majority in the Senate chamber. It was but meet and proper that these two stragglers behind the rear guard of progress and current thought should engage in single-handed colloquy. They are fairly and equally matched. This may seem a harsh judgment to the Jeff Davis partisans in Arkansas, but it is a just one.

Mr. Heyburn came to the Senate in 1893, and until recently has thought it worth saying in his autobiography in the Congressional Directory, that he "was not affected by the silver craze of 1896." That goes without saying. Mr. Heyburn's colleague from Idaho in the Senate is William E. Borah, who was not elected until 1907. The senior Senator from Idaho has undoubtedly squirmed under the fact that Mr. Borah has far outstripped him in the esteem of the Senate, and in the attention which his words command over a considerable section of the Western country. Mr. Borah has become a factor to be reckoned with in the Senate. He is looked upon by the other Senators as one of the ablest of the younger men. His views are sought upon party matters and important legislation.

AGE IN HIGH COURT SELECTIONS.

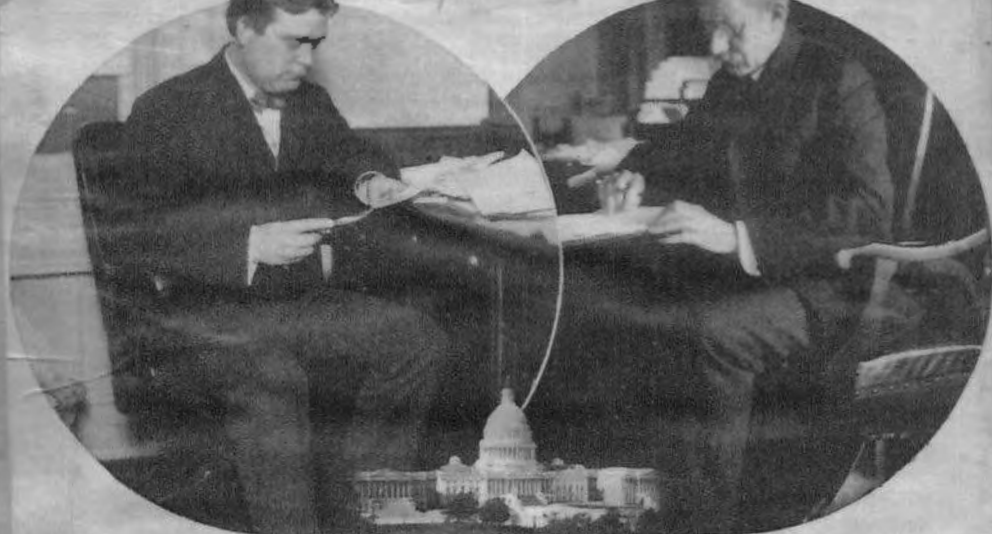
The Proposed Appointment of Judge Lurton to the Supreme Bench.

(From the New York Evening Post.)

Section 314 of the federal judiciary act provides that "when any judge of any court of the United States resigns his office after having held his commission as such at least 10 years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation." Later acts provide for retirement, with pension, on the ground of physical disability, short of 10 years' service. Now, of course, there is no direction here that a president shall appoint no judge who is over 60 years of age, but it is at least a fair implication that Congress expected every federal judge to be capable of serving 10 years before retiring at 70. We believe that when Mr. Edmunds was chairman of the judiciary committee of the Senate, he and his able colleagues, such as Senators Hoar and Thurman, insisted upon a strict construction of the statute; they would not report favorably the nomination of any federal judge upward of 60. The judiciary committee of the present Senate, which is decidedly weak in its republican membership, may not follow that precedent. In fact, it is announced that Senator Borah, who is probably the best lawyer among the republican members, though his name is at the bottom of the list, has already seen the president and has agreed to waive his objection to Judge Lurton on the ground of age. It is to be presumed, therefore, that Mr. Taft can secure Lurton's confirmation if he makes a point of it. But that will not alter the opinion of many persons whose only interest is in the strong personnel and continued usefulness of the supreme court, that the appointment is a mistake.

This conviction is not based upon a narrow interpretation of the judiciary act so much as upon the general principles which ought to govern, and upon the exigency which exists to-day in the supreme court. As a rule, everybody admits that a reasonably long service by the judges of the supreme court is desirable. It tends both to heighten its prestige and to give consistency and force to its decisions. If a powerful and dominating mind appears in the court, as in the case of a Marshall or a Miller, let us say, service during a period of years will give it freer and richer scope, and leave a deeper impress upon our jurisprudence, than would be possible in a short time. And the abler the associates of such judge, and the longer their term of vig on the bench, the greater will be the number and weight of their decisions. All this is elementary, and there is general agreement that federal judges ought to be under 60 at the time of their appointment.

*A. H. Lewis Cosmopolitan
July 1910*



SENATOR WILLIAM E. BORAH, OF IDAHO

SENATOR ELIHU ROOT, OF NEW YORK

"In the extra session Root got in the verbal way of Borah. It was an ill-advised interference; Borah went over him like a train of cars"



MARK TWAIN'S

PERFORATED INTERLEAVED

SCRAP BOOK.

PATENTED JANUARY 14TH, 1892.

DIRECTIONS.

After filling the gummed pages, remove the interleaving leaf at the perforated line, allowing the short stub to remain, which will keep the book of uniform thickness.

DANIEL SLOTE & COMPANY,
NEW YORK.