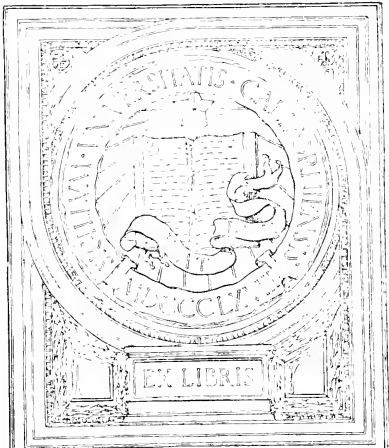


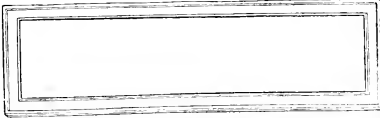
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Republican State Convention  
1913



**PLATFORM ADOPTED**

AND

**SPEECHES MADE**

BY

MESSRS. SCHURMAN, ROOT,  
HINMAN & WHITMAN



AT CARNEGIE HALL, NEW YORK CITY  
SEPTEMBER 23RD

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**THE TENNY PRESS**

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NEW YORK

## Platform of the Republican Party of the State of New York, Adopted at New York City, September 23, 1913.

The Republican party of the State of New York will, by its action here to-night, present to the voters its candidates for Chief Judge and Associate Judge of the Court of Appeals. They will be selected by a Convention composed of delegates elected directly for that purpose in a free and open primary of all the voters of the party in the State.

It is confidently believed that such candidates will represent the true principle which should control in the selection of public officers, and that the men chosen will be men who, by long and conspicuous public service, have proved that they are able, upright, faithful and pre-eminently fitted for judicial duty in our court of last resort.

They should, and will, represent the Republican doctrine which maintains the independence, authority and dignity of the judiciary.

The Republican party believes that popular obedience to the control of law and the impartial, unintimidated and courageous administration of justice lie at the foundation of our peace, order, security and freedom.

The Republican party believes that States, like individuals, should be governed by principles rather than by impulse, by laws rather than by men. It believes that the great rules of right conduct and justice contained in our Constitution should continue to control and limit the powers of government to the end that individual liberty may be preserved and our constitutional government endure. If the statement of those rules be found at any time inadequate or wrong, then the statement of the rules should be changed in due and orderly manner as prescribed by the Constitution. The Republican party condemns all proposals to intimidate judges in the discharge of their duty by threats of a recall in case of an unpopular decision and all proposals to nullify the decisions of the courts at the

will of a temporary popular authority through the recall of decisions.

The coming election will have a special significance because the election of the Republican candidates now presented offers the means—and the only means—for the people of the State to repel and reject the malign control of Tammany Hall over the politics and government of the State and over the highest judicial tribunal of the State. Tammany is no longer a local issue. It grasps the State; it controls the Democratic party of the State; it controls absolutely the Democratic State Committee. The candidates about to be nominated by the Democratic State Committee will be named by Tammany Hall. Taking advantage of a bad law, passed by a Democratic Legislature and signed by a Democratic Governor, no Democratic State Convention has been called; no Democratic Primary has been held; but the Democratic State Committee, controlled by Tammany Hall, is to name the candidates whom Tammany selects. To elect those candidates would be to give approval, prestige and added power to Tammany and perpetuate the present condition in the Court of Appeals of six Democratic Judges and only one Republican.

The Republican party believes that the government of our State ought no longer to be controlled by the Democratic party as at present constituted. That appears when we consider the wretched and humiliating spectacle presented by the Democratic administration at Albany during the past three years. Never before in the history of our State has there been such a record of waste, inefficiency and corruption. Public duty and public interests have been forgotten amid the undignified and petty quarrels of party factions, and, while the taxpayers' money has been squandered, the honor and good name of our great State has been lowered in the estimation of the world.

There has been great waste in the hundred million dollars appropriated for the improvement of highways, while the highways still remain in a deplorable condition; great extravagance in the creation of at least fifty commissions during the last two Democratic administrations; in the unnecessary and wasteful increase of public offices and the salary list; the moneys of the State have been wasted in the reconstruction of the Capitol—until the people of the State despair, under the present administration,



of the restoration to the safe and efficient administration of the financial affairs of the State which characterized Republican administrations.

In view of the immediate interest of the whole State in checking the control of Tammany Hall over State politics, we consider it within the province of this Convention to urge upon all Republicans of the City of New York, and upon all lovers of good and honest government in that city, not merely that they vote for the judicial candidates now presented, but that they make every effort within their power to secure the success of the anti-Tammany local ticket in New York City. The most effective place to strike Tammany is at home. The mayoralty and the control of the great Board of Estimate and Apportionment, which disposes of the vast revenues of the city, should by all means be kept out of Tammany hands. The only way to do that is to vote and work for the Republican ticket, headed by Mr. Mitchel, and no Republican who fails in this will do his duty to his State or to his Country.

Our election law is a disgrace and a menace to popular government. It was intentionally made complicated and repressive; the work of a crafty, unscrupulous Tammany domination. Every Republican in the legislature voted against it. We commend the Republican minority in the legislature for its strict devotion to the pledges made by the Republican party in the platform adopted at Saratoga in 1912 and for its earnest struggle in both branches of the legislature against the recklessness, rapacity and baseness of motive which constantly characterized the attitude of the Democratic party. The record of the minority has been so open and consistent that it must be apparent to the people of the State that at the coming election such minority should be transformed into a majority. Thus only can an effective barrier be established against further demoralization of the State government.

We pledge anew our representatives in the legislature to the enactment of laws which shall afford the electorate of the State the safest and surest means for the expression and fulfillment of the will of the people.

We reaffirm the declaration of the platform of 1912 in the following words:

"It is the purpose of the Republican party to repeal these statutes, to relieve the people of the State from the

worse than useless expenditure of money and time which they cause, and to substitute simple, direct, economical and convenient methods by which the voters of the State may express and make effective their wishes. To this end we favor the short ballot, surrounding the primary elections with the same safeguards as the regular elections, the direct election of party committees, the direct nomination of party candidates in Congressional, Senatorial, Assembly, County and Municipal subdivisions, and the direct election of delegates to the State Conventions, with the right of party electors to directly express their preference for nominations for State offices if they so desire."

We also reaffirm the other declarations of the platform of 1912.

At a time when we are approaching the submission to the people of the advisability of holding a Constitutional Convention, in failing to provide for which the Democratic party violated its pledge, it is of the utmost importance that the Republican party should demonstrate its vitality, its determination to enforce its historic principles of true and tried constitutionalism, with the most perfect guarantees of individual freedom and the inviolability of the human right to protection to property honestly acquired.

We reaffirm our faith in the Republican principle of protection to American workingmen, American industries, and the American farmer. We believe that the promises made by the Democrats to reduce the cost of living by constructing a tariff on a different principle will be falsified by experience in the near future. Inevitably the Democratic tariff will destroy or injure many industries, though the party is endeavoring to minimize these evils under color of a banking and currency act which, through its provisions for an inflated currency, is calculated to give an artificial stimulus to business.

In its history of achievement, the Republican party has done two great, undying services for the American people: It saved them from national disruption and it prevented financial disaster. Combating these pernicious and disloyal principles, it preserved our national existence and our national solvency and probity. To the leadership and legislation of the Republican party, the nation owes the gold standard, and the national banking system. For

two generations the Democratic party has given aid and comfort to every movement for fiat money; for the free coinage of silver, and for unsound and unscientific banking. We denounce the Democratic banking and currency bill which has passed the House of Representatives and is now under consideration by the Senate, as menacing the business interests of the country and as inimical to the interests of the whole people, because it rests upon and embodies three false principles:

(1) That the interests of the owners and managers of banks and those of business men and the public generally are in conflict. In fact, all these interests are identical.

(2) That paper money should be issued by the government and should involve the government's credit. This is unsound, unscientific and condemned by experience. It is but a short step from this to greenbackism.

(3) That the control and administration of the banks should be taken in large part from those who have established and own them, and lodged in a board of political appointees. This is a new, radical and most dangerous departure from American practice. It is as unwise as it is unnecessary. Government supervision and inspection of national banks have been highly successful for half a century, and have afforded ample protection to the public interests.

Should this bill be enacted into law in its present form, it would be easily possible for the people to lose all that they gained by the vetoes of inflation measures by President Grant in 1874, by President Hayes in 1878, by the successful fight against the compulsory purchase of silver led by President Cleveland in 1893, and by the victory of President McKinley on a gold standard platform in 1896. The powerful support of William Jennings Bryan has been secured for this pending bill by the surrender, in form or fact, of the sound money principles for which Presidents Grant, Hayes, Cleveland and McKinley stood, and in favor of the inflation doctrine which Mr. Bryan made his own in 1896, and which has been overwhelmingly rejected by the American people.

The words of President Cleveland, written to the Congress on August 8th, 1893, are as pertinent now as on the day they were uttered:

“This matter rises above the plane of party politics. It

vitaly concerns every business and calling, and enters every household in the land. . . . One of the greatest statesmen our country has known, speaking more than fifty years ago, when a derangement of the currency had caused financial distress, said:

“The very man of all others who has the deepest interest in a sound currency and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil.”

## RESOLUTIONS:

Hon. Job E. Hedges as Chairman of the Committee on Resolutions, presented the following which was Adopted.

We instruct the representative of the State of New York on the National Committee to urge that a national convention be called as soon as practicable to change the party rules so as .

(1) To provide that in the call for future national conventions delegates are to be chosen in each State in the manner preferred by the Republican voters in such State; we, however, urge the continuance of the Congressional District as the unit of representation; and

(2) To insure that representation in national conventions shall hereafter be based more nearly on the Republican vote actually cast in the several States and Congressional Districts, which just principle received the unanimous support of the delegation from the State of New York at the National Convention of 1908; and

(3) To amend the rules relating to party procedure in such other respects as may be requisite.

## Remarks of William Barnes, Chairman of the Republican State Committee, on calling the Convention to order.

Before proceeding to the business of this convention, it is proper that I should explain the reasons why the State Committee, having the power to make nominations, issued the call for your assembling.

The Election Law provides that in the odd-numbered years candidates for state offices shall be nominated by the State Committees of the several Parties, and not by Convention, unless by rule of a Convention the State Committee shall have been disqualified from making such nominations. No such rule has been adopted by a Republican State Convention. Therefore, under the Election Law the State Committee of the Republican Party has the power to nominate this Fall a candidate for Chief Judge of the Court of Appeals to succeed Judge Cullen, and an Associate Judge of the Court of Appeals to succeed Judge Gray.

This situation confronts the other political parties likewise. The respective State Committees of those parties have the power to nominate the candidates of those parties for the judgeships that will become vacant on January 1st, 1914.

Recognizing that the nomination of two candidates for offices of supreme importance by the State Committees of the political parties did not afford opportunity for the enrolled electors of any of those parties to express themselves, early in the legislative session of 1913 I prepared and sent to Senator Brown and Assemblyman Hinman, the Republican leaders in two branches of the Legislature, an amendment to the Election Law which provided that official State Conventions might be held in odd-numbered years. The passage of this bill would have made it possible to take from the State Committees of the respective parties

the power to nominate the candidates for judges this Fall. This was all the more desirable because the State Committees of the Republican, Democratic, Socialist, Prohibition and Independence League Parties were elected in March, 1912—eighteen months ago—while the Progressive State Committee, which now has the power to make nominations, was never elected at any primary election, but was selected by the State Chairman of that movement in July, 1912.

Its introducers endeavored to secure consideration of this measure, but it slept in Committee.

During the regular session, I wrote to Senator Wagner, the leader of the majority in the State Senate, and to Speaker Smith, of the Assembly, urging the passage of this proper amendment to the Election Law, but never received from either of those legislators any reply.

In order that the responsibility for the nomination of the Republican candidates for Chief Judge of the Court of Appeals and Associate Judge, despite the failure of this measure, might not rest upon the State Committee of the Republican Party, but upon the enrolled electorate of the Republican Party itself, a meeting of the State Committee was held on July 15th, at which time the Call for the Convention was issued.

The Election law defines a Convention as follows:

13. "The term 'convention' means an assemblage of delegates, elected in accordance with the provisions of this chapter representing a political party, duly convened for the purpose of nominating candidates for public office, electing delegates to other conventions, electing officers for party organizations, or for the transaction of any business relating to the affairs or conduct of the party."

You therefore are a regularly elected Convention under the definition stated in the statute, and have the power to recommend to the State Committee the names of two candidates for judges of the Court of Appeals and to transact such other business as you in your supreme

authority, as the representatives of the Republican Party elected a week ago to-day, may so desire; and the State Committee is in honor bound to nominate for Chief Judge of the Court of Appeals and Associate Judge of the Court of Appeals, whomever this Convention may determine to recommend.

I am requested by the State Committee to present for your consideration as your temporary Chairman, Jacob Gould Schurman, of Tompkins. Are there any other nominations?



## Address of Dr. Jacob Gould Schurman, as Temporary Chairman.

GENTLEMEN OF THE CONVENTION, FELLOW REPUBLICANS :

I am deeply sensible of the honor of having been chosen as temporary chairman of this convention. May I express here and now my pleasure and grateful appreciation.

At the same time I trust that I may be excused another remark still more personal. After a year's absence from home I am delighted and thankful to be back in America once more. It has been my good fortune to spend a year in Greece, the fountain-head of all our civilization—in Athens, “the mother,” as Milton called her, “the mother of arts and eloquence,” and in this year I have seen the Greek nation undergo a new birth and stamp with indelible impress an epoch in human history. I have seen the modern Greeks rival the courage and endurance of their ancestors, whose exploits at Marathon and Salamis and Platea have made those places forever synonymous in human history with valor and heroism. I am glad to recall that America has had some share in that glory. For the Greeks who returned from this country—and they were counted by tens of thousands—to join the national army showed—as I was assured by the very highest authority—that they had learned something in America which made them peculiarly excellent soldiers.

### WHAT AMERICA STANDS FOR.

Yet in spite of the year's interesting and even thrilling experiences I am delighted to be home again. One may temporarily reside in other countries with profit and satisfaction. But for us Americans there is only one country in the world to live in. The supreme object of our hearts' affection is America. In our reason as in our feelings she stands without a rival. And this unchallenged supremacy—I had almost said this adoration—is not merely the product of a patriotism which the citizens of other countries might equally possess. No, there is something peculiar, something altogether unique, in our devotion to America.

What other country means, what other country has ever meant, so much for the well-being of mankind? Has not America always spelt Promise and Opportunity? Here millions and millions of human beings have come to find—and they have found—not only civil and religious liberty, but also improved material conditions, greater well-being and happiness and unlimited extension of the means of education and intelligence.

I hope no one will think this description too partial. I know that for some time past it has been the fashion among certain Americans to criticise America. So far as there are just grounds for complaint in existing economic and political conditions, I shall take notice of these animadversions hereafter. But we cannot estimate such criticism at its true value without a correct perspective. And this abiding standard of judgment we shall find in the fullest recognition of the incomparable greatness and glory of America. That is the indubitable fact, whatever else may be doubted. That is the basal condition, whatever details need reform and amendment. We stand proudly on what we are and what we have already achieved, and we challenge the critics to point to an equal record in the old world since history began. Nor do we claim that Americans shall be judges. We leave it to Europeans to determine. Let the most competent among them judge. Who among them has most exhaustively studied, most profoundly apprehended, and most veraciously interpreted the United States of America? No one in either continent doubts it is James Bryce. Well, James Bryce published in 1911 a new edition of his "American Commonwealth," and here is the last sentence of that monumental work :

"That America marks the highest level, not only of material well-being, but of intelligence and happiness, which the race has yet attained, will be the judgment of those who look not at the favored few for whose benefit the world seems hitherto to have framed its institutions, but at the whole body of the people."

#### NEED OF FURTHER PROGRESS.

Not indeed that our Republic has already attained. No one, I trust, will lay such flattering unction to his soul. Certainly nothing could be further from my own thought.

What remains to be done may well be not less arduous than the task so heroically performed by the men who founded the Republic or the men who under Lincoln saved it from disruption. The life of a nation is measured by centuries and even millenniums, and each generation has its own peculiar tasks and problems. It was to hearten and encourage you in your efforts to discharge the duties of your day and generation that I cited James Bryce's testimony to the high and incomparable character of the record which our Republic had already made. I wanted you to feel that America had done well. Though much remains, much has been accomplished. We are on the right path, and we have made good progress. And my belief is that what has already been achieved is an earnest of a fuller future—a pledge of American devotion to those ideals which have made the Republic great and a promise of American determination to pursue those ideals still more zealously and to realize them still more completely in the nation's life.

You see I believe in progress. But I yield to no man in admiration of the past achievements of the American Republic. I do not, of course, think that the fathers set the Republic agoing in such a way that it would henceforth take care of itself, that they constructed a miraculous machine and endowed it with perpetual motion so that future generations would have nothing to do, apart perhaps from an occasional lubrication, but passively to admire the perfection of its operation and lazily glorify its inventors. But no one can surpass me in admiration of the American Constitution, or in honor and reverence for the men who devised it. I do not know in all the long and glorious annals of mankind where to match either that document or that assembly of statesmen. But time is the changing form which invests everything earthly and human. And, as Bacon wisely observed, "what man does not alter for the better time alters for the worse." In the end, indeed, time prevails over the best human efforts. With the lapse of ages the greedy maw of time devours everything but immortal souls and eternal principles.

#### THE AMERICAN CONSTITUTION.

I believe, however, that there is an indestructible principle—the principle of justice—embodied in the Constitu-

tion of the United States. Whatever else decays this will live and shine forever in the political firmament. But the Constitution also contains subordinate provisions which are liable to fall into disuse and pass away, as some of them, notably the electoral college, have already done. On the other hand, the fundamental institutions created by the Constitution for the establishment and maintenance of a popular representative government may well survive for hundreds or even thousands of years, provided they are wisely modified, when modification becomes necessary, to meet the changing conditions and satisfy the new aspirations and needs of the successive generations who use them.

No constitution ever was made, no constitution ever will be made, once and for all; it is ever a-making by the creative mind of man in response to the necessities imposed upon him by new physical and economic conditions, by new social organizations, by new intellectual discoveries and principles, and by new moral ideals and sentiments. The state is an organism; and a political organism, like a biological organism, moves and lives and has its being only by continuous adaptation and adjustment to its environment. While the organism remains the same, it retains its identity amid continuous modifications both of structure and function. In the case of that political organism which we call the State, the number, character, and extent of these modifications are determined by the changes which the environment undergoes in its different factors—physical, economic, social, intellectual and moral.

#### PHYSICAL AND ECONOMIC CHANGES.

When one thinks of the things which have altered the conditions of life in America, which have changed the face of the world, indeed, since the days of Washington and Madison and Hamilton, one cannot repress a feeling of astonishment that the Constitution they gave us has been touched so lightly by the transforming hand of time. With the exception of the amendments brought about by the Civil War, it has remained up to the present year absolutely unchanged. And yet what colossal, what revolutionary changes, have taken place in our economic, industrial, social and intellectual life and environment! Taken

comprehensive than all the similar changes effected by the human race not merely in any other century, not merely in a millennium, but in all the ages since human life on earth began. Think of some of them. Science, invention, machinery, the use and control of steam and electricity and the other powers of nature, vast accumulations of capital, the organization of armies of laborers, strikes and lock-outs, universal suffrage, cheap books and newspapers, radical theories of democracy and socialism—these are changes patent to the most superficial observer, changes of which, while some have completely revolutionized the old methods of production and transportation, all have combined to create a new environment to which our constitutions, laws and political institutions are as yet only inadequately adapted.

### PROGRESSIVES AND STAND-PATTERS.

The adaptation of the Government of the United States and of the several States to this new physical, economic, financial, intellectual, moral and social environment will be the principal task of American statesmanship for some years to come. A Progressive is one who is conscious of the imminence, of the inevitableness, of this imperious problem and exerts his best efforts towards its solution. A stand-patter is one who is unaware of the existence of the problem, who is entirely satisfied with existing conditions, who believes—honestly believes—that one should let well enough alone, and who regards Progressives as a pestiferous set of people bent on disturbing the peace of the community.

There are two types of the Progressive. Both agree in their point of departure: they are dissatisfied with existing conditions, and they undertake a forward movement. They differ, however, both in the rate of their movement and in the direction of their goal. The one, whom I will call the Evolutionary Progressive, insists on gradual development, on the maintenance of existing institutions in their essential features, and, when they need modification on the attainment of a final product which is not a break with the original derived from past experience, but only an improvement of it, the realization of the historic type with

together, the changes of that century are vaster and more its faulty excrescences sloughed off. The other type of Progressive demands radical and sweeping changes. He wants to be on the move, no matter in what direction or with what velocity, so be he gets away from the defects he sees in existing laws or institutions. In the pregnant language of Shakespeare, "his determinate voyage is mere extravagancy." I call him the Catastrophic Progressive. And this designation seems apt and appropriate. It was the name applied to those Progressives in science before the time of Darwin who believed in *catastrophes*—that is, in violent, subversive and widely extended changes in the natural world. And the political use of this scientific term is not rendered inapposite by the fact that in ordinary language the word "catastrophe" implies disaster.

### THE CATASTROPHIC PROGRESSIVE.

The Catastrophic Progressive reminds me of a motor-boat I was provided with not long ago to board a great steamer in a European harbor. The intention was to give me something better than the other passengers enjoyed. And I must say that their rowboats looked very commonplace beside our motor-boat, with its awnings, its cushions and its fine American flag. The rowboats, however, with moderate speed went directly to the great steamer, carrying safely and comfortably their precious freight of human lives. Our motor-boat started at a speed which left them all behind, suddenly stopped, then turned in an opposite direction, carrying menace to the boats moored along the shore, once more made a dash for the steamer and succeeded in getting away beyond her, then, with imminent danger to our lives, performed a sudden gyration, shot through the water like a torpedo-destroyer and stopped stock-still within fifty yards of the steamer. I insisted on rowing the rest of the way to avoid a catastrophe. And somehow we finally found ourselves on board the steamer. It was, however, a narrow escape. And I shall always think of that motor-boat, with its alternations of rush and stand-still, now in one direction and now in another, with impulse inspiring the dynamo and passion controlling the helm, as a perfect example of the Catastrophic Progressive in politics.

## A CONSTITUTIONAL PROGRESSIVE PARTY.

We want to be on our guard against the Catastrophic Progressive. But we want equally to be on our guard against the Conservative who has become atrophied. Since all the conditions under which we live and work and make our living are changing, our laws and political institutions, which are only the final and formal regulation of the life of the community, must of necessity adapt themselves to the new environment of the twentieth century. A stand-pat Conservative party in politics is in this age of economic, industrial, social and intellectual change a sheer absurdity. A political party needs, indeed, its conservative elements to safeguard its rich inheritance from the past as it needs its radical elements to stir it into motion in response to the appeals of the present; but without a great body of Evolutionary Progressives to shape its course and control its tendencies a political party will be powerless to discharge the functions which twentieth century politics in America render imperative. Some of these duties are towards the Federal Government, others towards the States, but all alike towards the American people.

### CHANGES IN CONSTITUTION.

I mentioned a little while ago the Federal Constitution and its long resistance to change. I purposely postponed mention of the fact, to which I now call your attention, that in this very year we have witnessed the triumph of two amendments. The nature of those amendments seems to me highly suggestive of the political issues with which the spirit of the age is in travail. One of them authorizes the Federal Government to levy a tax on incomes. This reform testifies to a deep and widely prevalent feeling among the American people that the wealth of the country has not in the past contributed its fair share to the expenses of government. The other amendment provides for the election of United States senators by the people of the several States instead of by their legislatures. By this change, which invests the people with an electoral function hitherto exercised by their representatives, the area of direct popular government is extended, without, however, imperiling the representative character of our Republic.

## THE INCOME TAX AMENDMENT.

Both these amendments were resisted by the Conservatives. For my own part I advocated them. They seemed to me wise, just and moderate reforms which no Evolutionary Progressive who had thought the matter out could for a moment have hesitated to support. The income tax amendment is simply a new application of that principle of justice which the Constitution of the United States aims to express and embody. The consuming classes contribute to the expenses of the Federal Government through the customs duties which are levied on the commodities they use. Comparatively speaking, this burden falls with greater severity upon the poor than upon the rich and well-to-do. And the income tax is a method to redress this inequality. From the point of view of economic theory it is merely an application of the great canon of taxation that each shall pay according to his ability. And that is just.

I recognize, however, that in the use it makes of this amendment of the Constitution Congress might practice injustice. Not indeed that a graduated income tax properly levied is not right and fair. But if in the drafting of such a statute Congress so arranged exemptions and burdens as to favor some sections against others, or some citizens against others, it would be guilty of doing injustice. And it looks as though the pending Income Tax bill, which the Democrats are going to enact into law, sinned in both these respects. Indeed, I fear it is pre-eminently a discrimination by the South and West against three or four eastern states, and, above all, against our own State of New York.

## POPULAR ELECTION OF SENATORS.

The Income Tax amendment in itself, however, is a new development and enlargement of justice in national affairs. The other new amendment of the Federal Constitution, that providing for the popular election of senators, is a wise and salutary extension of the people's right to govern themselves. The Conservative declares it lowers the dignity of the office. I ask if any office can have a higher dignity and consecration than that derived from express and immediate election by the people? But we are told that the people cannot, as a matter of fact, exercise the choice which the new constitutional amendment vests



in them. Why not? Is it harder for the people to elect a Federal senator than a State governor? The one function seems to me as easy, and I may add as natural, for the people themselves as the other.

It is argued that such direct election of United States senators by the people themselves is in violation of the representative character of our Republic. This objection seems to me to involve confusion of thought. The American Republic is indeed a representative government, and not a direct democracy. It differs in this respect from the direct democracies of the ancient world. The founders of the Constitution meditated long and wisely on that difference, and they acted with rare political sagacity and wisdom in establishing for us a representative republic. But it is absurd in itself, and a contradiction of the principle of self-government, to maintain that because we choose to have representatives to act for us where we cannot act for ourselves we are also under obligation to turn over to them business which we can do for ourselves. It should be unnecessary to point out that there is no such absurd and undemocratic implication either in the federal constitution or in the scheme of government which it set up. And, for my own part, devoted as I am to the principle and practice of representative government, and ready as I am to defend it against the dangerous innovations of direct democracy, it is, nevertheless, a first principle of my political philosophy that the people should not delegate to representatives political functions which it is feasible and convenient for them directly to perform themselves. The people will do their own business quite as well as any agents. For these reasons I have advocated the amendment of the Federal Constitution providing for the popular election of senators.

#### FURTHER CHANGES POSSIBLE.

From what I have already said it will not surprise you to hear that I look forward to further changes of the Federal Constitution. The two amendments so recently adopted do not exhaust the demands which the political genius of the twentieth century is making on the work of the eighteenth. The Constitution, indeed, deserves all the veneration with which (at least until very recently) Americans

have regarded it. It is, as Mr. Gladstone truly said, the most wonderful instrument of government ever forged by the brain of men. One knows not whether to admire most the intrinsic excellence of the scheme, or its happy combination of definiteness in principle with elasticity in details, or even its simple and statuesque form and the brevity and precision of its language. It was admirably adapted too to the circumstances and needs of the people and of the age. And yet so deeply and generously was it rooted in the soil of the historic past that it has endured with scarcely a change to the present year.

But a point has now been reached where further adaptation to the conditions of modern life may become necessary. The fundamental difference between Americans of the eighteenth and Americans of the twentieth century is that men and women now live and work and travel and visit and trade not in restricted and separated localities, but in the entire compass of the United States of America, throughout which for social and commercial purposes state lines, except as legal survivals, have altogether disappeared. Such has been the unifying force of science and invention, of railways and telegraphs, of commerce and finance, of farming and manufacturing, which have settled the vacant spaces of the Continent and dotted it with cities like the centres of a nervous organism. These physical and economic forces are permanent forces whose potency in the long future is destined to be still greater than it has been in the comparatively short period since they first came into operation. For all social and commercial purposes they have, however, already made the American people one people. And as modern civilization has made the whole globe a smaller place than the Mediterranean world of classical antiquity, so it has made our continental republic of to-day a smaller country than the fringe of scattered, separated and self-contained Atlantic States which adopted the Federal Constitution. You can go from the Atlantic to the Pacific in half the time Washington would have taken to go from Boston to Charleston, and the cost of transportation is much less, while your comfort will be vastly greater. Thus, in spite of our half-hundred different commonwealths the people of the United States are being drawn ever closer together, and they now feel themselves more than ever before one social and commer-

cial body with all parts interlaced, inter-related and inter-dependent.

It was, of course, impossible for the great men who drafted the Federal Constitution to foresee all the changes which were to transform the face of the modern world. But it is obvious that this generation must find a means to bring the organization of the national government into greater harmony with its new economic and social environment. This is the great task to which Progressives—I mean, Evolutionary and Constitutional Progressives—should now address themselves. Above all, the organs of our national commerce—not only the railways, but also the industrial and trading corporations—must somehow be brought under the legal regulation of the nation, alike for the protection of the public and for their own protection and efficiency. It will be a difficult problem to draw this new line between the jurisdiction of the States and the jurisdiction of the nation. But the line must be drawn. It is absolutely necessary that the national organism be adjusted to the environment in which it lives and moves and has its being. Some extension of federal authority has become inevitable. Perhaps this can be secured through further judicial interpretation of the commerce clause of the Constitution. If not, we shall have to resort to amendment of the Constitution. And the two amendments adopted this year show that the people are ready to alter the Constitution, not indeed with rashness or levity, but deliberately and on clear and indisputable grounds of public good. In the present instance nothing would be needed but to write into the organic law of the land a recognition of that commercial unification of the people of the United States which new physical and economic forces have brought about since the adoption of the Federal Constitution. The absence of such a provision creates friction between our governmental agencies and impairs their efficiency and menaces their integrity. Meanwhile the people suffer loss and injury, as must always be the case when the organism of government is not adapted to the environment over which it must exercise sway.

#### STATE GOVERNMENT.

I turn from the Nation to the State. I say nothing about the Tariff, for conflicting theories are soon to be sub-

mitted to the test of practical experience. And I say nothing about Banking and Currency Reform, because it is only fair to wait till the party in power has produced the scheme which is now in process of incubation. Meanwhile our State Governments abound in problems, and to some of them I now invite your attention.

I note in the first place that our State Governments do not suffer as the National Government suffers, from any inadequacy in the grant of constitutional powers to the functions demanded of government in this twentieth century. It is with the States not a question of the amplitude of their powers, but of the use they make of them. And, generally speaking, the government of our States is notoriously below the level of the government of the Nation.

Nor again have the changes wrought by modern civilization created a chasm between the State Governments and their physical and economic environment. The trouble with the State Governments is that they have not been brought up to the level of our practical knowledge, common sense, and moral ideas and principles. Even in this great State of New York our government has fallen low. And it must be acknowledged that the fault is not in our stars, but in ourselves, that we are underlings.

### THE THREE R'S OF DEMOCRACY.

Now democracy must learn to make its government honest and efficient. And the place to begin is in our local and State governments. We say that all education rests on the three R's. Democracy also has its three R's. It is essential to democratic government that it be representative, responsive and responsible. It must be *representative*—that is, its agents must be genuine exponents of the popular mind and will and not attorneys for special interests or manipulators or creatures of a party machine. It must be *responsive*—that is, its agents must move and act in harmony with the deliberate convictions and settled sentiments of the people. It must be *responsible*—that is, its agents must do their duty without fear or favor under a constant sense of accountability to the people whose interests have been entrusted to them and whose commission they have the honor of holding.

A despair, however, seems to have settled on the public

mind in reference to the question of State and local officials. Such pessimism is absolutely foreign to the American spirit. And its existence points to some potent force as generator. That force undoubtedly is the baleful influence which the arrogant political machines have exercised in politics.

### PARTY ORGANIZATION.

Party organization is not only natural and legitimate, it is also necessary and desirable. And nowhere in the world have political parties been organized so elaborately and effectively as in the United States. This is due to the multitude of our elective offices and the frequency of our elections. The task of nominating candidates for these offices was one which the individual citizens could not perform, or at any rate would not undertake. The party organization accordingly stepped in and selected the candidates. But the election of the party candidates involves more hard work in the United States than anywhere else in the world, and the average citizen, even the good citizen, has neither the time nor the inclination to undertake that work. Yet the voting lists must be incessantly looked after, new voters enrolled, meetings arranged for, literature circulated, conferences held, and a mass of indescribable details attended to, which, unimportant as they look, may yet mark the difference between success and failure at the polls. That the party organization, which has made the nominations of candidates, should also step in and conduct the elections was under these circumstances inevitable.

This method of nomination and election could scarcely fail to obscure in the minds of the candidates their proper relations to the public. It was not unnatural that they should regard themselves as representatives not so much of the people as of the party, and not so much of the party as of its organization, and not so much of the organization as of its directing heads.

What was the result of this method of making nominations and winning elections on the directing heads of the party organization themselves? It induced and enabled them to usurp the powers of the organization and set up a machine. They disposed of legislators with their votes and governors with their vetoes and administrative dis-

cretion. They controlled legislation; they determined executive policies. I have seen, and you have seen, an invisible empire enthroned behind the constitutional government of a State, putting it through its customary motions, but so perverting and abusing all its processes and objects that there existed in fact a government whose real object was to protect the improper interests of individuals. Instead of government by the duly elected representatives of the people, we have seen in one State after another government through self-constituted agencies which superseded those representatives. Instead of free discussion and public action, we have seen private agreements and secret conferences. Instead of the public good and equal justice to all, we have seen favors and privileges granted to those who supplied the boss with money for his campaign and other expenses.

### REMEDIES OF DESPERATION.

Do you wonder that the people all over the country have been stirred to the deepest indignation at this prostitution of their government? Is it surprising that they have risen in their wrath and solemnly vowed that this monstrous and shameless abuse of free government in America must be ended once for all? Can any man of generous spirit refuse to join this great army of reform and fight in so noble a cause? Who that reflects can for a moment doubt that the recovery and the exercise of political power by the people themselves is essential to the very life and vitality of our States and Nation?

I have already said that in consequence of the long and demoralizing exercise of power by bosses and machines the people have reached a point where they almost despair of securing able and honest men for the service of their States. And this pessimism has, it seems to me, inspired, or at any rate colored, most of the schemes of reform which have hitherto been brought forward in the interest of government by the people themselves. Thus it is because they feel that their legislative representatives cannot be trusted that the people in some States are taking to themselves the direct power of law-making through the instrumentality of the Referendum and the Initiative. It is because they feel that they cannot secure able and

honest administrative officials that they hang over their heads the Damocles sword of Recall. The same suspicion of corruption has still more obviously animated recourse to legislation for the regulation and supervision of political parties, which, in all other countries are, so far as I know, left free to manage their own affairs. Dreading the influence of the machine and distrusting their own power to eject the bosses and make a party organization genuinely representative of the party and its principles, the voters have resorted to legal regulation to limit the powers of the machine, while at the same time they have divested it of the function of making nominations which they themselves undertake to perform directly through the instrumentality of statutory primaries, which substantially duplicate all elections.

What shall we say of these measures of reform? Do they put the people in possession of their own government? What is their effect on our representative institutions? Are they likely to give us better men in public office?

#### APPEALS TO FEAR.

The one great argument which we hear in favor of measures tending to supersede representative government by direct popular government is that the people are as likely to be wise and judicious as their representatives and agents and more likely to be honest and independent. And I think it must be recognized that so long as the people are served by men whom they cannot trust, so long will the Recall be a good whip to hold over public officials and the Initiative and Referendum a good spur and curb for legislators. These institutions all appeal to the official's sense of fear. I am far, indeed, from underestimating the importance of such a motive. But no one will claim it is the highest or even the most effective of the springs of human conduct. And in the work of government, as in every other work of life, we get the best results only when the highest and most efficient motives and powers are brought into play.

In their effect on the public official the Initiative, Referendum and Recall must be described as negative and deterrent forces. He shall not do this, that, or the other thing under penalty of having his head cut off. No doubt

this is the beginning of good administration, but it is only the beginning. It does not carry us much beyond the alphabet and the primer. For it is not enough to repress the evil dispositions of public officials by appeals to their fears. We must also stimulate them to the exercise of their highest and best powers in the service of the public. If they are to do much for us we must expect much from them and make it possible for them to do it. All these remedial measures are pitched on a low plane of expectation. They are really devised for the uses of a community whose officials as a rule are not fit to hold office.

### PUT THE BEST MEN IN OFFICE.

What democracy needs above any other form of government—for it is the most difficult and delicate of all forms of government—is to get and hold the best men in office. My own belief is that there are enough of men of character and capacity, especially young men, ready to serve the public if they only had the chance. And now that the people are so generally taking nominations into their own hands, I expect to see these superior citizens put forward for office. On that hope more than on any other reform whatever I base my confidence in the future of our Government—State and National. Constitutions are but engrossed parchment, laws are but printed paper: it is not these, it is men of flesh and blood, of heart and soul, of intellect and character, men of patriotism and civic devotion in the offices of legislation and administration and especially in the Chief Magistracy that are to make your governments what you would have them be.

Men, I say, of higher ability and character than the average of those who have served the public in the days of machine domination are coming forward for political service in the near future. Now so far especially as our States are concerned it is of the utmost importance to keep the way open for them and to do everything in our power to encourage them. Most particularly must the highest offices be kept and made attractive. I do not, of course, mean that they shall be made attractive by the pecuniary compensation which we attach to them, but by the opportunities we offer for high, generous and unfettered public service.



## AND THE NEED OF THE RECALL DISAPPEARS.

Such men as I have in mind will be rather above than below the average of the community. Some of them are likely to be leaders. None of them will fear responsibility in the performance of their public duties. On the other hand, the prospect of Recall at the bidding of some disgruntled faction or clique could not but repress their ardor in the public service, weaken their initiative in new and difficult undertakings, and inevitably impair that independence which is at once the crown of manhood and the supreme condition of constructive statesmanship. Consequently, whatever arguments may be adduced for the use of the Recall in communities with notoriously incapable and untrustworthy officials, whom a tyrannical machine imposes upon the public, I should deprecate the adoption of the institution by the State of New York without more evidence than we have to-day that it is absolutely necessary for our political salvation. And I venture to assert that if the energy now spent on behalf of this measure were directed towards securing good men for public office, even the advocates of Recall would recognize that it had become unnecessary.

## THE INITIATIVE AND REFERENDUM.

I have already spoken of the Initiative and Referendum in general terms in connection with the Recall. The advocates of these measures claim that they are needed because legislatures defy or ignore public opinion. That, however, is a contention to be examined. Here in New York State, at any rate, it seems to me the people can always secure—certainly in the long run—such legislation as they want and balk such legislation as they do not want. This result is produced by the operation of public opinion, which no legislator has the temerity to defy. If in other States the people consider the Initiative and Referendum useful means of government we must, of course, recognize their right to manage their own affairs. But of course they, too, must acknowledge that the *effects* produced by the adoption and use of the Initiative and Referendum are beyond the control of the advocates who are responsible for the introduction of these measures. "Things are what they are," Bishop Berkeley used to say,

“and the consequences will be what they will be; why then should we wish to deceive ourselves?”

Now I believe it is an indisputable proposition that the use of the Initiative and Referendum is gradually undermining our representative institutions and lowering the dignity and importance of our State legislatures. For my own part I agree with the founders of the Republic in the rejection of the ancient system of direct democracy. I believe that the efficiency and perpetuity of our Republic depend on the maintenance of its representative character. Now the three great organs of a representative government are the Executive Magistracy, the Legislature and the Courts. Unless the sovereign people leave these organs to be exercised by the agents whom the people freely select, they cannot have representative government. They will have a government partly representative and partly direct. But the predominant partner in this extraordinary combination is, of course, the temporary majority of the people. How can the agent have any independent footing in the presence of such a partner? Consequently in such a case your representative government is already in process of transformation into direct government; and your agent in the Magistracy, Legislature, or Judiciary is already shorn of his independence.

### UNDERMINING STATE LEGISLATURES.

The Initiative and Referendum are institutions which, whatever the pleas or the intentions or the beliefs or hopes of their advocates, do actually tend to supersede the State legislatures. I would improve our legislatures by making seats in them more attractive to capable, honest, and patriotic men. I would take political power from the party organization and restore it to the people's elected representatives in the State government. I would encourage these representatives of the people to take a share in the leadership of their parties and bear their full responsibility for the legislation they enacted and the administration they maintained. And just at this time when the machine is everywhere smitten with impotency, there is an opportunity for this new political life to germinate. What is needed above all else is the entrance of independent, capable and trustworthy men into the public service. And

no department of the State government contains greater possibilities of healthful development and reform than the legislature. Will you seize this moment to lessen its attractiveness, to lower its dignity, to diminish its importance, to weaken its independence, and even to supersede its activities by reverting to that reactionary system of direct popular legislation which ruined the republics of antiquity and which (except for petty cantons) the world has since left in the scrap-heap of discredited and discarded experiments?

### CAPABLE AND HONEST LEGISLATORS THE SOLE REMEDY.

I suspect that the introduction of the Initiative and Referendum into the States which have adopted them was facilitated by that pessimistic spirit in regard to securing good State officials for which the machine with all its other sins must bear the responsibility. But with party nominations so largely taken out of the hands of the machine and vested directly in the people themselves we may surely expect representative assemblies of a higher character—assemblies certainly above the influences which great financial interests have in the past too often exerted. And just in proportion as this reasonable hope and expectation of reform in the character of our State Legislatures is realized does the assumption of the necessity or expediency of the Initiative and Referendum fall to the ground.

There is another very important consideration in connection with this subject which I desire to press upon your serious attention. One advantage of our federal system with its half-hundred sovereign self-governing States is that political experiments can be tried on a local scale by communities which believe in the policies experimented upon without permission of the rest of the Union and without involving it in any way in the results. Unfortunately, in recent years there has been, in consequence perhaps of the prevailing political unrest and discontent, a somewhat impulsive disposition to assume that radical changes heralded as great reforms by their enthusiastic promoters in certain Western States, perhaps sparsely populated, almost certainly with peculiar economic or political con-

ditions, must be panaceas for other or all States, though some of these may have ten times the population and in many of them the economic and political conditions are entirely different.

## NEW YORK VS. OREGON.

I wish, therefore, emphatically to proclaim that the State of New York is under no kind of obligation—either in the forum of reason or good statesmanship—to adopt the Initiative and Referendum because Oregon or Kansas has adopted them and because the original advocates of the measures in those States are satisfied with the results.

By the way, did you know that in Oregon those original advocates were largely single-taxers, that their first enthusiasm for direct legislation sprang from the belief that it could be used to introduce the single-tax programme, and that they have since made Oregon the critical battle-field of the single-tax propaganda in America? If they are satisfied with the Initiative and Referendum, the people of Oregon in general may have other sentiments. Certainly the single-taxers have plagued them with single-tax Initiative proposals ever since, and the overwhelming defeat which these policies received last November at the polls may be due to the voters' determination to get a rest from the troubles and annoyances which these manipulators of direct legislation annually impose upon the people of the State.

But even if Oregonians were more generally and heartily in favor of the Initiative and Referendum than visitors to that State actually find them, it would by no means follow that the people of the Empire State should follow their lead. Why should this vast, populous, and infinitely complex and diversified State of New York rush into all the political uncertainties, hazards, and evils of direct legislation? Already we control our legislation through the force of public opinion. Why should we change the system? Certainly before embarking on the perilous sea of direct legislation we had better wait for the result of the experiment in other States and for a period a good deal longer than the few years since the introduction of the Initiative and Referendum into Oregon.

## HOW DIRECT LEGISLATION WORKS IN OREGON.

Meanwhile Oregon experience is enough to give us pause. Look at some of the results in the election of last November. No fewer than thirty-seven legislative proposals of State-wide scope were put before the citizens of the State! Of these seven referred to taxation and finance, seven to highways, three to the State university, three to penology, one to the date of the taking effect of the law passed by the legislature to regulate the State printing, and one for the establishment of the office of hotel inspector of the State, while two were designed to modify the system of direct legislation and another (as though it were a small matter) to reorganize the executive and legislative departments of the Government!

In this huge mass and undigested medley of measures I had almost forgotten to mention another which received 16,910 votes. This was a proposed law requiring that the sheets on hotel beds should be at least 103 inches long and 81 inches wide! You may smile at this triviality! But I recall Darwin's remark that in science "it is the trifling facts which are significant." Now have not the people the right to rule—to manage their own affairs? And will not the 10,000,000 people of the State of New York be ten times as competent as a million people in Oregon to regulate the minimum dimensions of hotel sheets? Nothing in the Oregon programme of direct legislation at the last election seems to me more significant or instructive than this Initiative measure fixing the minimum number of inches for the length and breadth of the sheets in the hotels of the State.

Of course, when the people do their legislative work so exhaustively it takes a good deal of space even to describe it by titles. In 1910 a Portland policeman, as he came from the polls said: "It's like voting a bed-quilt." But last November the Oregon ballot was still larger; it was a yard in length by half a yard in breadth; or, to be exact, (and using the standard of the hotel bed-sheets) it was  $34\frac{1}{2}$  inches long and  $18\frac{1}{4}$  inches wide.

On this ballot were the thirty-seven measures submitted to the people of the State. But this was only the beginning. Some of these measures were highly complex and technical. Accordingly a campaign book with the argu-

ments *pro* and *contra* was indispensable for the mental illumination of the electors of the State. And in this campaign book thirteen of the thirty-seven measures were both advocated and opposed. Twelve more of the measures were recommended by arguments without objections on the other side. The remaining twelve measures were unargued.

What did the people of Oregon do with this mass of proposed legislation? In the first place, only eleven of the thirty-seven measures received votes enough for enactment into law. And, secondly, of this entire list of eleven measures which secured the voters' approval, all but two were so brief that they did not require more than a minute's time for reading and intelligent comprehension, and as a matter of fact seven of them were unargued in the campaign book.

#### LESSONS FROM OREGON'S EXPERIENCE.

Let me leave with you a few lessons from the Oregon election of last November. The first is that the voters have grown wary of involved and radical schemes commending themselves under the name of reform, and refuse to enact into law any measures except those making clear and simple changes in existing statutes. Secondly, for more complex and constructive legislation the voters are coming to recognize that any measures proposed should be submitted to discussion, criticism, and amendment before enactment into law, and that the Initiative does not afford opportunity for these indispensable functions; and I believe that as time goes on they will be brought as a result of their own experience to the conclusion of world-history to the effect that for the work of legislation a genuine representative legislature is the best institution known to man. Thirdly, the experience of Oregon contradicts the statements and arguments of the advocates of direct legislation in one point, which, however, is fundamental. They have always said that the use of the Initiative and Referendum was for emergencies and would not be resorted to on ordinary occasions; nay, that if the people possessed these weapons they would not want to use them. Now over against this asseveration and prediction is the fact that in Oregon, thanks to the pernicious activity of scheming busy-

bodies and agitating cliques, the number of measures submitted at a given election for direct legislation by the people has in a few years risen from two to thirty-seven; and of these most have to do with ordinary matters and some of them with matters as trivial as the size of hotel bed-sheets, or a change in the legislative enactment regarding the date for the going into effect of a new State printing act, or the establishment of a new office of State hotel inspector. Fourthly, must it not also be borne in upon the mind of the Oregonians that the Initiative on the one hand puts the voters of the State at the mercy of all kinds of schemers and manipulators, while on the other hand it materially reduces, if it does not altogether destroy, the opportunities for genuine leadership?

### NOMINATING CONVENTIONS AND PRIMARIES.

I now pass from the subject of direct legislation to the subject of direct primaries. If the making of laws, other than that organic law which we call the Constitution, is clearly the function of the people's representatives and not of the people themselves, what shall we say of the function of nominating candidates for public office?

In the past nominations were always made by the representatives of the party assembled in convention. Indeed, the function of nominating the party candidates has been by far the most important function of the party organization. And not only that. But when the party organization was usurped by the machine, the control of nominations is what gave the boss nine-tenths of his power. If, therefore, the people are to dethrone the boss and resume the powers which he has usurped, and which he illegitimately wields, they must divest him of the function of naming the party candidates for office. And this again they can do either by themselves naming directly the candidates for their respective parties or, if that is not feasible or expedient, by selecting genuine representatives who will come together in a party convention, and, taking account of political sentiment and conditions and candidates in the different sections of the district or State, nominate such candidates as will be most likely to meet the approval of their constituents and stand the best chances of success in the subsequent election by the people.

Of course I am speaking of honest and genuine party conventions and direct primaries. We all know that conventions have been held which merely reflected the will and purpose of a single man—the party boss. And we all know, also, that the party boss has learned to manipulate the direct primary, and that the brand now legalized in the State of New York lends itself admirably to such manipulations. But I cannot discuss these institutions at all, if at every step I must take account of the perversions and abuses of them. I must perforce consider them with reference to their primary intent and ideal constitution. So regarded, the direct primary puts nothing between the voter and his choice of candidate; it is a frictionless organ for the expression of his free choice.

#### ADVANTAGE OF PRIMARIES, AND LIMITATIONS.

The direct primary, I say, mirrors the mental preference of the individual voter—of thousands or millions of individual voters. It offers, however, no opportunity for consultation, debate, or conference beyond neighborhood or locality limits. Accordingly, it is peculiarly adapted to the function of making party nominations for local officers and for State assemblymen and senators and for representatives in Congress. Whether it can be successfully used in making nominations for State offices in large and populous States cannot yet be asserted in view of the comparatively short experience we have had of the system. If it could be successfully used for this purpose I should favor it on the general principle that in a democracy it is better for the people themselves to perform directly and personally all political functions which it is not absolutely necessary for them to delegate to representatives. But, with my present knowledge, I am of the opinion that in New York State, with its vast area, its nine or ten million inhabitants, its highly diversified industrial and economic conditions, both rural and urban, nothing short of a party convention, with unrestricted opportunity for conference and discussion, can adequately reflect the composite sentiments of the entire party on the subject of the best and strongest candidates for nomination as standard-bearers of the party in the State.



## THE REPUBLICAN POLICY IN REGARD TO PRIMARIES.

In the Saratoga Convention of 1910, I advocated both in committee and on the floor of the Convention, a genuine system of direct primaries for the nomination of all party candidates except the Governor and his associates on the State ticket. My resolution was voted down by a combination of impassioned opponents of any primaries and impassioned advocates of universal primaries. But that resolution probably represented then, and it certainly represents to-day, the views of the great majority of the Republican party—and, I believe, of the people of the State. I rejoice, therefore, that two years later, in the State Convention of 1912, the party accepted this programme. Listen to the admirable declaration it made:

“We favor the short ballot, surrounding the primary elections with the same safeguards as regular elections, the direct election of party committees, the direct nomination of party candidates in congressional, senatorial assembly, county and municipal sub-divisions, and the right of party electors to directly express their preference for nominations for State offices if they so desire.”

To carry out this policy the Republican minority last winter introduced bills into the legislature. They were, however, defeated by the Democratic majority. Some months afterwards the Governor caused, on April 12th, a direct primary bill to be introduced, practically identical with the Republican measures except that it abolished the State Convention. In their devotion to primary reform the Republicans declared their readiness to vote for the Governor's bill if it was amended to preserve the State Convention. The Governor refused, and his bill was beaten in both houses. It was again beaten in the extraordinary session of the legislature. In this extraordinary session, the Republican minority once more attempted to have their primary reform measure enacted into law, but their purpose was again thwarted by the Democratic majority.

### A GREAT REFORM MEASURE.

I appeal to all advocates of direct primaries to support this great reform. Does the extremist object that it does not provide for universal primaries? I answer that it goes

quite as far in that direction as the mind of the Republican party. Nay, it goes quite as far in that direction as the disinterested and intelligent opinion of the citizens of the State. What has the extremist accomplished in the past which would compare with such a substantial result as this measure offers him? What other prospect has he in the future of getting his program so fully carried out? At present we offer him genuine unadulterated direct primaries for all municipal and county officers, for State assemblymen and senators, and for representatives in the Congress of the United States as well as for delegates to the State conventions of his party, with the right of party voters directly to express their preference as regards those candidates whom the State Convention is to nominate. Here, I say, is a door which I should think every direct primary man, every sensible reformer, would be glad to enter.

But this reform is larger, more vital, more significant than I have yet indicated. It may be that after experience with the system of direct primaries which I have been describing, the people of the State will desire to extend it to the Governorship and other State offices. Now have you reflected how simple and easy a matter it would be to make that final application of the system? Why, the voters have only to nominate assemblymen and senators pledged to it to have it enacted into law. For assemblymen and senators make the laws, and our system of direct primaries puts the nomination of senators and assemblymen in the hands of the voters themselves. And that system we are solemnly pledged to carry out as soon as the party comes again into office in this State. And in my opinion that will be in the very near future.

## AN EVOLUTIONARY PROGRESSIVE PLATFORM.

I have been discussing under different aspects what I regard as the one fundamental problem of the politics of our day. That problem is the adjustment of our government on the one hand to the more complex physical, economic, and social environment and on the other hand to the more developed intelligence, conscience, and civic sense of the American people in this twentieth century. And I have shown that at many points there is a clamant neces-

sity for modifying both the organs and the functions of our governments and of our political parties. But I have not proposed any violent break with the past or any radical measure of change. My policy is the scientific ideal of gradual and persistent improvements which without endangering the vitality of the political organism will produce in it a marked reformation and culminate in its complete adaptation both to the conditions of the modern economic world and the spirit and aspirations of twentieth century Americans. The work to be done in American politics to-day is, I have said, a work for Moderate, Constitutional, or Evolutionary Progressives. Even where the existing mal-adjustment of government to economic conditions and intellectual and moral requirements is at its worst, I have found no occasion for the radical changes proposed by Revolutionary or Catastrophic Progressives. And I find less reason for them than anywhere else in the domain of our judiciary, to which I now invite your attention.

#### OUR JUDICIAL SYSTEM.

Civilization is the substitution of law for impulse and passion. And law, enacted by legislatures, is interpreted and applied by the courts. The decision of the courts is not the will of the judges, but the will of the people as enacted in the constitution or laws which the judges elucidate and interpret. The ancient Romans with fine insight called their chief judicial officer—the praetor—“the living voice of the civil law.” Our highest court in the same way is the living voice of the Constitution. And as the Constitution is the deliberate enactment of the people, this living voice gives utterance to the legal conscience of the people. It declares the people’s solemn and deliberate guarantee of the inviolable rights of individuals and minorities. The sophist may preach that justice is the power of the stronger and the demagogue may rant that justice is the vote of the majority; but the Court—that voice of the Constitution, that legal conscience of the people—in the cool, dry atmosphere of judicial determination, with the everlasting stars of justice shining above it, protects the weakest against the strongest and upholds the rights of even a feeble minority against the assaults of the most vehement, impatient and tyrannical majority.

No wonder that James Bryce, in speaking of the federal courts, testifies that there is "no part of the American system which reflects more credit on its authors, or has worked better in practice." No wonder that for four generations Americans themselves have gloried in their courts as the impregnable bulwarks of their rights and liberties.

### ATTACKS ON THE COURTS.

It is difficult to explain the change which has suddenly come over the public mind in regard to our judicial system. In part, no doubt, it is due to political agitation, though the suddenness and extent of the change suggest also the operation of other causes. But whatever the explanation of the phenomenon, there can be no doubt of the fact. Our courts are now subjected day after day to fierce and bitter attacks. It is roundly declared that our State judges are hopelessly enmeshed in technicalities, that our State judicial procedure is a hindrance to justice and a comfort to criminals, and that our State courts have lost touch with life and have grown petrified in pettifogging abstractions.

### NEEDED REFORM IN PROCEDURE, &c.

It may well be that certain evils have grown up in connection with the practice of our courts which need to be corrected. And I rejoice that the bar and the intelligent public have already set themselves to improve our civil and especially our criminal procedure, to end the law's delay, to reduce the expenses of litigation, and to mitigate the other evils of which the public not unreasonably complains. I expect that with the accomplishment of these and other reforms, our courts will fully regain the popular respect and confidence which in some degree has recently been withdrawn from them. Certain I am that the courts need to possess and enjoy that popular esteem and support for the successful discharge of their functions in the commonwealth. And the sooner we can reform what needs reform in our judicial system—of course, without endangering the institution or radically changing its traditional operations—the better will it be not only for the courts, but also for the commonwealth. Let it also be remembered

that, if our judicial system needs any amendment, it is the duty of the citizens of the State and not of the judges of the courts to make it. If there are evils in our State judicial system it is because we—the citizens—have failed to do our duty. The judges have done the best they knew how with the judicial establishment we put into their hands. Perhaps the main trouble is that we interfere too much with their freedom. Perhaps they should have the same discretion and latitude as English judges enjoy. It is quite possible that our statutory codes of procedure might, with great advantage, be superseded by short and simple Practice Acts.

### THE RECALL OF JUDGES.

Instead of correcting the specific evils which may have developed in connection with our courts by salutary measures of reform—the one to end this evil and the other to end that—the Catastrophic Progressives have brought forth a panacea which they claim will correct all evils at once. Of course it is a revolutionary measure. It is natural for this school of reformers to insist on advancing through catastrophes and cataclysms. Are there any evils in the judicial department of the Government? Well, they have an infallible cure! That cure is—the Recall of judges.

I have already spoken of the Recall in connection with the executive and legislative departments of the Government and I have given reasons for rejecting it in the State of New York. The force of that reasoning is augmented ten-fold or a hundred-fold when we come to consider the judiciary. For independence is the breath of life to the good judge. The framers of the Federal Constitution understood this perfectly. They did not permit the President to remove the judges nor Congress to diminish their salaries. Are we so much wiser than the Fathers of the Republic that we can afford to reverse their principles and maxims of government? They gave us a government of law administered by independent courts. Shall we turn it into a government of demagogues and agitators who override the courts by the vote of a temporary majority of partisans?

## THE RUIN OF COURTS OF JUSTICE.

Can any reasonable man doubt the effect of this policy to remove judges without cause shown or hearing had? It puts the judge at the mercy of every defeated and disappointed litigant. It puts the judge at the mercy of every opposing political party or faction. It discourages honest and fearless interpretation of the law and puts a premium on the insinuating arts of popularity and the gift of triumphant stump oratory. It discourages able and honest lawyers from becoming judges. It deprives the public of judicial work of the best quality, which is a prime requisite in a democracy builded on the principle of justice. It robs the weak and helpless of that protection of their rights which an able and fearless judge never hesitates to assert against the richest individual or the strongest political party. It compels the judge to regard not only the law but the constant dangers of attack on himself if his interpretation is unsatisfactory to a group of partisans or to an excited temporary majority. But justice should hold the scales evenly, and be blind to every consideration but the law. From the heights of this ideal the operation of the Recall must inevitably drag down our courts. For psychological laws are as inexorable as physical laws. Power crows its helpless victim. Nothing but superhuman virtue can save men from cowering in the presence of ruthless power. And nothing but the superhuman virtue of an occasional extraordinary judge can save a court, under the operation of the Recall, from degenerating into a cowardly, accommodating and spineless body of time-servers.

## RECALL OF JUDICIAL DECISIONS.

But vicious as the Recall of Judges is in principle, and baleful as it is in its effect upon the independence of the judges and the authority and integrity of the courts, every citizen is to-day exposed to a vastly greater danger, involving principles still more vicious and entailing consequences not only demoralizing to the courts but subversive of the Constitution and the fundamental institutions of free government. I allude to the proposed Recall of Judicial Decisions by popular vote.

The complete independence of the courts, once they have been established by the supreme power of the State,

whether that power be an absolute monarch or the sovereign people, is essential to the proper discharge of their judicial function; though, of course, a modification of the judicial organization, or of its function, may at any time be prescribed, either by the monarch through a decree, or by the people through an amendment of the Constitution. But the courts thus organized by the sovereign power of the State, must, from the very nature of the functions assigned to them, be left in absolute independence, both by that sovereign power and by the other departments of the Government. This necessity flows from the very nature of justice which the courts are established to administer, and it is rooted, also, in the constitution of man.

Man is a self-controlling dynamo. What in human nature is dynamic, energetic, impulsive—what in human nature is will and desire—expresses itself in the State, and acts in the State, through the executive and legislative departments of the Government. Through these the people, under certain constitutional regulations, do what they please. But self-control, that other, that divine element in human nature, is in the State expressed and represented by the courts. It is the business of the courts to maintain the restraints which we have imposed upon ourselves in the Constitution. When a community loyally accepts and stands by the restraints which, through the Constitution, it has imposed upon itself, you see at its highest pitch of excellence both human nature and democratic government.

But impatience of constitutional restraints is a characteristic not merely of all demagogical agitators, but of many sincere though impatient reformers. And, in a recent decision of the highest court of our State, they have found the latest occasion for resenting and denouncing that control which the fundamental principles of the Constitution impose upon us.

#### WORKMEN'S COMPENSATION LAW.

In the case of *Ives vs. the South Buffalo Railway Company*, the New York Court of Appeals held unconstitutional a compulsory Workmen's Compensation Act. The Act provided that, in case of injury to an employee in certain dangerous occupations, the employer should pay

damages, even though the accident were not due to negligence or any other fault on his part. The court held that this law was not within the police power of the State, but violated the constitutional prohibition against taking property without due process of law.

Now the general public are entirely in accord with the workers for social reform, and the advocates of fresh applications of the principle of justice to modern industrial conditions, on the proposition that we must have in this great State of New York a Workmen's Compensation Act to supersede the present unsatisfactory and antiquated system of accident litigation. In this respect our laws are behind both the practice of other states and countries and the humanitarian and ethical spirit of the age. There is absolutely no doubt whatever that the citizens of New York, irrespective of party, desire to wipe out this reproach. There is no doubt that in the near future this desire will be realized. We, too, recognize, as well as our fellow-citizens in other States, that justice demands that in case of injury to a workman in hazardous occupations, the community which enjoys the product should indemnify the unfortunate workman for the injury he has sustained in the process of making that product.

#### LIBERAL ATTITUDE OF THE UNITED STATES SUPREME COURT.

The only difference of opinion that can possibly arise is as to the best method of securing that social and industrial legislation on the desirability of which the general public is already agreed.

There is one simple solution of the difficulty which is always passed over in silence by the Catastrophic Progressives who would revolutionize our courts. They denounce the courts in certain States, and notably in the State of New York, as hostile to industrial and social legislation. On the other hand, the attitude of the Supreme Court of the United States towards this subject is declared to be progressive, sympathetic, and entirely satisfactory to the advocates of social reform. Indeed, Mr. Ransom, in his authoritative work in support of the Recall of Judicial Decisions, declares that this measure is only an effort "to bring laggard State courts of ultimate appeal up



to the progressive standards set by the Nation's great Court." And he adds that "if you do not agree with those standards your quarrel is with Chief Justice White and his colleagues," and not with the advocates of the Judicial Recall.

### STRICTER ATTITUDE OF STATE COURTS.

Now there is an easy way of bringing these so-called "laggard State courts" up to the standard set by the Supreme Court of the Nation. That way is by an amendment of the Federal Judiciary Act, providing that when a State court decides that a State law is not a valid exercise of the police power, but a violation of the Fourteenth Amendment of the Federal Constitution, an appeal may be taken to the Supreme Court of the United States.

State courts, or some State courts, are to-day stricter in their attitude towards State laws on social and industrial subjects attacked on federal grounds than the Supreme Court of the United States. But in 1789, when the Federal Judiciary Act was adopted, the attitude of the state courts toward State laws attacked as violating Federal rights was just the reverse. At that time of fervent devotion to State rights there was a general presumption that the State courts would sustain such state laws. On that account the Federal Judiciary Act made provision for appeals to the Supreme Court of the United States only in cases in which State laws attacked on Federal grounds were declared by the State courts to be *valid*; and as this legislation is still in force there is to-day no appeal to the Supreme Court of the United States in case where a State court decides against the validity of a State law on the ground of repugnancy to the Constitution, laws or treaties of the United States.

### PROVIDE APPEAL FROM STATE COURTS TO FEDERAL SUPREME COURT.

Here, then, is a simple method of bringing the so-called "laggard State courts" up to the level of the Supreme Court of the United States in their attitude towards social and industrial legislation. Nothing is needed but an amendment of Section 237 of the Federal Judicial Code, providing that an appeal may be taken to the Supreme Court,

where the highest State court holds a State law *invalid* on the ground that it violates the Due Process of Law provisions of the Fourteenth Amendment of the Federal Constitution.

This is a natural and normal development of our constitutional law. If adopted it would speedily put an end to that "outworn social philosophy" of the judges of the State courts which has been so eloquently denounced by the advocates of Judicial Recall. But, of course, there is nothing spectacular or sensational in this legal reform. A sensible and rational measure, it does not lend itself to purposes of agitation. But it would enable us to get the social and industrial legislation demanded by the common-sense and conscience of the people of the State of New York, and it would enable us to get it without revolutionary change in our judicial system.

#### IF NECESSARY AMEND STATE CONSTITUTION.

The Supreme Court of the United States, it has been stated, has been more liberal than the courts of our own State in dealing with new social and industrial legislation. What shall we do if appeal to the Supreme Court is not opened up to us in this class of legislation, when our State courts hold a State law to be invalid because violative of the Fourteenth Amendment? The radical reformers tell us we can do nothing better than accept Judicial Recall.

But why should court decisions be submitted to popular vote? It is alleged that the courts do not respond to popular sentiment, and the judges are behind the times in their social philosophy. Well, the courts are not established to respond to passing sentiment, but to declare the eternal principles of justice; and if the judges have old-fashioned philosophies, it is well to remember that neither the Decalogue nor the Golden Rule is of yesterday, and that a doctrine is not necessarily true because it is new, nor a theory of society absurd because it is old. If, however, decisions of the courts on social and industrial questions—decisions based on the State constitution—are out of harmony with the most enlightened moral ideas of the age, is it not clear that what is needed is an adaptation of the Constitution to the ethical conceptions and dictates of twentieth century Americans? The old way of reform

in such cases is to amend the Constitution. This has worked admirably for four generations. Why should we suddenly resolve to abandon it now?

Is it objected this will all take time? Certainly it will. All reforms take time. You cannot have the millennium while you wait. But it will not take undue or unreasonable time, and when the constitutional amendment is adopted the legislature will have power to act not only on one bill, but on all bills of a similar character.

### JUDICIAL RECALL SUBVERSIVE OF OUR CONSTITUTIONAL GOVERNMENT.

I do not dwell either upon the enormous demands which the Recall of Decisions would make upon the voters of the State, or the confusion it would introduce into our jurisprudence. But I must point out that if the Recall of Decisions is once authorized in reference to one subject—say, the police power of the State, as has been proposed—there can be no doubt that it will be extended gradually to other subjects, and possibly to all. Already supporters of the policy are advocating its application not only to State courts, but to the Supreme Court of the United States, and that not only in matters involving the exercise of the police power, but also to decisions involving those great constitutional guarantees, which are the protection alike of individuals and minorities. You see, therefore, that by the Recall of Judicial Decisions, in the heat of political or partisan passion, under the leadership of some magnetic agitator, the very foundations of our Republican government might be completely swept away.

### A GOVERNMENT OF SPECIAL INSTANCES.

In Great Britain Parliament is omnipotent. The plentitude of the people's power dwells in it. There is nothing it cannot do, even to the abolition of the House of Lords or the House of Commons or the Parliament itself. There is no written constitution restraining it. On the other hand, we Americans live under written constitutions. We believe our rights and liberties better protected under a written constitution, which lays down fundamental rules and inviolable guarantees.

You may take either the American system or the English system. You may have either a written constitution or no written constitution. But you make a travesty of government when you solemnly adopt a constitution, with its fundamental principles and guarantees, and then set it aside in any particular case to gratify some specific desire or accomplish some expedient purpose. It was not necessary for you to have made a general rule of conduct to be obligatory upon your specific acts. But having made the rule it is monstrous that you should break it. If you have adopted a general rule of action applicable to all cases, you cannot do what you like in any particular case. A government under a written constitution, which may be set aside whenever a temporary majority, excited by some partisan issue, votes to make an exception, as it is the most irrational, is likely in practice to prove the worst and the most despotic of all governments. For it is government by arbitrary discrimination. Though it retains the form of a constitutional limitation, it is, as Dean Thayer, of the Harvard Law School, has pointed out, binding only to such an extent and in favor of such persons as the majority of voters may choose.

Every time a law is made valid by a majority of the electorate, which the court had declared invalid because unconstitutional, a step is taken in the direction of subverting the entire constitution. The time might come when, in contempt of the constitution, an excited political party would legally forbid the freedom of speech and of writing or the free practice of religion, or deny a fair trial to an unpopular citizen whom the majority had already in their own minds condemned. The citizen would have no rights which a legislature backed by a popular majority would be bound to respect.

### INALIENABLE RIGHTS.

The time to cry halt is now—at the very beginning. We must inflexibly refuse to take a single step in the direction of Judicial Recall. We will not put any of our constitutional rights in peril. “All men,” says the Declaration of Independence, “are endowed by their Creator with inalienable rights. Governments are instituted to secure those rights.” Those rights existed before all govern-

ments; those rights will outlive all governments. They are not derived from a majority of votes; they are the free gift of God. Majorities cannot dispose of them; they are forever inalienable. It is those rights which render inviolable the weakest individual, the smallest minority, or the most despised religious denomination. Of those rights the Constitution is at once the formal expression and the inviolable guarantee.

### THE PROBLEM OF TO-DAY.

I have been outlining a program of reform, but a reform by constitutional and evolutionary methods. I am opposed to the catastrophic and revolutionary methods which are being commended to the public not only by political agitators, but also by ardent and courageous, though all too impatient, reformers.

I am confident, however, that the overwhelming majority of American citizens desire to walk in the old ways, though they also desire and insist that the old ways shall be repaired and improved. We Americans have the best Constitution and the best institutions in the world. The problem before us is to make the actual operation of government, both in the Nation and in the States, as good as its organic law and framework.

### THE REPUBLICAN PARTY GETTING READY.

No political party can give an honest, efficient and satisfactory administration of public affairs save under three conditions. In the first place, the party must stand on sound principles. Secondly, in applying those principles the party must be governed by the law of progress, with its corollary of adaptation to twentieth century conditions. And, thirdly, the agents and representatives whom the party selects for carrying out its policies must be men of good ability, of high character, of unselfish devotion to the public good, and of tried or presumed capacity for public service.

For two generations, barring only a few years, the Republican Party has administered the government of the United States. That fact alone may, I think, be fairly regarded as evidence of the soundness of its principles, the

progressive nature of its policies, and the general intelligence, capacity and character of its leaders and agents in legislation and administration.

Nor should any one be surprised that, after all these years of Republican administration, the people decided in 1912 to give the Democratic Party some experience—even though it should be a short experience—in the business of government! A term in opposition at Washington cannot but have the best effects on the Republican Party. They will have time to meditate on their principles, to formulate their policies, to select their leaders, to compose their differences and to consecrate themselves anew to high and unselfish public service. In so far as banishment from office may be regarded as punishment at the hands of the public, it may be reasonably expected, like chastisement and tribulation in general, to produce in the party the peaceable fruits of righteousness. And in 1914 and in 1916 Republicans will be once more ready to assume the responsibilities of government.

## DEMOCRATIC GOVERNMENT IN NEW YORK STATE.

In the State of New York the Republican Party has been in opposition for the last three years. But whatever the advantages to the party itself of this temporary release from the responsibilities of office, it has been at a fearful cost to our State. Compare with the pledges and promises of the Democratic Party the record which they have actually made. The New York Civil Service Reform Association has declared "the Civil Service Law in the State has continued to be an administration of unredeemed pledges and violation of faith with the people." And this criticism only particularizes the more general verdict of the people on the results of three years of Democratic administration. Does not every one know what that popular verdict is? Is it not that it has been a period of violated party pledges, of colossal public extravagance, of incapable and perverted government, and, worst of all, of crying dishonor to the State and cruel humiliation to all its citizens? The touch of Tammany has blighted our entire State government.

## A GOVERNMENT BY TAMMANY.

That, gentlemen, is the secret of the failure of the Democratic Party in the State of New York. It is a Tammanyized Party. The ruler of Tammany Hall is the boss of the State government. The Democratic Party cannot do better than it has done, because it is under Tammany inspiration, management and control. And there is no possibility of its escape from Tammany domination. Honorable and patriotic Democrats protest against this misuse and abuse by Tammany of the party name and the party organization, but their protests avail nothing to change the actual situation. The Democratic Party in the State of New York is and remains a Tammanyized Party. The inner circle have, indeed, quarreled among themselves, and they are disclosing facts—facts as amazing as they are discreditable—which it would otherwise have been difficult for the public to ascertain. But in spite of this rupture and these revelations Tammany remains entrenched in the State government and dominant in the Democratic Party.

## THE REPUBLICAN PARTY TO REDEEM THE STATE.

The first duty of all good citizens is to break the grip of Tammany on the State government. Now, in the Republican Party, and in the Republican Party alone, the people of the State of New York have an agency to accomplish that task. I have already described the policies now incumbent on the party and the forward look and the progressive spirit in which they are to be carried out and the sort of candidates who must be selected for that purpose. The Republican Party in the State of New York is going to regain and retain public confidence by its platform, by its spirit, and by its standard-bearers. Already many of those who left us in 1912 have returned. I believe that, with few exceptions, all of them will soon be standing under the old banner. Progressive Republicanism, with its constitutional and evolutionary methods, will be found to provide for all that is reasonably essential in their creed. And as these old members of the family return to the old party home we shall give them a cordial welcome. At the same time we invite to join with us all those pa-

triotic Democrats who are disgusted with the Tammany regime, and also that great body of Independents, who think little of names and parties, but much of men and principles. All these must recognize that only through the Republican Party is there political salvation for our State.

How best to accomplish the State's redemption is the supreme question before this Convention. There is no more important first step than the nomination of strong candidates for judges to fill the vacancies in the Court of Appeals, which is the primary object of your assembling.

Gentlemen, I will no longer detain you from the high duties to which you are called. Only, as a life-long Republican, I desire to express not merely my hope, but my confident expectation, that those duties will be performed in a way conducive to the highest welfare of the State, and, therefore, also, conducive to the best interests of the Republican Party.



## Address of Hon. Elihu Root, Permanent Chairman.

GENTLEMEN OF THE CONVENTION: I thank you with all my heart for the kindly act and the cordial expression which have made me Chairman of this Convention, and greeted me as its Chairman in my old home. (Applause.)

It is a full forty years that I have been trying to do my part as a Republican in every place from folding and bunching and distributing tickets up step by step in every place where service could be rendered to the party, and I hope to continue the effort of service so long as life is spared me. (Cheers.) Many an old friend of earlier days has passed away; nearly all the men who were fighting the battles of the Republican party in those days have gone, but the Republican party with its principles and its devotion to the cause of free government continues and will continue. (Applause.) You cannot change its character, for its character was formed in the sternest of conflicts. You cannot change its name, for its name is sanctified by the memory of great and good men who have given their lives to their country and by the achievement of great things for the country and for humanity. (Applause and cheers.)

But it is not my purpose to inflict upon you a speech. We have too much to do in this short evening to occupy the time with more words from me. I am ready to stand upon that admirable exposition of sound Republican doctrine which we heard from the lips of President Schurman this morning. (Applause.) I endorse it as you endorse it, as the Republicans of the State will endorse it, and as the majority of the voters will endorse it in November. (Applause and cheers.) I wish, however, before taking my seat to emphasize two things. One is the vast importance of the election. The election of judges does not ordinarily excite the interest that is felt in the election of executive and legislative officers, yet at this time under all the circumstances of the shifting opinions and the varied current of popular feeling; at this time when all

settled questions are being unsettled and reconsidered; at this time when what we had believed to be the very foundations of justice are being shaken, the election of judges of the highest court of the greatest State of the Union is of greater importance than the election of any Governor or any Legislature. Governors come and go. If they are bad they are not re-elected. Legislatures come and go. If they fail in their duty others take their place. Underlying our whole system of peace and order and security and opportunity; underlying the safety of the poor man in his home as truly as the security of the rich man's property is the independence, the honor, the authority of the judiciary of our State. (Applause.) The Republican party has always sounded the clear note of fidelity and devotion to the underlying principle of government by law and not government by men, government by principle and not government by impulse; and such a government as in all its history the Republican party has maintained can be continued only by preserving the independence of the courts and the respect of our people for the administration of law through the courts. (Applause.)

The other thing I wish to emphasize is the peculiar condition of the politics and government of our State arising from the enormous growth of the city of New York. The city has grown so great that the organization which controls the Democratic party in the city needs only a little added support to control the Democratic party of the State. Tammany Hall has obtained that additional support; she has found in the State outside of New York assistance, helpers, adherents, of the same character as Tammany Hall itself. Tammany is no longer a local issue; she has grasped at the control of the State; she controls the Democratic party of the State; she controls the State Committee of the Democratic party; she is about to name the Democratic candidates for judicial office, and she reaches out her hand to control that great court upon which the protection of our liberty depends.

It has been my fortune, or misfortune, to be much away from our State of recent years; and I cannot express to you the sense of shame and humiliation, the deep indignation and resentment that I have felt as I have read from day to day in the newspapers and heard from day to day by word of mouth what disgrace has been inflicted upon our

beloved State by having the character of Tammany Hall impressed upon its government. It is to Tammany that we are to look for the cause of the dreadful condition revealed in the police trials during the past year. It is to Tammany that we are to look for the cause of the disgraceful condition at Albany—a condition in which everything appears to have been forgotten except the vulgar squabbles of faction over opportunities for graft and plunder. I would not—I will not—say one word about the pending impeachment, but I will say that there can be no possible outcome of the impeachment trial, acquittal or conviction; there can be no possible view of the evidence under which the Democratic party of the State controlled by Tammany Hall and impressed with the character of that organization is not convicted. (Applause.) I do not care so much for the fact that they have squandered millions of money that we have got to pay out of taxation, I do not care so much for the fact that coming into power with promises of retrenchment and economy they have increased the salary roll \$1,900,000 a year, but I do care that we have all been disgraced; that the people of New York are lowered in the estimation of the world, and that the enemies of popular free government by the people have a new argument, and the friends of popular free government by the people have a new explanation and apology to make.

At the most vital point of our government, in the election of Judges who are to stand against all corrupt and overbearing officials—in our highest court at that vital point—there is now presented to the people of New York not only in the city but throughout the country an opportunity by their votes to say whether they will increase the power and approve the stewardship of Tammanyized democracy in our State or whether they will rebuke and reject it. (Applause.)

So I say that this Convention has a more important function to perform than any ordinary convention which is called upon to nominate candidates for governor, for state officers, or for all the rest of the government combined.

## Address of Hon. Harold J. Hinman.

On the presentation of the report of the Committee on Resolutions, Harold J. Hinman, Republican minority leader of the Assembly, spoke as follows:

The Republican party in its whole history as a governing agent has never had a greater obligation resting upon it nor a larger opportunity to demonstrate that it is a party fit to govern than at the present time. Great issues dealing with the very fundamentals of our government must be settled, testing whether we shall abide by the guarantee of our Federal Constitution that every State in the Union shall retain a Republican, a representative form of government or shall resort to the forms of pure democracy; whether our tariff policy of over half a century shall be reversed; whether our methods of taxation, of banking and of the handling of our currency shall be overturned; whether the constitutional rights of the individual to life, to liberty and to private property shall be rendered a farce piece-meal by the recall of judicial decisions, or by otherwise freeing any classes of our citizens from the just and equal operation of the law because of their wealth, influence or the number of their votes; whether all of our grave political issues shall be determined soberly, sanely and wisely upon the basis of underlying principle, or whether we shall resort to panaceas and temporary expedients and drift into the purely personal politics of Mexico.

The party which appeals to the ripe and sober judgment of the people upon all of these issues, and thus becomes the conservative party, will adopt the policy of permanence and wisdom. The party which appeals to class prejudice and self-interest or relies upon governmental adventure instead of tried and sound principles, and thus becomes the radical party, may win the temporary victory of the accomplished and attractive exhorter, but cannot succeed ultimately in providing the cure for which we are seeking. The sole result must inevitably be the upheaval attendant upon disorderly and revolutionary government.

What is it that is in the minds of the people of the

United States that needs to be satisfied? With the majority of them I believe it is an earnest and growing desire to hasten our progress toward better, cleaner and more wholesome conditions, socially, economically and politically. They are not being led fast enough, and their confidence in our present order of things has been so severely shaken by the discovery of gross malfeasance and misfeasance in office that even the fundamentals of our theory of government are challenged and threatened in order to satisfy their restlessness. In such a crisis the need is not for new governmental machinery, but the hope of the future lies in the moral strength of the community. Give us leaders and not schemers; men of character in public life, not adventurers and self-seekers, men to whom an aroused public may look with confidence as their prophets and guides rather than as their hirelings. When we shall have dignified public office by the election of such men to represent us, we shall have demonstrated a high sense of public morality, tested anew the inestimable value of representative government and offered the highest inducements to public-spirited men to enter the public service. There is no short cut to the millennium. There is no system of government which can protect the people from their own indifference. When the public demand a higher type of public officials, that demand will be felt. Parties will respond to it. The right kind of men will be attracted to political life. Confidence will be restored and respect for government will prevail.

It is time for us to speak together as citizens and not as mere partisans about things as they are. The party which can be honest with itself and fair to its opponents will be received as honest by the great majority of the people. If we are honest with ourselves we must admit that a majority of our citizens are by no means satisfied with things as they are, but desire to see things improved. It was this desire for better, cleaner and more wholesome conditions, faster than the Republican party seemed able or willing to progress, which contributed largely to the vote against us in the last campaign. A failure to appreciate and recognize this as true is not being honest with ourselves. The new Republicanism must be borne by the recognition of this fact as a prime requisite and must be followed by more idealism, greater civic courage, more dis-

interested handling of public problems for the good of the whole people. The party which can demonstrate honesty of thought, purpose and endeavor, which so acts that its policies when inaugurated will be felt to be honestly intended for the good of the whole people, is the kind of party needed to-day. A party can do more for itself in that way than by any artificial attempts at self-perpetuation or the inauguration of policies with an eye to the number of votes that may be cast at the coming election. Even temporary defeat with the flag of honor flying at the mast is better than a victory of expediency and insincerity.

Let us then be honest with ourselves, recognize our shortcomings of the past and highly resolve to nominate and appoint to public office only men of integrity and ability to promote higher endeavor, to help dethrone dishonesty and corruption in government, to discountenance and punish it in our own midst as zealously as we would in others, to be consistent in promise and fulfilment, to be fair in our criticism of others, to generously recognize their honest, forward administration of affairs—in short, to seek first for what is right and honorable and only second for what is expedient.

Why, in the name of truth and justice, should we not commend President Wilson for the consistency with which he is insisting that his party shall carry out the tariff policy which it has so long professed, but never compelled its representatives to practice? It is sufficient for us to criticise the policy itself and let the result determine the wisdom of the Democratic measure. Why should we not commend the straightforward and orderly way in which President Wilson has thus far proceeded to negotiate the business of his office? To do so is but fair and puts a premium on orderly and honest, forward administration. It encourages men of character and ability to enter public life. It encourages weaker public officials to emulate the example and tends to raise the whole moral tone of government.

If the Democratic party in this State had been dominated by such a strong and wholesome force there might not have been much to criticise, but the fact is that the conduct of affairs here has been so disorderly that the demoralization of our State government is appalling. The State has never been so humiliated in all its history. Its

climax is reached to-day when we witness an impeachment trial, not brought in good faith for any patriotic purpose but as a convenient weapon of revenge. It is a great temptation for either party to wash the dirty linen of the other party, but we seldom find such an enterprise started by a party member against his own party. To the credit of Governor Sulzer, be it said in all fairness, he removed a highway commissioner who was indirectly, if not directly, responsible for grossly corrupt administration of highway affairs, that he strengthened the department by the appointment of Mr. Carlisle, and that, whatever his motive may have been, he insisted upon the enforcement of the criminal law against those who had profited by the highway scandals, which have been a tremendous detriment to our good roads movement, and which were the real disgrace of the last administration. To his credit be it said that, whatever his motive, these activities of Governor Sulzer were against the forces of evil, the most corrupt power in the country, Tammany Hall; and it was these activities in which he persisted against threats and entreaties which lead directly to his impeachment.

Most of those of us who opposed the impeachment took the position that it was our duty to protect the dignity of the high office of Governor, and thus of the State. We pleaded for ample opportunity to read and reflect upon the evidence. We asked that the Frawley Committee report be referred to the Judiciary Committee, with instructions to that committee to examine the law and the precedents and to hold such further hearings as the solemnity of the function demanded. We moved to postpone consideration of the impeachment resolution for one week. But all of our motions were savagely attacked and defeated. The Frawley Committee report was approved actually without giving the members a moment's opportunity to read either the report or the evidence upon which it was based.

To impeach the Governor without notice, without deliberation, without giving ample opportunity to every member to become convinced in his own mind of the truth of the charges, was a monstrous perversion of the process of impeachment. The public sense of fairness has revolted against the despicable conduct of that night's proceedings. In truth, the people so despise Tammany and are so keenly outraged by its base motive to impeach the Governor for

his virtues instead of his sins that the indications point to their possible approval of a verdict by the Court of Impeachment of innocent though proven guilty. But even if so extraordinary a result should be attained, it is my firm conviction that the people are also bound to judge Mr. Sulzer as a man upon the truth or falsity of his oath as to campaign receipts and expenditures and upon the truth or falsity of the claim that he converted campaign subscriptions to private use. The truth which will be borne in the public mind by the revelation of such a distressing fact must inevitably lead to taking suitable measures to guard against the repetition of such evil practices and to elect men to office who are above suspicion and beyond reproach.

It is well that we should consider this at this time not only because of the pending impeachment trial, but because that trial, together with the Cohalan and Stillwell trials, are bound to rise uppermost in the public mind in the consideration of the doctrine of the Recall as a substitute for the present method of impeachment. The impeachment of Governor Sulzer, without the examination of any evidence, by the same forces which exonerated Stillwell and Cohalan may make the process of impeachment appear to be a farce. But what is the remedy? Are we going to permit the voters to hide their selfish or partisan motives behind the secrecy of the ballot by the adoption of the Recall? Are we going to make it less desirable for courageous men, of convictions and character, to enter public life by subjecting them to such insidious public ignominy? The remedy is not the adoption of the Recall, but by the improvement of the character and fitness of our representatives charged with the duty of impeaching and trying impeachments. A calm and deliberate impeachment and trial after a fair and honest inquiry into the facts by an Assembly and Senate made up of men of such known integrity and honor as to inspire confidence, the kind of confidence which the people repose in our Court of Appeals, is the only solution of this grave question. The difficulty is not in the process, but in the character of the men chosen to execute that process. The remedy is not in the subversion of the system, but in the election of men of higher type as members of the legislature. The weakness of the present impeachment is the lack of public confidence in the Assembly and the Senate. Improve the character of both of these



bodies to a degree consistent with the tremendous importance of their constitutional powers, both legislative and political, and unlimited powers may be delegated to them with safety.

The Republican party will do well to oppose the Recall, but to do so it must demonstrate its sincerity by the nomination of the right type of men, particularly for the Legislature, and then call upon the decent and intelligent public to give the full measure of support which such a policy deserves. And in furtherance of this policy, it is our duty to stand for an honest primary and election law, so that proper representatives may be more easily nominated and elected.

It is my judgment that better representatives can be elected under either a convention system or a direct primary, provided either system be an honest and fair one, and provided the public generally devote themselves more seriously to politics. The people have no one else to blame than themselves for the present unsatisfactory condition in public affairs. No business can be run in any such neglectful manner, and no administration can be expected to advance to a higher plane than the average public spirit of the electorate. It is the experience of business men that employees should not only be selected with care, but should not be subjected to temptation to shirk or to be dishonest. It is likewise the experience of governments that their employees should be selected with equal care and be kept under a watchful eye lest weakness and opportunity should yield to temptation. Instead of permitting our young men to enter public life upon the supposition that it pays to be crooked, we need to speed the day when it will be a matter of public recognition that it pays to be honest, and that a man cannot select a better, cleaner, more wholesome occupation than in the public service.

It is the duty of the Republican party to encourage honest service by its representatives in public life, to select men first upon the basis of fitness and willingness to perform their official duties, and only second as a reward for party service, to make it a rule of conduct to perform public duties with an eye to the public welfare rather than to party expediency. It is the duty of the Republican party to use its best efforts to reform our primary and election laws, to give to the voter an honest measure for the fullest

self-expression and give every candidate a fair opportunity to cope with every other candidate either in his party primary or at the election. Until that is done there will be no cessation of the clamor for such reform, and there should be none. We have never had an honest and fair convention system, and we have not to-day an honest and fair direct nomination system. I am frank to confess that I have not lost my confidence in the convention system. I believe it is the abuse of it which has brought it into disfavor. However that may be, we have undertaken to experiment with the direct primary, and I am satisfied that we should give it a fair and genuine trial.

We have no genuine direct nominations law at the present time. We all know it. Under the name of reform, aimed at the bosses, this State has imposed statutory bossism upon the voters of all parties. Although the theory of direct nominations was that every advantage to organization should be removed, under the present law the voters of a party are compelled to surrender to existing party committees the right to perpetuate themselves, the right to name the official primary ticket by committee designation, the right to the exclusive use of the party emblem on the primary ballot, the right to have the first or preferential column for committee candidates, the exclusive right to use the party funds, and in addition an almost prohibitive number of signatures are required upon independent petitions. In other words, the committees are permitted to make the regular nominations, and then those nominations are hedged round about with all kinds of fortifications which it is almost impossible to surmount.

No man is entitled to call himself the regular candidate under the theory of direct nominations. Every candidate running for the same office should come in on the same level with every other candidate. The organization is entitled only to the numerical strength of its supporters. To permit it to designate the regular candidate, to have the exclusive right to use the party emblem, the first column or any preferential place on the ballot, the party funds, or to have any other preference is certainly an unfair discrimination.

The Republican members of the Legislature stood firmly for all these reforms throughout both the regular and extraordinary sessions. Our efforts were defeated in every

instance by the Democratic majority. The election and primary law has been left practically untouched, due to the unwillingness of the Democratic majority to amend in any intelligent or honest respect, and the uncompromising attitude of the Governor in refusing to accept Republican votes upon the only basis of honorable compromise open to them, namely, the retention of the State convention in accordance with the distinct Republican platform pledge. Our position was a clean-cut and honest one. I even introduced in the extraordinary session a bill which was word for word identical with the Governor's bill, with the exception of abolishing the State convention, and caused to be introduced a bill providing for a preferential primary for State officers with pledged delegates to the State convention, but the Governor would not permit the compromise.

The attitude of the Governor indicates that he wanted an issue and not a real direct primary law. We asked him to correct the vicious features of the present system and submit to the people this fall the issue of the retention or abolishment of the State convention, because our pledge distinctly bound us upon that subject. We are now met in convention, and we submit that the question is at issue in the State, and we ask you for further instructions. Even those who want to see the State convention eliminated cannot help admiring our manly stand in conformity with our platform, which is better than all the temporary applause obtained by truckling to cheap and disorderly popularity. It was not our duty to question the wisdom of the distinct pledge we had made to the people. It was our duty to abide by that pledge, to encourage confidence in our fidelity and to await the decision of this convention as to whether we shall change our attitude in the session of 1914. To do otherwise was to be disorderly as well as dishonest, and would have served only to intensify the feeling in the public mind already too prevalent that platforms mean nothing but empty pretence.

The Republican minority has made an earnest effort throughout the session to take a positive rather than a negative position. We have tried to be right rather than strive for disorderly popularity. We have tried to be courageous and not cowardly and to give meaning and character to the Republican party in order that when victory

comes it will be a victory of intelligence. We tried to improve our legislative methods through a legislative investigation. We made an effort to improve the quality of legislation by the passage of a bill substituting a corps of legislative experts in the place of inexperienced and almost useless assistants under our present method. We offered amendments to the rules intended to invite the utmost public confidence by opening committee sessions to the public view and compelling the votes of the committeemen to be entered upon the journal. We likewise endeavored to provide for the establishment of the budget system in the administration of State finance. We introduced and fought for the passage of bills to carry out the pledges of the Republican platform. All of our measures were defeated by the Democratic majority.

We are proud to compare this record of honest and straightforward endeavor with the record of the Democratic administration, which entered upon its duties with a pious declaration in favor of rigid economy and a greater degree of efficiency, and which now must apologize for a tremendous increase in appropriations and a demoralization never known before in this State.

The State's credit was made to suffer by the wanton attempt to raid the sinking funds in order to pretend to the taxpayers that the burden of taxation had been lightened. The result was that the Comptroller found himself unable to market the bonds of the State at  $4\frac{1}{2}$  per cent. interest, and was obliged to sell the State's notes for \$27,000,000 at a higher rate of interest to meet pressing obligations for highway and canal construction.

The new Department of Efficiency and Economy is costing the State an appropriation of \$275,000, exclusive of the \$25,000 allowed it for its free text-book investigation, information as to which could have been obtained from the Education Department without cost. This department serves no useful purpose, has been inefficiently organized, is a gross extravagance rather than an economy.

The State capitol repairs have become a notorious scandal. The estimated waste to date is half a million dollars. The Democratic majority defeated a bill introduced by the Republicans requiring these repairs to be completed by competitive contract, which would have eliminated further waste and brought about a speedier completion of the

work, which has already cost over three millions of dollars. This has been recommended by the American Institute of Architects, the Committee of Inquiry, the Executive Auditor and by the Governor, but to no avail, save that the State Architect has now begun advertising for bids, on some portions of the work, leaving Callanan and Prescott "still on the job."

The Public Service Commissions organized under Governor Hughes and Republican rule, which have been copied as a model in many other States, are demoralized, due to the failure of Democratic administrations under Governor Dix and Governor Sulzer to appreciate their vast importance and the necessity to appoint non-partisan and non-political commissioners, who measure up to the qualifications expected when the salary was made \$15,000 a year, and which the best interests of the service absolutely require.

The present State Board of Tax Commissioners has been denounced as incompetent by the New York Tax Reform Association.

The Labor Department, reorganized this year at an increased cost of half a million dollars, has been for months without a responsible head and is demoralized in consequence of the quarrel between Democratic factions over the patronage of the department.

Claimants all over the State are complaining because the Board of Claims, which was created in 1911 by the abolishment of the State Court of Claims, in order to make offices for Democrats, is wholly unable to take care of its business and is years behind with its work. Moreover, the veto by Governor Sulzer of an appropriation of \$250,000 to settle judgments against the State already granted by the Board of Claims defers for a year the payment of the State's acknowledged debts.

The Governor's veto of the \$600,000 appropriation for the elimination of grade crossings has checked important and much-needed improvements.

Our overcrowded prisons have reached a condition shocking to the conscience of the State, and yet there has been an unwarranted cessation of work on new prisons begun under Republican administration in anticipation of approaching necessity for larger and more modern accommodations.

One of the clearest evidences of the lack of plan and foresight, of the absence of settled policy and of the general disorderly conduct of the present Democratic administration, has been the manner in which both Houses of the Legislature have utterly failed to comprehend the dignity of their functions, to recognize the seriousness of the business of the State or even to start the sessions of the Houses within hours of the time appointed for convening. It has become the settled practice for the Legislature to appoint eleven o'clock as the hour for convening, keep the members waiting from two to twelve hours before calling them to order, without giving them an inkling of the reason for the delay. This lack of discipline and orderly procedure has been completely demoralizing.

An examination of the legislation passed and approved by the Governor demonstrates clearly the lack of intelligent system, for we find a number of laws which have been passed by the Legislature and received Executive approval which have nullified laws passed earlier in the session by the amendment of the same sections of the Consolidated Laws without embracing the text of the earlier amendments. No excuse can be offered for such reckless inefficiency.

The maladministration of the highway affairs has been conceded by everybody. The Republican demand for a return to a non-political highway commission as originally created under Governor Hughes and abolished under Governor Dix, was denied. In the face of vigorous Republican protest the department was reorganized with a single-headed commission. Owing to the quarrel between the Governor and his party in the Legislature no highway commissioner was named until early Summer. Meanwhile nothing was done, and the highways of the State suffered in consequence. The new commissioner had hardly assumed office when the factional quarrel over patronage broke out afresh. The result was that the Highway Department remained utterly demoralized, and when the Governor started to punish by criminal prosecution those engaged in corruption he was so hastily and audaciously impeached as to shock the public sense of fairness.

I believe the time has come to break away from the artificiality of personal controversy in which everything is subordinated to the motive to "get" somebody and to begin

to seriously consider issues and not men, orderly government and not patronage. Those who stand for the kind of government which culminated in the impeachment of Governor Sulzer may linger for a time, but from the wounds of August 12, 1913, they will never recover. This is my prediction, and if the impeachment accomplishes no other purpose, it will be an instrument of good government. If, in the midst of the frenzy which it has caused for the moment, there is a party which can keep cool and deliberate, and calmly strive to lead the people of this State in the path of "progress with order," which was the most significant declaration of our Rochester platform in 1912, that party will be entitled to the confidence and support of every voter, irrespective of his party affiliations. It is my earnest hope that the Republican party, with new courage and idealism, may be called upon to be that instrument, to bring order out of chaos, to heighten respect for government, and to educate the people to a greater moral responsibility.

## Address of Hon. Charles S. Whitman.

The Senate Chamber at Albany offers a spectacle to the people of this State and of this Nation, of which we are not altogether proud, but which, nevertheless, to-day is impressive and is instructive. Whatever may be the merits of the controversy, however unworthy may have been the motives which prompted the actions of those responsible for the present proceeding, whatever lack there may have been of dignity and decorum, and even of sincerity, on the part of the popular legislative body of this State which brought the indictment, throughout New York to-day there is manifest confidence, trust and faith that the People of the State of New York are going to be treated fairly and that the man, whom the people have elected Governor of the State of New York, is going to be treated fairly, that justice and right and law are going to prevail, that the truth is going to come out, that after all it is a matter of little concern to the People of the State who brings these charges, but it is a matter of vital concern that it should be determined whether these charges be true or not. Whatever suspicion may have existed in the public mind as to the integrity of the Court of Impeachment, which, in the last analysis must pass upon this case, seems to have been dispelled, and the very fact that ten millions of people at a time like this are confident that the men, a small minority of the Court of Impeachment, whom they have elevated to the Bench of the Court of Appeals, are going to dominate and control and act as their consciences direct them to act, and in accordance with the law of this State, is no mean tribute to a tribunal which from its organization has held itself not only above corruption, but above suspicion, too. The presence of the Presiding Justice, creating by his very being there the atmosphere in which the trial is proceeding, and who embodies and represents in himself all that is great in the traditions of the American Bench, justifies the conviction everywhere manifested that no wrong can be done.

The People of the State are called upon this year to



elect the membership in this historic Court, and the Republican party, mindful of its most solemn duty, is by its chosen representatives here assembled to offer to the People of its best, believing, as it does believe, that it has among its members those who, by disposition and learning and large experience, are the best fitted that can be found within the boundaries of our State, to render to the People the service and to perform the duties so well rendered and so nobly performed by those who have gone before them.

The Republican party is needed in this Nation and in this State. Its opportunity was never more manifest or greater than now. Whatever defeats it may have suffered, whatever mistakes it may have made, however slow some of its leaders may have been to respond to its best sentiment, its vast membership, its enthusiastic supporters, are loyal to its traditions and are confident that in the end its appeal to the people will not be in vain. It does not seek to lay its hands upon the judiciary; it does not ask those whom it elevates to power to make office a political asset. It asks no pledges of its candidates, but it pledges to them its support and its abiding trust. It believes in the judge, who sees neither friend nor foe, who, in the discharge of his official duty, recognizes neither gain nor loss to his party or to himself. We have given such men to the service of the State over and over again. We have united with others to continue on the bench those who, during years of usefulness have demonstrated their patriotism and their worth. The Republican party has never failed the people in its selection of those who, in the last analysis, must interpret and determine the law.

A defect in a system of jurisprudence is not demonstrated by the failure of some official incumbent to perform his duty. Just what the expression "recall of judges" or "recall of judicial decisions," may mean, depends, it would seem, very largely upon the opinion of the individual whom you may happen to hear advocating the recall, and the time and the place of its advocacy, and it is hardly fair to charge any one individual with the extreme notions and doctrines advocated by the unreasoning, the overzealous and the selfseeking, for whom he may be in no way responsible, but the Republican party has set its face against any change in our system of jurisprudence, which change would restrict or would hamper the free-

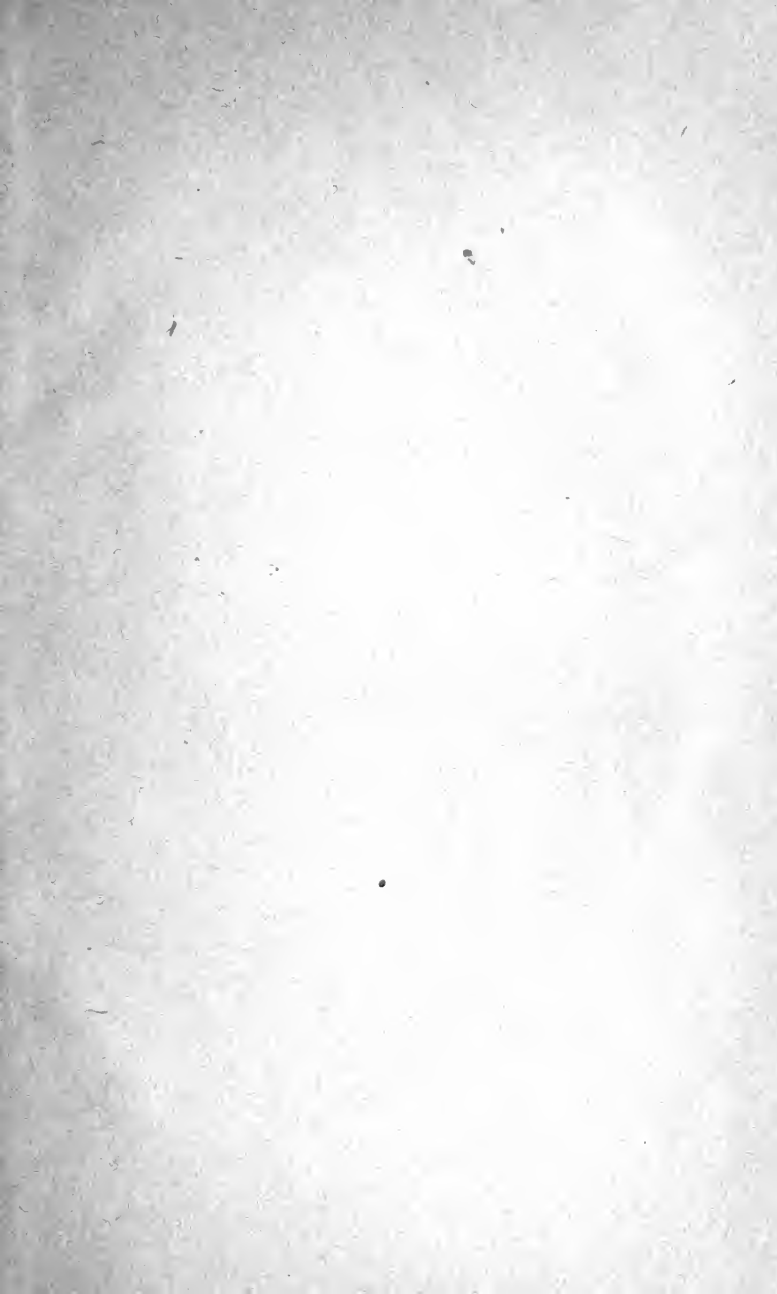
dom and independence of the bench, or which would impair the vitality of judicial decisions, or which would render other than final the determinations on constitutional questions of the nation's court of last resort.

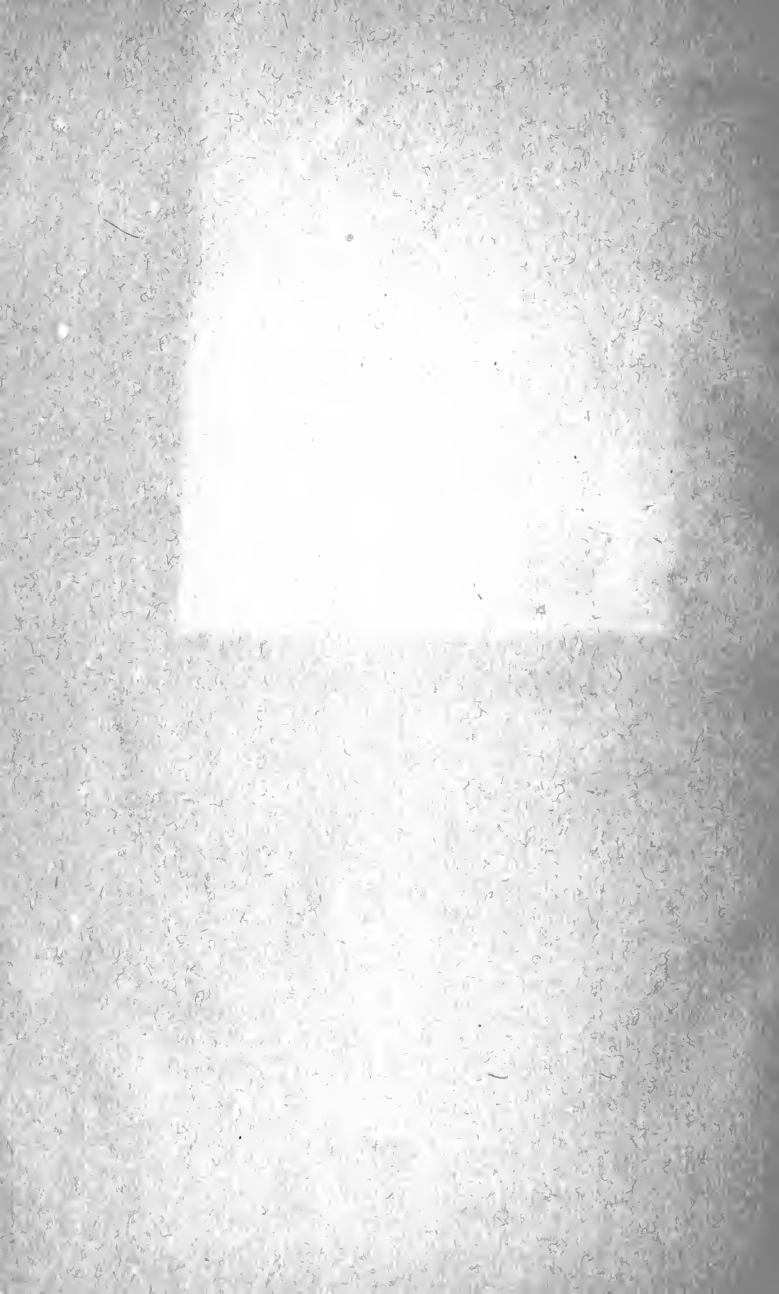
We have no fear for the future of the Republican party. It will win again because it will deserve to win. Its leadership in the future will inspire popular respect and confidence because it will deserve popular respect and confidence. Those who, by instinct and training and character are naturally allied with us, will be found again championing Republican principles and Republican candidates, because those principles and those candidates will appeal to the sense and the patriotism of the best citizenship of the land.

And this splendid gathering of our party to-night, representing as it does a vast electorate desirous of better things than we have seen during the few years past in this Empire State, is something more than a mere convention, whose duty it is to designate candidates for the Court of Appeals, serious, solemn and important as that duty is. This is the public demonstration and declaration, if you please, that whatever differences exist within our ranks, and whatever contests may come at home, which must be settled by our own members, we are undaunted and unafraid; we are ready to welcome all who will support with us the men and the measures in nation and in State, of which all good citizens can approve, and that we are determined to prove by the conduct of those whom we place in power the sincerity of our belief in the doctrine enunciated by a Republican president, years ago, "He serves his party most who serves his country best."









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