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In the Legislative Green Room

*Being a Rambling Article Which Presents a Problem or Two,
But Fails to Suggest Any Solution.*

By HENRY W. TOLL, M.P. from DENVER

THE Author (sic) will assume that the Reader (if any) is interested in securing the passage of a bill by the Legislature.

You have been retained—or imposed upon—to draft this bill by the executive representative of a high-minded corporation. Your labor is complete. Your work is good.

The day for the opening of the legislative session approaches Tomorrow will be the first Wednesday in January.

There are thirty-five Senators.* Let us imagine that twenty of them are Republicans.

Today at two o'clock in a small (and erstwhile bed-) room in the Brown Palace Hotel, these twenty Republican Senators assemble in response to the clarion call of the State Chairman of the Party.

The convocation begins as a Conference.

Even among our case-hardened criminals and other members of the Bar, there seem to be many who are somewhat uncertain concerning the difference between a party Conference and a party Caucus of legislators:

A "Conference" in the Legislature means precisely the same as does a "Conference" in a lawyer's office: it means that two or more are gathered together, debating vigorously but arriving nowhere.

A "Caucus" means that someone will eventually move "that it is the sense of this caucus" that the Repub-

licans shall take some concerted action, such as voting in favor of a certain measure or candidate.

If eleven vote for this motion and nine vote against it, each of the twenty men participating in the caucus returns to his seat in the Senate and votes in accordance with the decision of the majority. It follows that under these circumstances, each of nine Republicans casts his vote upon some question of more or less public concern in a manner contrary to his own better judgment.

To revert to the erstwhile bedroom scene:

The motion is shortly made "that this Conference hereby resolves itself into a Caucus". This motion is carried.

It is at this point that any irreconcilables present arise and depart—selling their birthright of popularity for a serving of the pottage of self-determination.

Nominations are now made for the three members of the Committee on Committees. This Committee on Committees has no official standing. It is not an agency of the Senate, but is a pre-organization creature of the majority faction.

The nominations are somewhat discussed, and since each of the nominees is present, a moderate amount of hard feeling is developed. This dire discussion is a matter of social routine rather than one of necessity, because a slate has probably been agreed upon by a majority of those present before they entered the room. In other words, a congenial little bloc of a dozen or so have caucused among

* This article refers to the Senate only. But the procedure in the House of Representatives is, for the most part, similar to that in the Senate.

themselves under the "smaller-fleas-to-bite-'em" principle. This small congregation of eighteen or twenty stalwart partisans thereupon ballots. And the little slate is duly elected.

Ah, unsuspecting Reader! Poor innocent fellow!

How little do you realize, as you loll in the sumptuous reception room of your legal dispensary, that it may be that the Fate of your bill has at that moment been determined!

How blissfully ignorant you are of the fact that from the moment when the Chairman of the Caucus announces the name of the three Senators who are to constitute the Committee on Committees, it may be pre-ordained that the measure which your mind has conceived will be still-born!

For after three or four days of fermentation and fermentation have elapsed, the Chairman of this Committee on Committees will arise in the Senate, and will move "That the following shall constitute the Standing Committees of the Senate for the present session of the General Assembly".

And you may be sure that the list which he then reads is duly confirmed.

The Committee on Banking for the entire session has been thus established. It is almost certain that one or more of the members of this Committee are Directors of small town banks. If, by any chance, the majority of its members are such Directors, is it likely that this Committee will permit the Senate to consider a bill which would enable Denver banks to establish branch-banks in small towns in competition with those directed by the members of the Committee?

The Industrial Relations Committee for the entire session has been thus established. It is practically certain that one or more of the members of this Committee are employers who are subject to the provisions of the Act,

and that others are identified with employing corporations. If this happens to be true of the majority of the members of this Committee, proposals by the Colorado Federation of Labor to decrease the waiting period, to shorten the period of the wage history, to raise the limit governing medical services, to increase the weekly minimum, or to raise the ratio between the injured employee's compensation and his wage, are all in a precarious position. But on the other hand, it is practically certain that one or more of the members of this Committee are men who are employed under the provisions of the Workmen's Compensation Law. If the majority of the members of this Committee happen to be so employed, it is practically certain that every one of these proposals will be favorably reported out by the Industrial Relations Committee.

The Insurance Committee has been thus established. It is practically certain that one or more of its members are men who have some personal interest in the insurance business. If this happens to be true of the majority of its members, what chance has a bill to establish a state insurance fund, which will do away with the insuring of state buildings by insurance companies? And how certain it is that this Committee will discover merit in any bill which will increase the varieties or the amounts of corporate bonds required by law!

Now statistics would probably show that the Senate passes a substantial majority of the bills which are favorably reported out by its Committees. And they would probably prove that among a thousand bills which are tabled by Committees, not more than five are "blasted out" by the Senate body.

The Constitution of the State of Colorado provides that "a member

who has a personal or private interest in any bill proposed or pending before the General Assembly shall disclose the fact to the house of which he is a member and shall not vote thereon".

This law does not expressly prohibit a legislator from voting in Committee, as a Committee member, on a bill which affects his private business.

Nor is it always easy to determine what constitutes a reasonable construction of this section of the Constitution. For instance, there are scores of bills considered by every Legislature which will affect the rate at which all of the property in this State will be taxed. Every member of the Legislature who owns property has a personal, private interest in every such measure. His interest may be small, but it is none the less certain. Proposals to change the time at which taxes are to be paid are occasionally matters of legislative consideration. Here again every property owner has an individual interest. Obviously the spirit rather than the letter of the Constitutional restraint must govern, and this becomes a matter for individual determination. All too seldom does a legislator disqualify himself by reason of personal interest.

If there is a bank president in the Senate, it would seem stupid to omit him from the Committee on Banking and have him devote his time to the Mines Committee, while the man who has handled a drill in the bowels of Leadville attempts to prescribe the somewhat technical rules of conduct for a Bank Examiner. It is only sensible to put insurance men on the Insurance Committee, doctors on the Medical Committee, farmers on the Agricultural Committee, employers on the Industrial Relations Committee, Union Men on the Labor Committee, mine owners on the Mines Committee, railroad attorneys on the Railroads Committee, cattle men on the Stock

Committee, and bootleggers on the Temperance Committee.

And yet, in so doing, the Senate deliberately packs each Committee with men who have personal and private interests in the bills whose destinies they largely determine. And, "as, hereinabove set forth", it is certain that the members of any Committee do largely determine the destinies of the bills which are referred to that Committee. For while they cannot always secure the enactment of a bill which finds favor in their sight, they can almost always smother in the Committee's bosom any measure which is anathema to them.

This article is not constructive in its nature. It is written rather in the alleged spirit of the City Club of Denver, which avows a disposition "to inform rather than to reform".

But perhaps it calls attention to certain problems which merit the thoughtful consideration of the members of the Bar—who are also the arbiters of our governmental organization.

At any rate, it is always entertaining to confirm Jacobi's observation that "Every government is, to a certain extent, a treaty with the Devil."

General Holocaust

The case was opened with the court barring all persons but the principals in the tragedy that led to the death and subsequent burning of the young farmhand, court officials, jurors, witnesses and newspaper men.—*Peoria paper*.

Spilling the Beans

Wanted—An attorney that is willing to work with his client in a conspiracy which has existed for over six years, in which there is about \$25,000 involved.—*Ad in the Minneapolis Tribune*.