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Author(s): James C. Hemphill

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FRANKLIN KNIGHT LANE

BY JAMES C. HEMPHILL

FRANKLIN KNIGHT LANE is Secretary of the Interior in Woodrow Wilson's Cabinet. He had no personal acquaintance with the President before he was invited to act as one of the President's advisers, and was chosen for the place he holds solely on the ground of approved executive efficiency. He had no reputation as a national figure and had been noted only for the faithfulness with which he had performed his duties as a member of the Interstate Commerce Commission and for the radical spirit in which he dealt with the questions submitted to that tribunal; but radical only in the sense that upon all the grave issues presented for settlement he invariably sought to get at the root of the matter in order that the principles affecting the transportation affairs of the country might be established in the interest of honest litigation. So thoroughly was the work done in the disposition of many of the cases involving seriously disputed issues and so transparently unselfish and judicially wise were the conclusions at which he arrived that what men then called radicalism has since proved to have been the conservatism of justice.

Mr. Lane was practicing law in San Francisco twenty years ago when he was called upon to draft a charter for that city, and the success of that work, for the charter was adopted, led to his election as Corporation Counsel and to this office he was re-elected twice. His unusual merits made him an "available candidate" for Governor of his State on the Democratic ticket, and since the days of the Vigilantes there was never such a campaign as he made, a losing campaign it is true, as the counting machinery was against him, but his friends and supporters will never believe that he was not counted out. The following year he received the Democratic vote of the State Legislature for United States

Senator; but as the Legislature had been stolen doubtless along with the Governorship his nomination was not confirmed. So strongly, however, had he impressed the country with the soundness of his democracy and his fighting quality that he was named for membership on the Interstate Commerce Commission by President Roosevelt, where he remained for seven years and until he was called into the Cabinet of the second Democratic President the United States have had in fifty years.

On his appointment to the office of Commissioner he was regarded as an extreme radical; but the decisions of the Interstate Commerce Commission written by Mr. Lane that went to the United States Supreme Court were among the most important, and probably the most important, that determined the constitutional powers of the Government in the regulation of common carriers. Among these decisions were what is known as "the Shreveport Case," "the Switching Case," the Pipe Line decision, and the Southern Pacific merger case, all of which were sustained by the Supreme Court, although there were very close questions of constitutional law involved.

In the Shreveport case it was held by Mr. Lane that if a State, by the exercise of its lawful power, establish rates which the interstate carrier makes effective upon State traffic, that carrier does so with full knowledge that the Federal Government requires it to apply such rates under like conditions upon interstate traffic; and that "to say that an interstate carrier may discriminate against interstate commerce because of the order of a State commission would be to admit that a State may limit and prescribe the flow of commerce between the States." The paramount duty of the interstate carrier, irrespective of its obligations to the State, is to so adjust its rates as to interstate traffic that justice will be done between communities without regard to State lines. The Interstate Commerce Commission was equally divided on the issues involved in the case but the Supreme Court sustained the opinion of Lane, and thus established the supremacy of Federal regulation.

In the Pipe Line decision Mr. Lane held that the Act to regulate commerce impresses the obligations of a common carrier upon a pipe line engaged in the transportation of oil in interstate commerce, even though such pipe line was built over its privately acquired right of way, and trans-

ports only its own oil, and that the character of the traffic is not changed by placing the ownership of the pipe line doing the business in a different corporation in each State through which the transportation passes and by transferring the title to the oil to each of such corporations contemporaneously with the entrance of the oil into the pipes of that corporation at the State line. The decision of Lane in this case was confirmed by the Supreme Court as in all the other cases noted.

While Mr. Lane was a member of the Commission several large pieces of constructive work were undertaken by him, and among them the installation of a uniform system of demurrage laws. The matter of demurrage that a shipper paid on a car held overtime was one which practically every road in the country determined for itself, with the result that there were some forty-seven different demurrage codes. After hearings and inquiry extending over a year, and by bringing together the shippers and the railroads, a uniform demurrage code was adopted which has been in effect, with slight variation, for the last ten or twelve years throughout the United States, and with distinct advantage to both shippers and carriers.

Then there was a great body of complaint against the Pullman rates, and Mr. Lane undertook to make a uniform standard Pullman rate that would obtain throughout the country, and since his decision nine years ago there has been practically no complaint against the rates now in force, which are based upon the standard at that time adopted.

One of the largest pieces of work undertaken by the Commission, when Mr. Lane was one of its members and with which he had a great deal to do, was the regulation of the express rates in the United States. This work grew out of three or four formal complaints made to the Commission affecting rates from New York to San Francisco and from St. Paul to New Orleans, and resulted eventually in entire revolution in the manner of classifying freight for express carriage, in the adoption of the present zone system and in a uniform scale of rates in the five large zones into which the country was divided. At the time of this inquiry there was no system of express rates. The States had rates which varied from those that obtained as to interstate carriers and each express company had separate rates and different classifications. The manner of stating the rates was so

difficult that it was found that in one day's carriage by one express company there were three thousand violations of the tariff. As a result of this inquiry a uniform method of stating a rate, a uniform method of classification, a uniform system of bookkeeping, receipts, stamping and rates was adopted throughout the United States. At the time this was supposed to be ruinous to the companies; but it has led in fact to an increase of their business upon small parcels that has given them unusual prosperity.

It was because of Mr. Lane's work on the Interstate Commerce Commission—his mastery of details, his breadth of vision, his sense of justice, his contempt of all precedent except that founded upon law, his courage to do the thing he believed to be right in scorn of consequence—that he was asked by President Wilson to take the Interior portfolio. This office has always been one of particular difficulty because of the wide range of the activities for which the Secretary must be responsible—the Land Office, the Reclamation Service, the Indian Office, the Bureau of Mines, the Geological Survey, the Patent Office, the Bureau of Pensions, the National Parks, and the development of Alaska being among the matters of importance to which he must give his attention. Working under the Secretary there is an army of thirty thousand men and women, every one of whom was selected for some special fitness for the service required, and so thoroughly has the business of the Department been systematized and so effective the co-ordination of the many different bureaus and so potential the inspiration of the Secretary that the great machine moves on and on without lost motion anywhere. There has been no scandal in the Department under Lane, no favorites to reward, no approach except by the ways that are open to all, no purpose to serve but the common good. Mr. Lane and the men and women working with him are all "good fellows" together. They have organized what they call the "Home Club," where they meet and plan and talk together in the freedom and intimacy of a common cause, and so it has come to pass that for the effectiveness of its service the Department of the Interior has made a new mark that entitles it to the highest rank among the agencies of the Government at Washington. Among the employees of the Department is a force of nine hundred lawyers, who are kept constantly at the business of construing statutes,

protecting patents, guarding concessions, untying hard knots, opening new fields for public exploitation and making the establishment which must administer the law itself obedient to the law.

There is quite enough variety in Mr. Lane's employment to keep him constantly interested. Should he grow tired of work in the technological laboratories of the Bureau of Mines developing processes for the extraction of gasoline from crude oil or the reduction of radium, he can find relief in the playgrounds of the National Parks which are being beautified and improved for the service of the millions. One of the interesting occupations of the Secretary is the building of dams for the conservation of the water supply in arid regions so that desert lands may become fruitful fields. Within the last year one of these dams has been finished near Boise, Idaho, and on the Rio Grande, near the Texas border, by means of still another dam the largest artificial lake in the world has been created. Weary of semi-tropical sun and heat, the Secretary can find refuge under the Northern Lights in Alaska, where for two years he has been building a railroad from Seward to Fairbanks, a distance of five hundred miles, for the purpose of opening the two great coal fields of the Matanuska and the Nenana. To add to the interest of his work in Alaska the Secretary is raising reindeer as a food supply for the Pacific Coast and has made such progress with this experiment that he now has a herd of eighty thousand of these valuable animals feeding upon the moss of the country and self-supporting. It is also the duty of the Secretary to keep a sharp eye on the sugar plantations and fruit farms of distant Hawaii.

One of the most interesting and perplexing problems with which Mr. Lane has to deal is the just and proper handling of the Indian. A large part of his first annual report was devoted to the consideration of this subject. Three years ago the Cherokee Nation ceased to exist, in accordance with a treaty promise made over eighty years ago—the Cherokee Nation, with its Senate and House, governor and officers, laws, property and authority, was “lifted as American citizens into full fellowship with their civilized conquerors.” The white man had kept faith for once in fulfilling his treaty pledge, in part at least, though the United States still kept its hand on the property and the private concerns of approximately one-fifth of these “free people,”

a position so anomalous that Mr. Lane was forced to inquire: "Has this Government a policy with relation to these people and the others of their race?" and to insist that if the Government has a policy it should be stated so that it can be developed and enforced with clear and unwavering purpose. "For a hundred years," said Mr. Lane, "he (the Indian) has been spun round like a blindfolded child in a game of blind man's buff. Treated as an enemy at first, overcome, driven from his lands, negotiated with most formally as an independent nation, given by treaty a distinct boundary line, negotiated with again, and then set down upon a reservation, half captive, half protégé, what could an Indian, simple thinking and direct of mind, make of all this? To us it might give rise to a deprecatory smile. To him it must have seemed the systematized malevolence of a cynical civilization." The contention of Mr. Lane was that "a positive and systematic effort to cast the full burden of independence and responsibility upon an increasing number of the Indians of all tribes" must be made; that "our goal is the free Indian"; free as the white man whose treaties with the Indians have been so many scraps of paper, and to this end he has been working with encouraging results. The new policy adopted by Mr. Lane is that the Indian should be released from the guardianship of the Government as soon as he gives evidence that he is able to take care of his own affairs, and this policy has been followed with such result that thousands of Indians each year are now being given their property and full rights of citizenship. That some of their number at least appreciate the dignity and obligations of American citizenship was proved by the subscription to the Liberty Loan by one of them who has come into possession of his property of something like \$300,000, and by others who have offered their services to fight for their country and Government in the war for civilization.

One of the principles Mr. Lane has consistently advocated since holding his present office is that the resources of the West should be made to develop the West; that all our great resources of oil, potash, phosphates and water powers should be opened for the development of the country in which they are found, that the water power sites should be leased for long terms on favorable conditions, and that the proceeds of these resources should be used

for the irrigation of the desert lands and for the enrichment of the people of that region.

Mr. Lane believes that "the spirit of our people is against a paternal government"; that "a people who make their own way are in the end riper and of stronger fibre than those who accept what is not the result of common determination"; but that while the Government may not command it may "show how," and that "this is democracy's substitute for absolutism in the effort to secure efficiency." This is the policy which has established experimental farms throughout the country to demonstrate farm values and has taught the farmer of today "a world of things which his father or grandfather would have laughed at as the frills of a doctrinaire education, notwithstanding the early example of the wise and many-sided farmer who was the third President of this country." The test of a democracy is to be found in its ability to grow, in the way it thinks and works, in its "hard, close, insistent, constructive thought, illuminated by knowledge and made practical by imagination," in the adoption of methods which will bring the energies of many individuals to work together for a common end, in this case for the intense nationalization which is the marking note of present-day Americanism.

The Secretary of the Interior might very well be called the "handy man" of the Cabinet; one of his friends and admirers has accurately described him as "the one cosmopolitan in the lot"; for, as Socrates said, he is neither an Athenian nor a Greek, but a citizen of the world. Speaking at Syracuse in the recent national campaign, he paid tribute to the President as "that plain, unassuming gentleman who four years ago was in derision called a schoolmaster, but who has now risen to be recognized as one of the master minds of the world," and there is a perfect understanding between the President and his loyal adviser. Whenever there is a kindly service to be rendered the President cannot himself perform, he sends Lane. Whenever there is a delicate mission to be met requiring good manners and exquisite tact, he sends Lane. Whenever there is a situation calling for great firmness with discretion, he sends Lane. When the President could not open the Expositions at San Francisco and San Diego, Lane took his place and talked to thousands as they had never been talked to before about the spirit of

Democracy and the marvelous achievements that had been wrought under its compelling influence.

It was Lane who was deputized by the President to settle the railroad strike by free and open communication with the labor forces of the country, and because of his patience under sore stress in handling a situation which threatened disaster to every industry in the land and the starvation of thousands of people in congested districts and his wisdom the impending catastrophe was averted.

Mr. Lane is a man of fine imagination, as well as a man of courage and poetic soul. He has spoken of the problem of government as "after all the problem of human growth, a problem of soils and sunshine, mind and weather, struggle and rejoicing, tools and vision, machinery and vitality, imagination and hope." He respects all the hallowed traditions of history, but he deplors the spirit of any man so given to a sentiment, however holy, that would hold him back from leading a full, rich life; and so he made bold to protest to the Historical Association of North Carolina against "idolizing what has been, blind to the great vision of the future, fettered by the chains of the past, gripped and held fast in the hand of the dead." On the other hand, he exalted as the supreme tradition of America "the right of man to govern himself, the right of property and personal liberty, the right of freedom of speech, the right to make of himself all that nature will permit." Addressing the same audience, Mr. Lane laid down this broad principle as the only basis upon which effective government can be founded: "If a nation is to have a full life it must devise methods by which its citizens shall be insured against monopoly of opportunity. We must look for men to meet the false cry of both sides—'gentlemen unafraid,' who will neither be the money-hired butlers of the rich nor power-loving panderers to the poor."

No better explanation of the reasons why the United States has gone to war with Germany has been made than by Mr. Lane in these eloquent words:

We fight with the world for an honest world, in which nations keep their word; for a world in which nations do not live by swagger or by threat; for a world in which men think of the ways in which they can conquer the common cruelties of nature instead of inventing more horrible cruelties to inflict upon the spirit and body of man; for a world in which the ambition or the philosophy of

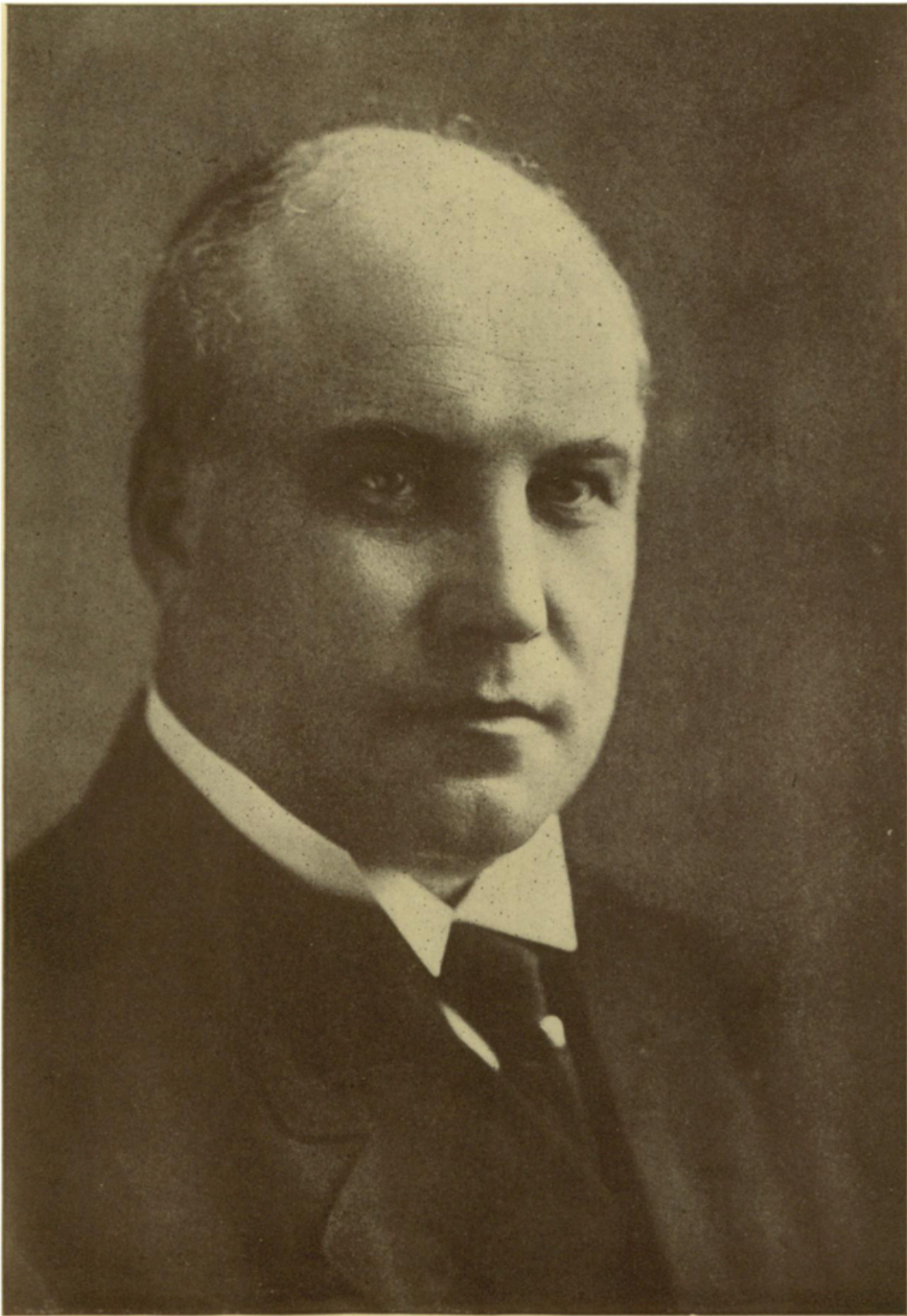
a few shall not make miserable all mankind; for a world in which the man is held more precious than the machine, the system or the State.

Mr. Lane is a "forward-looking" man. He does not believe that the world will ever be the same again after this war is over, that there must be readjustments in all industrial, financial and political fields. Democracy as a political force will control the world. Men will go about their affairs, sowing seed, harvesting crops, making merchandise, building railroads, sailing the seas in ships, inventing new instruments to lighten the toil of human hands, doing great sums in finance; but the tendency of the times is toward a socialism which would rob genius of incentive, law of authority and property of security. Under the new conditions, while the opportunities of the poor must be increased the security of the rich must not be imperiled. The time will have passed for the accretion of immense wealth in the hands of the few, but the utmost care must be taken not to impose such restraints upon wealth that it will be deprived of the disposition and power to work for the public good. It will require the highest statesmanship to so adjust the scales that there will be freedom of opportunity and incentive to all without prejudice or punishment. There will be readjustment, the tendency is clear, the temptation to extra radical treatment of the question will be great, the thing that must be done in the interest of well ordered society is to stop the work of reconstruction at the right point so that no injustice will be done and no obstacle be placed in the building up of a new world out of the wreck of war. The question will be how far to go and where to stop and this is the question that the statesmanship of the near future will have to settle.

The Secretary has a very clear idea about the importance of the President's Cabinet. At one time, it will be recollected, when the President, writing as a theorist and not as "one having authority," did not seem to have any right conception of the uses that could be made of Cabinet officers, and there has been a popular misconception that a Cabinet officer was in fact of the order of higher and confidential clerks, but this misconception has been removed since the beginning of the present era in national politics. Mr. Lane thinks it practicable to have in the Cabinet an officer of great administrative gifts who would not be of any considerable value as an adviser on questions of national and

international importance, and that an officer who might advise wisely would not necessarily be gifted with executive qualities of the first order. He thinks that besides being the executive head of the Department assigned to him, the Cabinet officer should be in the large sense the President's adviser in all matters of policy upon which he might seek counsel, it being utterly impossible for the President with all the fearful weight of the administrative load resting upon him to have time or opportunity for the details required in the best solution of many vital issues. The President, however, despite much public misapprehension on the subject, has relied upon the members of his council in the disposition of many of the issues with which he has dealt. Generally, he has given them a free hand in the administration of their several departments, but the thing has grown so big that Mr. Lane would make the Cabinet officers more and more efficient as counsellors to the President.

JAMES C. HEMPHILL.



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