

## A REMEDY FOR SOME FORMS OF SELFISH LEGISLATION

The August number of the "World's Work" contains an article which is of interest to all who are concerned in the vital subject to which we give the somewhat foggy title of "Political Reform." The article, for obvious reasons anonymous, is written by a member of Congress who, the editors of the "World's Work" say, has served for more than ten years in the House of Representatives, has acted on many important committees, and has been successful in "getting things" for his constituency. The article is described as "showing the reason why the 'pork-barrel,' special tariff favors, and private pension bills become law," the reason being, to quote the words of the author, that "the dictum of the constituency to the Congressmen is, 'Get all you can for US.' There are no restrictions placed upon his method of getting it. . . . Until the American people themselves become more National and less local, until constituencies cease to regard their Congressmen as solicitors at the National Treasury, Congress will continue to enact iniquitous groups of local favors into National legislation."

This serious charge against the American people—for which there is unquestionably altogether too much justification—the author proceeds to substantiate by relating some of his own experiences with constituents which, however surprising they may seem to the general reader, will seem almost commonplace to all who know how the average constituency does in actual practice treat its Congressman.

The writer sets forth the fact that, in the first place, ninety per cent of the letters which a Congressman receives are requests

for special favors to be obtained in some way or other, directly or indirectly, from the United States Treasury. For instance, while the Payne-Aldrich Tariff Law was under discussion, this particular Congressman received in May, 1909, the following letter from the secretary of a powerful commercial association in his district :

I have been instructed by the board of directors of this association to advise you that at special meeting May 20, a resolution, copy of which is enclosed, was unanimously adopted, urging our Representatives in Congress to use every endeavor to have the present tariff on [mentioning three of the products of the industries referred to] increased one cent per pound and the present tariff on [mentioning the other two products] increased half a cent per pound. I wish to further advise you that we have heard from Senator —— and he informs us that he will take care of this matter in the Senate.

When the bill was finally passed, the Congressman succeeded in adding half a cent a pound to the duty on two of these products and in preventing any reduction on the others. A year later, when the popular clamor against the bill had become acute, the same association that had asked him to vote for increases wrote to the Congressman denouncing the bill as "the most iniquitous measure ever enacted by Congress" and requesting him to explain by letter why he had voted with "the Reactionaries" to pass the bill. When it was pointed out to the association that it had urged the Congressman to obtain an increase of duty on the products in which it was interested, it dropped its demand for an explanation. An influential newspaper published in his district editorially commended him while the bill was under debate for his "intelligent efforts" to increase the duty on manufactured articles in which the district was interested, and a year later the same newspaper in the same editorial column denounced him as one of "the legislative banditti responsible for the Payne-Aldrich measure."

As with the tariff, so with pensions: the Congressman is urged to obtain local favors without regard to National interests. This is illustrated by the following letter, which the author prints, and which was written by the clergyman of a large and wealthy church :

*My dear Congressman:* I received a call from James H. —— several days ago, and

he told me that he had received a very unsatisfactory letter from you regarding his chances for getting a pension. Now, Congressman, while I know he deserted during the second year of the war, yet there may be some way the matter can be covered and —— be given a pensionable status. He is at present a charge on my congregation. Every one seems to be able to get a pension. Why not he? Do what you can for him and oblige.

It may be said that this is a unique instance from which it is unfair to draw a general inference. The confessed Congressman answers, No: that he has "hundreds of such letters filed away." So has every other Congressman.

River and harbor legislation is another field in which local selfishness besets itself, to the exclusion of National needs. In this case requests are not made by letter but by delegations which come to Washington besieging their Senators and Representatives. "There is," says the frank writer of this article, "figuratively speaking, between \$50,000,000 and \$60,000,000 on the table to be divided. The Committee divides it so that every one is satisfied, at least to a reasonable extent. Every one, that is, but the people at large, the people who have no special interests to serve, and who feel keenly indignant that the rivers and harbors of the United States are developed in a fashion inferior to that of Europe.

Nor are all the requests for legislation merely. One constituent desired to have this particular Congressman put his name on the free mailing list for all public documents. That this would be impossible, because it would mean delivering to the applicant several tons of documents every month, does not in the slightest detract from the interest of the fact elicited by an investigation that the applicant was the manufacturer of an article made from waste paper, and that public documents would afford a very useful source of raw material.

Is there a remedy for such a state of things? The answer is, yes: and, moreover, it is a remedy which Congress can itself immediately provide.

There is no complete remedy, of course. No scheme can be devised which can prevent such a request as that of the constituent last named who wished public documents to use in his private paper



business. Requests like this merely mean that in every district individuals will always be found who will request improper favors. As regards these people, all that can be done is to create a vigorous public opinion—an opinion which shall not only make it uncomfortable for any man to demand such favors, but which shall cordially support the Congressman in refusing them and hold him accountable for granting them. We must trust to individual integrity to resist such individual and sporadic attempts to corrupt it.

The case is entirely different when we come to the other favors mentioned. These favors are those which the Congressman describes as being improperly, habitually, and insistently demanded by large portions of a given constituency, with at least the acquiescence of the constituency as a whole. It is futile to expect to cure this type of evil merely by solemnly saying that each Congressman ought to be good. It is futile to ask the average Congressman to cut his own throat by disregarding the requests of his own constituents for special and improper favors in the matter of tariff legislation, river and harbor legislation, and pension legislation; even though these same constituents adopt the beautifully illogical position of expressing a great—and, curiously enough, often a sincere—indignation that their Congressman, as the only means of securing for them what they insist he shall secure, joins with other Congressmen in granting for all other constituencies the same improper favors which are eagerly demanded by his own individual constituency. Moreover, under the present system, the small man, when he asks for something in which his own district is keenly interested, is told by the big man who represents the big interest that he can't have his little favor granted unless he agrees to stand by those who wish to grant the big favor—and the small man may be remorselessly "held up" in this fashion, even though the small favor he asks is proper, and the big favor he is required to grant entirely improper. When such is the pressure upon the average Representative, there is certain to be more or less yielding on his part, in the great majority of cases. It is idle to hope that reform will come through mere denunciation of the average

Congressman, or by merely beseeching him to reach the height of courage, wisdom, and disinterestedness achieved only by the exceptional man; by the man who is so brave and far-seeing and high-minded that he really will think only of the interests of the country as a whole.

On the other hand, it is just as idle for Congressmen to seek to excuse themselves as a body by uttering jeremiads as to the improper way in which their constituents press them to do things that ought not to be done. The individual Congressman can be excused only by frankly admitting that the fault lies with the Congressmen taken collectively. The remedy is simple and easy of application.

Congress has now, and has long had, the power to rid its members of almost all the improper pressure brought to bear upon the individual by special interests—great and small, local and metropolitan—on such subjects as tariff legislation, river and harbor legislation, and pension legislation. Congress has not exercised this power, chiefly because of what I am bound to regard as a very short-sighted and unwise belief that it is beneath its dignity to delegate any of its functions. By passing a rule which would forbid the reception or passage of any pension bill save the pension legislation recommended by the Commissioner of Pensions (this of course to be rejected or amended as Congress saw fit, but not so amended as to include any special or private legislation), Congress would at once do away with the possibility of its members being subject to local pressure for improper private pension bills, and at the same time guarantee proper treatment for the veteran who really does deserve to have everything done for him that the country can afford. The veteran of this stamp has no stancher friend than the Commissioner of Pensions; whereas he is often the very man passed over when special bills are introduced, because the less deserving men are at least as apt as the others to have political influence.

In the case of the tariff and the river and harbor legislation, what is needed in each case is ample provision for a commission of the highest possible grade, composed of men who thoroughly know the subject, and who possess every

attribute required for the performance of the great and difficult task of framing in outline the legislation that the country, as distinguished from special interests, really needs. These men, from the very nature of the case, will be wholly free from the local pressure of special interests so keenly felt by every man who is dependent upon the vote of a particular district every two years for his continuance in public life. Such a river and harbor commission could report, and probably would report, a great and comprehensive National scheme for river and harbor improvements fit to be considered by the people as a whole upon its merits, and not dependent for enactment into law upon a system of log-rolling designed to placate special interests which are powerful in each of many score Congressional districts. Such a tariff commission could get at the facts of labor cost here and abroad by expert inquiry, and not by the acceptance of interested testimony; such a commission could consider dispassionately the probable effect upon the entire social and economic body of all changes in any given branch of the tariff, and its recommendations would represent the exercise of careful judgment from a disinterested standpoint. Such a commission could work in harmony with the Commissioner of Labor, so as to insure that the laborers for whom the tariff is passed get the full benefit of it; for the major part of the benefit of a protective tariff should unquestionably go to the wage-workers.

Even under such conditions of tariff-making errors might be committed, but they would be merely those errors of disinterested judgment incidental to every kind of public or, for the matter of that, private effort, and the work would not be hampered from the beginning by the need of gratifying private selfishness.

It is only in this way that tariff legislation, river and harbor legislation, and pension legislation can be treated from the standpoint of principle and not from the very low standpoint of privilege and preference. The obstacle hitherto to the adoption of such a method of treatment has come from the queer dislike felt by so many Congressional leaders to a course of action which they (quite unjustifiably) feel would in some way be a limitation of their

powers. I think this feeling is passing. It is simply another instance of the kind of feeling which makes some executives suspicious about delegating their work to any subordinate, and which makes many voters, who have not pondered the matter deeply, desire to elect great numbers of people on a ticket of such length that it is out of the question for any except professional politicians to know much about them.

As soon as business becomes at all complex—and nothing can be more complex than the business of a Nation of a hundred million people—it can only be performed by delegating to experts the duty of dealing with all that can properly be delegated. It is only by such delegation that it is possible to secure the proper consideration of the exceedingly important business which cannot properly be delegated. The voters, as a whole, for instance, must necessarily declare directly upon all really vital issues, and they should do this when the issue is a man just as much as when the issue is one of legislation. Indeed, in my judgment, there are certain matters, as to which the voters do not at present have the chance of thus acting directly, where it is important that the chance be given them. But they can only exercise such choice with wisdom and benefit where it is vitally necessary to exercise it, on condition of not being confused by the requirement of exercising it in the great multitude of cases where there is no such necessity, and where they can with advantage delegate the duty to the man they deem most fit to do the business.

What is true of the voters is equally true of legislators and administrators the moment that their tasks become sufficiently complex. The village constable in a small community can do all his work directly. But the President of the United States can do his work at all only by delegating the enormous mass of it to his appointees, and by confining his own share of the purely administrative work largely to supervision and direction of these employees. When a President appoints a commission to investigate such a vital matter as, for instance, country life, or the conservation of natural resources, he does not abdicate his own authority; he merely faces the fact that by no possibility can he



himself do this important piece of work as well as the experts whom he appoints to devote their whole time to that purpose. Now, Congress can with wisdom act in such matters of prime legislative importance as the tariff and river and harbor improvement, in the same way that the President acts in such matters of prime administrative importance as country life and conservation. It no more represents abdication of power on the part of Congress to appoint a first-class Tariff Commission than it represents abdication of power on the part of the President to appoint a first-class country life or conservation Commission, or than it represents abdication of power on the part of voters to elect as Governor a man to whom they give all possible power to do his work well. In each case the body delegating the authority, so far from abdicating the power, has secured its wise use by intrusting it to a man or men especially equipped thus to use it well, and this man, or these men, can in turn be held to the most rigid accountability if it is not well used, in the exclusive service of the people as a whole.

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