

VALLEY VOICES SEPTEMBER 18, 2016 5:14 PM

Pitchforks, clubs and the Constitution



BY DANIEL O. JAMISON

During this Constitution Week, we celebrate the nation's Constitution and the great past American leaders who created and have maintained it.

Lack of schooling in the work and lives of these leaders contributes to today's uncompromising camps of ideology, ethnicity, race, and personal animosity. Some today even dismiss the Founders as "so-called;" decry "all men are created equal" as a lie; and contend that teaching that the nation's past leaders were statesmen and heroes is wrong because they owned slaves, tolerated slavery or tolerated Jim Crow laws.

But it is folly not to thoroughly educate Americans about the achievements of these leaders, with all their faults, and how they fought for, created and have worked under and maintained the nation's Constitution. Such education helps to stem the nation's balkanization, helps unite the nation around their great ideals, and offers practical solutions for today. Here is one historical example of practical leadership within the Founders' system of government.

In 1906, the longstanding practice of the nation's railroads to offer favored large shippers lower rates faced great public outcry. Rate discrimination against small farmers and shippers had left them at a distinct competitive advantage and had contributed to the ever increasing concentration of wealth in large monopolistic trusts like Standard Oil. The Interstate Commerce Commission was created in 1887 purportedly to ensure that railroad rates were just and reasonable, but it was toothless.

President Theodore Roosevelt, noted for saying "speak softly and carry a big stick," proposed to Congress that the ICC be given the power to establish a maximum rate, including the power to establish a rate given to a favored shipper as the maximum rate. After TR's bill passed the House, conservative Republican Senators sought by amendment in the Senate to extract the bill's teeth. TR's Republican allies prevented amendment in committee, but a question arose whether the bill would be reported out of committee to the Senate floor in a manner that would allow for amendments. The powerful conservative Republicans contrived a deal with the Democrats whereby Benjamin "Pitchfork" Tillman, a South Carolina Democrat, would lead the floor fight in return for the Democrats' agreement to allow amendments from the floor.

"Pitchfork Ben" was irascible, hot tempered, slovenly and foul-mouthed. After he had fistfight with a Senate colleague on the Senate floor, TR publicly withdrew Pitchfork's invitation to a state dinner at the White House. This enraged Pitchfork and the two had not spoken since. The conservatives gloated that the well-known pride of the two men would undermine TR's influence. A range of amendments from the floor aimed to gut the bill followed. Railroads distributed free passes to newspaper editors favorable to them and attacked editors who were not. Railroads bought some newspapers outright. They subsidized pamphlets that warned that an end to discrimination in rates would lead to an end to Jim Crow segregated cars for blacks.

Despite his loathing of Pitchfork, TR announced he would meet with Pitchfork or anyone empowered to act on Tillman's behalf. TR stated he would travel with anyone as long they were traveling his way. Tillman still refused to meet with TR, but asked a former Senator to serve as an intermediary. TR met several times with the intermediary and agreed to support a Tillman-endorsed amendment that would be attractive to some conservatives but still preserve the ICC's teeth. Pitchfork resolved to put aside his anger to help the president. Pitchfork demanded that all other Senate business stop and kept the senators overtime.

In the end, despite his efforts, Pitchfork was not able to deliver enough Democratic votes for the bill, but with public outcry increasing in the states of two of the conservative senators, they softened. Only a slightly more watered down bill then passed and became law.

With the Civil War long over, we are hopefully past a domestic problem that is so difficult that, as Jefferson said about slavery, it is like holding a wolf by the ear. The history of the nation's Founders who created the Constitution and of the great leaders who followed can show how to get things done for the public good without pitchforks and clubs.

Daniel O. Jamison is an attorney with the law firm Dowling Aaron Inc. He can be reached at djamison@dowlingaaronl.com