

Widening the Breach

THE Sixty-second Congress, Norris' last as a member of the House, was called into a special session on April 4, 1911, by President Taft. The new Congress would convene exactly one month after the old one had expired, giving Norris about three weeks in McCook. Instead of resting, he worked ten and twelve hours a day on a matter he planned to introduce in the coming session. McCarl thought he looked "like thunder, worse if anything than he did at the close of the [1910] campaign." Home cooking and the pleasure of his family's company brought some improvement, but Norris was not well. Friends were worried that the special session would "get him" if he did not pay more attention to his health.¹

Though he would not openly admit it, Norris too was concerned. After his return to Washington, he confided to a doctor that he had begun to realize he was on the verge of a nervous breakdown as a result of four years of overwork without an extended vacation and under intense political pressure.²

His worries about his health and his eagerness to participate in the burgeoning progressive movement created mixed feelings about spending the entire summer in Washington. He thought the Democrats, rather than accept reciprocity, would attempt a revision of the tariff to embarrass the administration still further. Moreover, he was not sure whether the Democrats expected to appoint all the House committees and proceed with general legislation or whether the work of the special session would be confined exclusively to the reciprocity measure. He planned for the former but hoped for the latter. Prior to his return to Washington he had a severe attack of lumbago which forced him to relinquish the few engagements he had made while in Nebraska.³

Fortunately Norris recovered rapidly and was able to leave McCook at the end of March in time to attend a meeting of progressive Republicans called by John M. Nelson for the afternoon of April 3. The term "insurgent" had been replaced by "progressive" in Nelson's

invitation, and soon fell into disuse as the latter term was felt to be more inclusive. The purpose of the meeting was to discuss and, if possible, agree upon some plan of action with reference to the caucus, the choice of a minority leader, committee assignments, and other matters.⁴

When the first session of the Sixty-second Congress convened on Tuesday, April 4, the small band of progressive Republican members were determined to continue the fight for improved parliamentary procedures and better legislation. During this Congress the Democrats had a majority in the House, and Champ Clark replaced Cannon as Speaker. At their initial meeting the progressive Republicans decided not to oppose the candidacy of James R. Mann for minority leader. Norris had the highest regard for Mann even though he had been a devoted Cannon supporter in the rules fight. One of the hardest workers and best parliamentarians in the House, Mann was always scrupulously fair, though he rarely displayed any inclination to be lenient during partisan controversy.⁵

The Senate, however, was still controlled by the Republicans. Though its progressive ranks were seriously depleted by the defeat of Beveridge and the death of Dolliver, a new group included Asle J. Gronna and Miles Poindexter, former insurgent members of the House, and John D. Works. William S. Kenyon of Iowa, replacing Dolliver, joined their ranks several weeks later. With each chamber of Congress controlled by a different party, the last two years of the Taft administration would be characterized more than the first two by jockeying for political effect, to create and define issues for the 1912 campaign. Throughout the turmoil, the struggle between progressive and conservative Republicanism continued. Given these conditions, it is surprising that this Congress enacted as much nonpartisan but progressive legislation as it did.⁶

Norris noted with satisfaction some marked changes in the organization of the House. For the first time the rules provided that the Committee on Ways and Means be elected and endowed with the power to appoint other committees. Representatives were assigned to only one important committee, thereby obviating the fear that members of the Ways and Means Committee would appoint themselves chairmen of powerful committees. As in the past the minority leader was to assign places to minority members. The committees, when finally determined, were "elected" by receiving the formal approval of a caucus and then of the House. These new rules, though they still left something to be desired, represented a long step toward the greater freedom the former insurgents desired.⁷

One morning shortly after Congress convened, Norris was invited to the minority leader's office, where Mann frankly asked him what committee assignments he wanted. The question and the change in procedure greatly surprised Norris and, before he could answer, he was offered a place on the Judiciary Committee. Norris readily assented. From his recent oblivion as far as committee assignments were concerned, Norris now found himself on a prominent committee at the suggestion of a Cannon lieutenant.⁸

At the start of the session, during consideration of the rules, Norris suggested several further changes. He stated that the members should be free to offer amendments and vote on them rather than being subject to caucus control and the need to vote accordingly. While he still favored a fifteen-member Committee on Rules, he realized that caucus control was a more limiting evil and had to be eliminated before any further significant rules changes could be made. Control by caucus, though better than control by the Speaker, still prevented the free selection of all committee members by the Ways and Means Committee as the rules now provided. Norris felt that the time was not far distant "when the progressive, patriotic sentiment of the American people will drive the caucus and the political boss and the political machine out of business."⁹

Norris also favored an amendment making committee business and records public. Such publication would prevent suspicion and rumor from being reported as fact. When secrecy was necessary, he believed committee members should say their work was of such a nature as ought to remain private.¹⁰

Norris read with considerable interest the reports of Governor Woodrow Wilson's speech before the National League of Democratic Clubs at Indianapolis criticizing the secrecy that surrounded the work of the standing committees. Committee secrecy, Norris wrote Wilson, was one of the best ways for the machine politician to kill legislation demanded by the people. The blame, he suggested, was formerly with his party, but now that the Democrats controlled the House, it was equally divided between both parties.¹¹

The purpose of the changes that Norris suggested was to increase the power and freedom of individual members at the expense of both the Speaker and the party organization. Curbing caucus control and committee secrecy, limiting the Speaker's power, and abolishing gag rules prohibiting members from offering amendments would help to achieve this purpose without destroying the ability of the House to function. Norris was aware, however, that partisanship would prevent these changes from being realized. Though the Democrats had

criticized the previous rules, they now accepted and imposed most of them, seemingly forgetting their earlier statements about arbitrary rules and procedures. As long as men blindly followed leadership they did not believe to be honest or pursued purposes they did not think would accomplish good, individual freedom would be unobtainable in the House. Norris hoped that political parties, an integral part of American political life, would improve in caliber by attracting progressive and honest men who could unite in favor of good legislation.¹²

Another suggestion Norris put forth in his attempt to encourage greater individual responsibility, was a limit or decrease in House membership. Certainly an increase in membership would necessitate the surrender of rights and prerogatives to some smaller governing body. Indeed, it was the present size of the body which enabled the caucus, secret committee hearings, and arbitrary rulings by the Speaker to flourish without serious opposition. Reducing the size of the House, Norris argued, would not affect the basis of representation because the influence of each state would remain proportionally the same; but the gain in improved procedures would be immeasurable.¹³

Early in the session Norris turned his attention to the proposed amendment to the Constitution calling for direct election of United States senators. He favored it. While further rules changes would grant individual representatives greater freedom and responsibility, direct election of senators would insure broader democracy by placing greater control of government in the hands of the people. It would allow state legislatures to devote more time to lawmaking and would enable the voter to cast his ballot for candidates who represented his ideas on state-wide issues without considering the candidates' choice for senator. Furthermore, direct election would make it more difficult for organized wealth or political bosses to dictate the selection of particular candidates. The fact that the Senate had recently considered the fraudulent election of William Lorimer of Illinois and had welcomed him nonetheless, gave added weight to arguments for the amendment.¹⁴

In the hope of bringing about the rejection of the amendment, opponents combined it with one that took from Congress the right to control congressional elections. Norris favored separating the proposition, but so effective were the dilatory tactics that it took another year and the approaching presidential campaign before Congress in May, 1912, approved the Seventeenth Amendment.¹⁵

A further procedural matter that Congress considered during this special session was the admission to the union of the last contiguous

territories of the United States, Arizona, and New Mexico. This issue was fraught with political significance, reflecting the breach between progressives and conservatives in both parties. Norris favored the admission of both territories, though he had some qualms because the Arizona constitution included the provision that recall apply to the judiciary. He believed this to be dangerous, but since the proposed constitution had been made by representatives of the people in accordance with their wishes, he considered it his duty to approve it.

In defending the initiative and referendum clauses in these constitutions, he used arguments similar to those he had presented in supporting the direct election of senators. These provisions, while not insuring good government, would promote political understanding and responsibility. If properly used, he predicted, initiative, referendum, and recall would be tools to promote better legislation, help restore government to the people, and insure its resting upon the consent of the governed.¹⁶

Once procedural matters were disposed of, the House turned its attention to a reconsideration of the major piece of business before it, the Canadian Reciprocity Agreement. Norris' position, clearly defined in the previous Congress, remained unchanged. On April 21, 1911, before the House adopted the measure by a vote of 268-89, he tried to send the bill back to committee with instructions to amend it.¹⁷ Reciprocity was debated for seven weeks on the floor of the Senate beginning in mid-June until its final passage on July 22.

Meanwhile the Democrats in the House, anxious to appeal to midwestern farmers in the 1912 election, had Oscar Underwood, chairman of the Ways and Means Committee, introduce the farmer's free list bill which passed the chamber a month later. Norris supported the bill because it offered some relief to the farmer, providing for free lumber, free boots and shoes, and many other items which the farmer bought. He hoped it would rectify some of the inequities of the reciprocity agreement.¹⁸

Norris also tried to get Underwood to consider revising the sugar schedule. Failing in this, he called for an inquiry into the operations of the sugar trust. When these efforts came to nought, he supported another measure proposing a drastic downward revision of the tariff on wool. World production of wool had not been equal to the demand for several years, and Norris felt that there was no good reason for a high wool tariff. However, as was the case with the farmer's free list bill, these Underwood tariff measures were promptly vetoed by Taft.¹⁹

In the last days of the special session, Norris regaled his colleagues with a pointed but humorous narrative of the recently approved reciprocity measure:

In my judgment, when true history is written and this much-abused and much beloved child called "Reciprocity" is properly labeled, it will be found that she is a sort of a cross, having both Republican and Democratic blood circulating in her veins. It will be found that she had a Republican father and a Democratic mother, and this brings us at once to the consideration of the question of her legitimacy. I have heard of no marriage ceremony concerning her parents, and if this unfortunate child is able to establish the legitimacy of her birth it will be necessary for her to prove a common-law marriage.

At the ceremony of her birth, the doctor having charge of affairs was furnished by the interested railroads, the nurse was provided by the Beef Trust, and her swaddling clothes were purchased by the brewers. To compensate the infant for the uncertainty of her parentage, and also to deceive farmers of the country, who were robbed of the honest and just protection which is rightfully theirs, the high-sounding and beautiful name of "Reciprocity" was given to the child. A name usually indicates the nature of the thing named, but in this instance the beauty of the name was intended to conceal the real nature of the child and to cover up the sin of its parents.²⁰

In this vein he criticized everyone who supported the agreement. In Washington, both parties vied for the credit, but in Nebraska and throughout the Mississippi Valley the measure was truly an orphan child, disowned and ignored. In the 1911 conventions in Nebraska, reciprocity was not mentioned by the Republicans or endorsed by the Democrats.²¹ But Norris had no intention of ignoring the issue when he returned to Nebraska and considered his political future.

Shortly after the House passed the measure, Norris delivered the most ambitious speech he had ever made. It concerned an issue which affected not only his constituents but citizens throughout the country, and represented a congressman's venture in muckraking at a time when journalists were tiring of such probes. Norris' sources, though not all verifiable, were extensive, and included information from the Library of Congress and the Bureau of Statistics. He attacked a greedy and unscrupulous trust, a monopoly on an international scale that included a foreign government among its directors and extorted its

levies from victims throughout the world. In a carefully prepared speech on April 26, Norris attacked the coffee trust.²²

The immediate purpose of his speech was to expose this powerful trust with the ultimate hope of securing remedial legislation to curb its activities in the United States. He introduced his subject by commenting on the worldwide tendency toward combination. Competition when throttled inevitably led to monopoly which "if unrestrained and uncontrolled" always resulted in "an unfair and an unequal distribution of the products of labor and of wealth." Whereas most combinations that attracted public attention affected comparatively few people, this particular combination levied its tribute in pennies but counted its contributions by the millions and was a "daily uninvited guest" in homes, whether mansions or hovels, throughout the world.²³

The coffee trust began with the 1906 attempt by São Paulo, one of the states of the Brazilian government, to assume control of the world's supply of coffee. The state bought all the coffee produced within its border and held it from sale until the price rose. After two years, however, it became evident that the undertaking was too great for the state, and a new and more gigantic plan was undertaken. São Paulo issued bonds amounting to \$75,000,000, guaranteed by the government of Brazil. With the proceeds the state purchased Brazilian coffee and held it off the market. The bonds were handled by English, French, German, Dutch, and American bankers; J. P. Morgan and Company, the National City Bank, and the First National Bank together took \$10,000,000 worth.²⁴

A committee of seven men, one chosen by the Brazilian government and six by the bankers, supervised and controlled the disposal of the coffee purchased. The coffee was shipped to representatives of these financial concerns and stored to be sold in such quantities and at such prices as agreed upon by the supervising group. As a guarantee for the payment of the bonds and interest, the Brazilian government agreed to levy an export tax on coffee and to remit the proceeds weekly to the financial backers. The government also agreed to enact a law prohibiting the planting of additional coffee trees and to prevent as far as possible an increase in the supply. Thus ample provision was made for the control of the coffee market until 1919, the year the bonds were to mature. Since it takes six or seven years for a coffee tree to reach its full bearing capacity, no great increase in the coffee supply from other countries was expected to threaten the arrangement.²⁵

Norris next noted that coffee had already more than doubled in

price. World consumption had averaged for the previous four years about 17,900,000 bags, while world production for the same period had averaged over 18,600,000 bags. Thus in the face of continual overproduction, prices had steadily and regularly advanced. During this same period Brazil annually produced more than 14,000,000 bags of coffee. It exported to the United States about 23,000,000 bags during the period from 1907 to 1911, while American coffee imports from all other countries during these years were a little over 5,000,000 bags.²⁶

The basic question Norris raised with his description of the coffee trust was what could be done about this international plan for the valorization of coffee. American law was not applicable to Brazil, nor could European bankers be brought into American courts. The American participants could be punished only if they violated American laws. However, Norris was convinced that by a change in tariff laws, indirect action at least could be taken against the government of Brazil and its states.

Norris' remedy was twofold. He suggested first that American corporations involved in the agreement be prosecuted for violations of the Sherman Act. He suggested, second, that Section 2 of the Payne-Aldrich Tariff Act, providing for raising rates against nations which discriminated against the United States, be amended to include instances where a government became a party to an arrangement designed to increase prices to American consumers. However, if this suggested amendment did not bring relief, Norris then was willing to consider another scheme whereby all coffee entered free of duty until the amount slightly exceeded our domestic consumption. If at that point a high duty were imposed only on Brazilian coffee, Norris was certain that Brazil would be compelled to come to terms. Thus the amount of coffee consumed by the American people and not the manipulation of a special committee would more nearly determine the domestic price.²⁷

Unless some such action were taken Norris thought similar steps to control the supply and price of rubber soon would be undertaken. He concluded with a brief statement of the role of the United States, as he envisioned it, in its dealing with other nations:

As a Nation and as a people we are in possession and control of the natural resources and are occupying a situation that, by demanding and asserting only what is right and fair, we will be able to secure justice to our people without doing any injury to the people of any other nation. To this we are entitled, and we should be content with nothing less. With a spirit of entire friendliness

toward the balance of the world we should demand and exact common justice to our own people. We should apply the doctrine of the Golden Rule to all the people of the earth and at the same time should insist that the rule work both ways. We should give justice to all others and should demand that the recipients of our favor repay us in kind.²⁸

Unfortunately this speech, the most ambitious thus far in his congressional career, attracted relatively little attention. There was no congressional investigation and the Department of Justice took no steps to invoke the Sherman Act against the American banking firms. The department assigned a special attorney to investigate the matter, but nothing came of it. No sensational exposure appeared in the public press, and only the coffee merchants commended the speech and gave it some publicity. The results were unimpressive and the speech did not appear to be worth the effort.²⁹

The study and the speech, however, were important in increasing Norris' knowledge and in helping him formulate his views. He was more than ever convinced that competition was the best way of conducting business and that government action would be necessary to preserve competition and obtain fair play for American consumers. He envisioned the international scene as an extension of the domestic. The problems and their remedies, he believed, were basically similar; only the scale was larger. In either case—that of domestic corporation or international monopoly—the American government had the responsibility of protecting its citizens.

By the end of the first session of the Sixty-second Congress Norris was regarded as the progressive leader in the House. While concerned with the interests of his constituents and battling for more democratic procedure in the House, he devoted his attention to issues of broader interest as well. His remarks in Congress now commanded the attention of most of his colleagues. But politics, with the Democrats controlling the House and seeking to define issues for the 1912 campaign, prevented his suggestions from receiving serious consideration during this special session. While the Democrats were attempting to consolidate 1910 election gains in preparation for the coming presidential campaign, progressive Republicans were also weighing chances of capturing the Republican party and nominating one of their leaders for the presidency. Norris was an active participant in these deliberations, but his most important concern was his own political future and the senatorial election of 1912.