

Talks on Corporations

(Continued from page three.)

poration by fine, for instance, will acquit the individual members of that corporation if we proceed against them criminally because of those very things which the corporation which they direct and control has done. In a recent case against the Leatrice Trust we indicted and tried the two corporations and their respective presidents. The contracts and other transactions establishing the guilt of the corporations were made through, and so far as they were in writing were signed by, the two presidents. Yet the jury convicted the two corporations and acquitted the two men. Both verdicts could not possibly have been correct; but apparently the average jurymen wishes to see trusts broken up, and is quite ready to fine the corporation itself; but is very reluctant to find the facts 'proven beyond a reasonable doubt' when it comes to sending to jail a reputable member of the business community for doing what the business community has unhappily grown to recognize as well-nigh normal in business. Moreover, under the necessary technicalities of criminal proceedings, often the only man who can be reached criminally will be some subordinate who is not the real guilty party at all.

"Many men of large wealth have been guilty of conduct which from the moral standpoint is criminal, and their misdeeds are to a peculiar degree reprehensible, because those committing them have no excuse of want, of poverty, of weakness and ignorance to offer as partial atonement. When in addition to moral responsibility these men have a legal responsibility which can be proved so as to impress a judge and jury, then the Department will strain every nerve to reach them criminally. Where this is impossible, then it will take whatever action will be most effective under the actual conditions.

"In the last six years we have shown that there is no individual and no corporation so powerful that he or it stands above the possibility of punishment under the law. Our aim is to try to do something effective.

"Having this in view, the Department of Justice has recently taken steps to see if it is not possible, in certain contingencies and for certain purposes, to put the trusts that are guilty of wrongdoing in the hands of receivers. The purpose of the administration is to stamp out the evil; that we shall seek to find the most effective device for this purpose; and that we shall then use it, whether the device can be found in existing law or must be supplied by legislation. Moreover, when we thus take action against the wealth which works iniquity, we are acting in the interest of every man of property who acts decently and fairly by his fellows; and we are strengthening the hands of those who propose fearlessly to defend property against all unjust attacks.

"I very earnestly hope that the legislation which deals with the regulation of corporations engaged in interstate business will also deal with the rights and interests of those workers employed by those corporations. Action was taken by the Congress last year limiting the number of hours that railway employees should be employed. The law is a good one; but if in practice it proves necessary to strengthen it, it must be strengthened. We have now secured a national employers' liability law; but ultimately a more far-reaching and thorough-going law must be passed. It is monstrous that a man or woman who is crippled in an industry, even as the result of taking what are the necessary risks of the occupation, should be required to bear the whole burden of the loss. That burden should be distributed and not placed solely upon the weakest individual, the one least able to carry it. By making the employer liable the loss will ultimately be distributed among all the beneficiaries of the business.

"I also hope that there will be legislation increasing the power of the National Government to deal with certain matters concerning the health of our people everywhere; the Federal authorities, for instance, should join with all the state authorities in warring against the dreadful scourge of tuberculosis.

"Your own state government, here in Massachusetts, deserves high praise for the action it has taken in these public health matters during the last few years; and in this, as in some other matters, I hope to see the National Government stand abreast of the foremost state governments.

"I have spoken of but one or two laws which, in my judgment, it is advisable to enact as part of the general scheme for making the interference of the National Government more effective in securing justice and fair dealing as between man and man here in the United States. Let me add, however, that while it is necessary to have legislation when conditions arise where we can only cope with evils through the joint action of all of us, yet that we can never afford to forget that in the last analysis the all-important factor for each of us must be his own individual character. It is a necessary thing to have good laws, good institutions; but the most necessary of all things is to have a high quality of individual citizenship. This does not mean that we can afford to neglect legislation. It will be highly disastrous if we permit ourselves to be misled by the pleas of those who see in an unrestricted individualism the all-sufficient panacea for social evils; but it will be even more disastrous to adopt the opposite panacea of any socialistic system which would destroy all individualism, which would root out the fiber of our whole citizenship. In any great movement, such as that in which we are engaged, nothing is more necessary than sanity, than the refusal to be led into extremes by the advocates

of the ultra course on either side. Those professed friends of liberty who champion license are the worst foes of liberty and tend by the reaction their violence causes to throw the Government back into the hands of the men who champion corruption and tyranny in the name of order. So it is with this movement for securing justice toward all men, and equality of opportunity so far as it can be secured by governmental action. The rich man who with hard arrogance declines to consider the rights and the needs of those who are less well off, and the poor man who excites or indulges in envy and hatred of those who are better off, are alike alien to the spirit of our national life. Each of them should learn to appreciate the baseness and degradation of his point of view, as evil in the one case as in the other. There exists no more sordid and unlovely type of social development than a plutocracy, for there is a peculiar unwholesomeness in a social and governmental ideal where wealth by and of itself is held up as the greatest good. The materialism of such a view, whether it finds its expression in the life of a man who accumulates a vast fortune in ways that are repugnant to every instinct of generosity and of fair dealing, or whether it finds its expression in the rapidly useless and self-indulgent life of the inheritor of that fortune, is contemptible in the eyes of all men capable of a thrill of lofty feeling. Where the power of the law can be wisely used to prevent or to minimize the acquisition or business employment of such wealth and to make it pay by income or inheritance tax its proper share of the burden of

government, I would invoke that power without a moment's hesitation. "But while we can accomplish something by legislation, legislation can never be more than a part, and often no more than a small part, in the general scheme of moral progress; and crude or vindictive legislation may at any time bring such progress to a halt. Certain socialistic leaders propose to redistribute the world's goods by refusing to thrift and energy and industry their proper superiority over folly and idleness and sullen envy. Such legislation would merely, in the words of the president of Columbia University, 'wreck the world's efficiency for the purpose of redistributing the world's discontent.'

"We should all of us work heart and soul for the real and permanent betterment which will lift our democratic civilization to a higher level of safety and usefulness. Such betterment can come only by the slow, steady growth of the spirit which meets a generous, but not a sentimental, justice to each man on his merits as a man, and which recognizes the fact that the highest and deepest happiness for the individual lies not in selfishness but in service."

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