

SENATOR LEWIS' REPLY TO SENATOR ROOT ON THE INCOME TAX

The now famous reply of James Hamilton Lewis to Senator Elihu Root's speech in the United States senate is here published in its entirety:

Mr. Lewis—Mr. President, I am emboldened at this moment to make some observations concerning the views of the senator from New York (Mr. Root), just expressed by him, upon a feature of the income tax—the exemption.

I was particularly attracted, Mr. President, by the allusion of the distinguished senator to what he feared was an invasion upon the right and privilege of the states to protect themselves in the matter of their income, also as to the application of their incomes to their own needs. The senator was concerned as to maintaining their power and right to levy a tax within the states to obtain the income for their home uses. As I listened to him I was strongly impressed with the wisdom of Thomas Jefferson's observation that "an often recurrence to fundamental principles is salutary and preserving."

The distinguished senator from New York addressed his observations to that theory of government which the men of the school of politics such as I adopt, calling themselves democrats, have ever advocated as essential to the real preservation of the theory of this republic. That is the right of home rule in the states—the defeating of any attempt or power of the national government to invade the precincts of the states and by presuming upon an assumed privilege of national authority prevent the local government from exercising their privilege and rights within those constitutional guarantees which the founders of our government intended they should enjoy.

I was particularly attracted by the distinguished senator—recognizing his eminent ability and paying great tribute to his skill as a lawyer and his experience as a statesman—in warning the democracy—turning to this side of the house—of how it was on the eve of permitting a measure to pass in this body which would not only invade the privileges of the states, but destroy their local autonomy—and greatly distress the state of New York—by its audacious intrusion.

Mr. President, I join with that distinguished statesman from New York in not only expressing the fear of such a step, but I go one step further, and denounce the evil of its present existence; but I am compelled to remind the distinguished senator from New York that if any man should ask me as a fellow American to what source I would charge this new growth of centralism and centralization, this encroachment upon the states to which he alludes; I would be compelled to turn to the distinguished senator from New York and in the accusation of the humble shepherd in Israel to the kings to say, "Thou art the man."

I can not forget, nor should this country forget, that at a time when a constitutional lawyer might have been prudent to guard the relative functions between the states and the nation there arose in this country, in a national administration, which was then in power, a general tendency to override both the privileges and the rights of the states; this to accommodate itself to the mere expediency of politics on the one hand and to gratify the hue and cry of multitudes on the other. Sir, I recall that it was the distinguished senator from New York who, in a very eloquent address, characteristic

of the ability that ever attends his utterances—at a state dinner of the Pennsylvania society in the Waldorf-Astoria hotel—struck a new keynote in the pursuit of the policy of his then chief, then president of the United States, Mr. Roosevelt. It was the doctrine asserted just previously by President Roosevelt at the laying of the cornerstone of the capital at Harrisburg. In the wake of this utterance threatening the existence of the states as sovereign bodies, the distinguished senator from New York at the Waldorf gathering said, "As the states will not do their duty, and because they will not do their duty"—the senator measuring that duty by the standard of the distinguished senator and his distinguished chief—"the national government must step in and do it for them."

Thus the people of this country were educated to the theory that wherever a state had large riches, such as New York; bountiful wealth, powerful men, eminent politicians, financial jugglers and acrobats of honesty, that because of such the state is assumed to be unable to control itself. According to the idea of the multitude it was due to the fact that it would not do so. Then and there the people were educated by the senator that it was then the duty of the national government to step in, administer the punishment, and inflict the chastisement on the state and pluck the merely well to do because of the state's failure to act as certain interests demand.

Mr. Root rose. Mr. Lewis—I see the senator from New York rises. I dare say he desires me to yield for an interruption, I do so at once.

Mr. Root—I feel humiliated, Mr. President, by the revelation of the fact that the senator from Illinois never read the speech to which he refers. I said no such thing as he has put into my mouth; I thought no such thing. I never said any such thing anywhere on any occasion, and I never shall. What I said in the speech to which he refers before the Pennsylvania society was to put the question "How can the states preserve their local self-government?" and to answer the question by saying, "They can preserve their local self-government only by performing the duties that rest upon them." To that I stand, and I think I always shall stand.

Mr. Lewis—Mr. President, the distinguished senator from New York says he feels humiliated. I can readily understand how now, upon a sober sense and a calm reflection, he would feel a sense of humiliation as to many utterances of his; but as to that one in particular, and the effect it had produced upon the country, I naturally realize that he would give a good deal of thought to it. I remind him that the utterance to which I now allude was made at the Pennsylvania society dinner by him, while the latter part of his utterance which he now presents as a qualification of the evil to which I have alluded was not made by the distinguished senator at the dinner at the Pennsylvania society. I remind the senator that the latter portion quoted by him was uttered when he sought to correct the evil of his first offense and escape the penalty. This was when he assured the people of New York that his point of view was not any longer such as had been indicated in the Waldorf speech. This correction was in his able utterance when accepting the election to the senate from the legislature of New York. Upon that occasion, in accepting the nomination before the legislature of New York, was the latter part of the utterance expressed, although it might have been a duplicated one from a previous speech. I surely will admit that anything the distinguished senator from New York may say is worthy of repetition, either by himself or from any other source; but I again say that the speech to which I allude the distinguished senator is conscious of the fact that all over the country this speech was referred to; it was printed in the public papers; and I now ask the distinguished senator if in that speech he did not say that "if the states failed to do their duty, the national government would have to do it for them?"

Mr. Root—No, Mr. President, I said if the states failed to do their duty, the American democracy, which abhor-

red a vacuum in government, the national government would inevitably step in and do the duty that the states refused to do.

Mr. Lewis—Exactly, Mr. President, it was immaterial where the senator placed guilty—whether it is on the first or second count of the indictment. He admits that which I said expressed what occurred.

Mr. President, it is because I, knowing the senator to be an eminent lawyer and statesman, both in matters of constitutional law and the theory of this republican government, that I was surprised at the utterance then, and I say that he was then planting the seed of a tree which ultimately he would have to draw his own ax upon, lest it should poison the very shade in which he must survive.

Now, what finds he? That the people took his teachings in the state of New York seriously, and throughout this country are denouncing through the voice of senators in this body that they shall carry out the very creed of the distinguished senator, and inasmuch as New York has failed through her rich men to pay her proportion of taxes, and has allowed the personal property taxes on her vast and unlimited millionaires to be less than the personal taxes paid in the lesser state of Wisconsin, cheating the public before the eyes of the nation, swindling the citizenship before the honor of the country, and depriving the humble people of their right of proportion and their privilege of having the expenses of government borne by all to the extent of their possessions; there has sprung up in the land a sentiment of just such retaliation as forced itself over the senate and over the doctrine of constitutional state and federal demarcation demanding the very form of confiscatory punishment which the senator rightfully inveighs against. They, the people, now demand that New York pay the penalty, either through the hand of the federal government on the one hand or the hand of the state on the other. As it has been observed that they will not obey the state law, but evade it by either failing to make their returns of taxation or committing perjury to cheat it; there was but one refuge, and that was to follow the advice of the distinguished senator from New York; and when New York has failed to do its duty, for the national government to step in and chastise them by doing it for them by levying any sum on New York that the "mob" on the corners in the streets and alleys demand.

STATE AND NATION. The senator alluded characteristically, with his wisdom, to the theory upon which this government was established. He adverted to New Jersey and called attention to the part she played in the constitutional convention, where her statesmen demanded that the smaller states should have equal representation with the larger ones. But, sir, I take issue with much trepidation with the distinguished senator on his construction of the objects of this demand. It was not merely for the reason that the states should have equal representation, but Mr. Paterson of New Jersey, speaking on the subject, specifically urged as one of the very reasons for that claim that the local sovereignty of the distinct localities might be preserved, equally balanced one with the other in matters in which the sovereignty of the state was to exercise its functions of government, and in the senate be equal in vote to preserve its sovereign position.

Mr. President, we have seen much in these later days of this new theory advocated by the senator. Lately the one that has gradually stolen upon this nation, augmented, I regret to say, by such responsible wisdom and from such an eminent source as the distinguished senator from New York, is designated national conservatism. All around this nation goes the impression that the time has at last come when states shall have no longer a sovereign existence, when there shall no longer be home rule, when within their precincts the states shall not be any longer permitted to control their own affairs by their voice and vote. This movement has increased to the embracing every conduit of the state from the regulation of railroad freight rates in the state and the municipal control of city utilities. Now the federal court, as a disciple under the teachings of these brilliant masters—and before all others stands the distinguished senator from New York—has seized the states and cities, figuratively speaking, in the clutch of its hands, dragging them into the federal court, and, under the theory that the federal government has the right to suppress and control the state as its pleasure dictates, has through federal court injunction paralyzed the construction of needed improvements in the state and city, restrained the officials of the city, county and state governments, and denied to the local bodies the right of home rule. All this upon the theory that the federal government alone has the right to control the states as a body, and to direct the private affairs of the citizen of the state in his private concerns. So extensive has this vice of government grown that here in the nation a school of gentlemen exists advocating the seizing of every western state, and as it were, rolling it around their wrists, throwing it across their shoulders, and marching to New England and presenting the state as needing the wise men of the east as conservators. Under the theory of conservatism they have locked up the resources of the west, paralyzed her industry, diminished her opportunity, discouraged her capital, and deprived her citizens, all without any regard to that fundamental doctrine which the distinguished senator is right in now asserting, that within these localities, if there is to be preservation of the citizen in pure-

ly local affairs, let him be preserved by himself by his voice and vote; if there is to be conservation in the affairs of the state or the locality, let it be conserved by the law which is created by the ballot of the people in their home government.

The distinguished senator may well take the suggestion from one of his colleagues in this chamber, even though that be myself, that unless such as he shall raise his voice more frequently for this abandoned doctrine of democracy, unless there shall be a greater devotion to the constitution and a larger degree of obedience to its spirit, the whole theory of home rule, state sovereignty, and local home rule within local precincts will all have been crushed out of existence, and there will overcome them the centralized power dictated from a Washington authority, stimulated by the sentiment of political favor to party or administration privileges to favorites. There will arise the creed proclaiming that what the capital of Washington can not regulate shall be destroyed; what it can not punish shall be confiscated; that riches in other states than their own is a crime and possession by industry treason.

INCOME TAX IN NEW YORK.

It is the specific income tax against which the senator inveighs. He reminded the senate, if I did not misunderstand him, that his people were about to have inflicted upon them some great unparalleled blunder, some inexcusable offense. Said he, "My people are to be taxed. My people will have to pay the tax you levy." Who are the senator's people? Do I gather from the senator that only that distinguished brood of gentlemen who nestle around Wall street are his people? Those who have amassed millions, then hid them in strong boxes, while they have escaped the responsibility of the ballot box? Are they only his people? Are they whose vast fortunes, maintained through perjury or evasion of law, have always escaped the assessor and dodged the tax collector—are they only his people, those who have millions of dollars? Are there no millions of poor and miserable in New York? Are those who, in humble homes and amid suffering, have been compelled to pay the taxes out of their wages, laid heavily upon them by the masters who would not pay their taxes and whose failure had to be made up by taking from the humble the deficiency in order that the expenses of the government of New York might be maintained—are they not his people? Has he no voice for them?

Why should the distinguished senator from New York ask that his people, or, to paraphrase him, "my people," should be exempt? Sir, in this government I will not assume that any one set of people have a right to say through the voice of any man, however distinguished or elevated, that others must contribute to their burdens and bear them, but that another set, perchance, because they have managed to attract in some way a glamour about their existence and grasped power with one hand and held the privilege of wealth with the other, must be exempt from bearing their burden and discharging their responsibility. All, sir, because they are a great people in finance, a wonderful people in riches, and a shrewd and artful people in the mysterious manipulation of the thing called finance.

Why, then, sir, is this tax laid? My distinguished friend, the eminent senator who honors his seat in representing New York, fails to realize, or, if realizing, fails to note the real reason of the tax upon these incomes. Sir, speaking for democracy, the object of levying a tax upon wealth is not because it is wealth. Such would be anarchy. I spurn it as a doctrine which no constitutional scholar of democracy would accept under any conditions. No, sir, it is a tax on wealth because the men who have it are rich. That, I am told, is a species of socialism. I know such would violate the funda-

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