CHAPTER XV

SOME SIGNIFICANT LEGISLATION OF THE LAST THIRTY YEARS

The passage of the anti-pass law of 1899 freed the legislature to a considerable extent from the direct influence of railroads. In 1903 the character of the legislature was changed fundamentally by the passage of the Primary Election Law.

For many years there had been growing up all over the United States an outcry against the convention system of selecting party candidates. Under this system, the Republicans of a city, ward or township meet in convention in a hall or auditorium and choose the Republican candidates for local office and for delegates to a County Republican Convention. The delegates meeting in County Convention choose the candidates for county offices and the delegates to a State Convention. The delegates at the State Convention choose the candidates for the State office and the delegates to the Republican National Convention. The members of other parties have similar conventions.

This system, its opponents declared, led to the creation of political rings, with bosses who controlled the conventions. In the presence of the boss it was hard for the individual delegate to defy his will. It was easy for private interests to control the boss.

One of the leaders of the movement in the United States was Professor Charles Edward Merriam, who was defeated several times as a candidate for mayor of Chicago. The recognized leader in Wisconsin was Robert Marion La Follette, who after having served as a state legislator and a member of Congress became governor of Wisconsin. Following the recommendation of his message, in 1903 the legislature put through a Primary Election Law. They did not relish taking the responsibility alone for such a momentous change, however, so they referred the measure to a vote of the people. It was accepted by a majority of those voting and became a law.

Under the new Primary Election System voters no longer met in party convention, local, state and national, to nominate their candidates. Instead of going to party conventions, they simply went to the polls and voted by secret ballot for the nomination of the candidate they approved—either for candidates who had announced themselves as desiring to run for a certain office on a certain ticket, or for others whose names they preferred to write upon their tickets. Voting secretly, they could not be influenced by the watchful eye of a party leader.

Whether or not the Primary Election System has resulted in better legislatures is a question which after twenty-five years of experience is still argued mildly in Wisconsin. Most of the states of the Union, following Wisconsin's lead, have adopted the system, but in many of them there is much dissatisfaction with it.

Whether the Primary Election law or other conditions are responsible, there is on thing quite sure: the character of the Legislature has certainly changed. Some thin it has changed for the better; others think it has changed for the worse.

Some people look back to the days before the Primary Election law as the "good old days" when our legislatures had a high standard of intelligence and culture. They recall the brilliant debates of those days. They remember how the old Capitol used to be filled with elegantly dressed men and women and how busy the bootblack and flower stands were on the ground floor. They remember how splendidly the legislators were entertained in the beautiful homes of Madison. They deplore the entrance into the legislature of a less capable and less cultured group.
Others defend the plain "dirt" farmers, the practical, steady business men, and the earnest tradesmen who appear in our legislatures today in place of the able lawyers of the past. They call attention to the fact that liquor flowed freely in the old days; that the Capitol and hotels were swarming with lobbyists for the lumber interests, for the railroads, for the insurance companies and for many others.

How much of the change is due to the primary election law and how much to other conditions we cannot tell. One thing is fairly certain. Under the primary election system there are more poor men than there were in the old legislature. Many try to live in Madison on the $500 which they receive for their services. As a rule they are very intelligent men and women—leaders in their home communities. They have held usually, important local offices. Many of them have come up through a thorough schooling in politics, having served on their local school board and on the town board. Some of them, rising to the chairmanship of the town board, have become ex-officio members of the county board.

What our lawmakers—farmers, business men and tradesmen cannot have is specific, definite knowledge of more than a few of the many subjects on which they must legislate, and of the legal forms with which their laws must be clothed. The wealthy lawmaker of the past could employ people to dig out the facts he needed. He did not need so many of them as now. The average legislator today has not the time to search out for himself the facts he needs, nor the money to employ investigators and bill draftsmen.

In 1901, Frank Hutchins, who was in charge of the Free Library Commission, employed Charles McCarthy to collect information for the use of legislators and to help any who might like assistance in drawing their bills. The legislature of 1901 appropriated $1,500 annually for this work. From that beginning, Dr. McCarthy developed one of the most famous of Wisconsin’s institutions, the Legislative Reference Library. Through it, the poorest law maker can get expert help in drawing his bills. From it, lawmakers can obtain up-to-date information as to the progress in other states and countries of the principles in which they are interested. With its aid, lawmakers have been able to draw up great pieces of legislation which have been so well drafted that they have stood the test of the courts when similar laws in other states have been thrown out. It is a generally recognized fact that very few measures of great public interest have been declared unconstitutional by the Supreme Court of Wisconsin. This is true in spite of the fact that Wisconsin has been a leader in new kinds of legislation, especially legislation to protect and assist those who need protection.

Besides the existence of the Legislative Reference Library, there is another reason why Wisconsin laws, on the whole, are well drawn up. That is the fact that three has been worked out a rather careful procedure in passing laws. Later, a chapter will be given to this subject.

Looking back now, it seems to us that after 1903 fundamental changes in state government came fast. We take time to mention only a few of the outstanding, typical ones.

We have spoken of the establishment of the Railroad Commission in its present form in 1905. In 1907 the power of this commission to regulate rates was extended over certain other public utilities, including water, light, power, heating plants, telephones, and street railways. Other states rapidly followed Wisconsin’s example.

The legislature did not change the name of the Railroad Commission to correspond to its new duties. In many of the states you will find the “Public Service” or “Public Utilities” board or commission. In Wisconsin the regulating body for many kinds of public utilities is known, as in the beginning, as the Railroad Commission.
The legislature of 1909 discussed many fundamental changes which had been proposed, but decided to look into most of them thoroughly before action. Committees of the legislature were appointed to investigate and report their recommendations to the next legislature on questions like the control of water power by the state, insurance against accidents in industry, the levying of an income tax, security for bank depositors, state aid for the construction of highways, and provision for the continuing education of those who go to work early in life.

The year 1911 was a year of great changes. In this year, many issues long discussed came to a head. The session of 1909 had been, in a way, preliminary to this one. The committees appointed then had worked earnestly. They brought in reports with definite recommendations for laws.

Among the big things which came out of the session of 1911 were accident compensation for workmen, the Apprenticeship Law, the regulation of the hours of labor for women, and the Industrial Commission of three to administer these labor regulations; the Income Tax and the Tax Commission of three to administer the Income tax; the part-time schools and the State Board of Industrial Education to administer the part-time schools.

Among the interesting results of this session were proposals for a number of constitutional amendments. Ten of these proposals were accepted by the Legislature of 1913 and passed on to a vote of the people in 1914. Every one of the ten was defeated by the popular vote. They included proposals for a state wide initiative, referendum and recall; for a quicker method of amending the constitution of the state; for an extension of the system of state insurance; for increasing the salary of the legislators; and others.

The legislature of 1913 went on with the social program already begun. They passed the minimum wage law for women and minors and the Mothers' Pension Law. They rejected, however, a proposal for a State Department of Markets. Eight years later the Legislature of 1921 provided for a state department of Markets.

One service which the State of Wisconsin is unique in rendering is the writing of fire and life insurance policies. The Insurance Commission which was established first in 1878 to supervise the practices of insurance companies in Wisconsin, was empowered in 1903 to insure state property. In 1911 it was authorized to insure the property of counties, cities, villages, towns, school districts or library boards which might elect to secure insurance from the state. It was also authorized to issue life insurance policies of not to exceed $1,000 per person until the number insured should exceed one thousand nor to exceed $2,000 until the number insured should exceed three thousand; and not to exceed, under any conditions, three thousand dollars. The law has since been amended to take the definite limit off the individual policy and to put in an indefinite limitation of not to exceed one half of one per cent of the total amount of insurance in force.

Over this thirty year period we might watch the development of many state duties and departments. We shall not attempt it however, because you can easily get the story of these departments by using the present and previous issues of the Wisconsin Blue Book.
Robert M. LaFollette
Statue in the National Capitol

Senator LaFollette's name is usually associated, in the minds of people inside and outside Wisconsin, with the regulatory legislation of the first decade of this century.