

purposes are to be achieved. Planting himself on the written Constitution, Chief Justice Marshall defined the fundamental principle of liberty in declaring void all arbitrary acts of the enacting power.

The administration represented by these republican orators has arrayed itself against Marshall the jurist. Their party insists that the government is higher than the law, and that the whims of president and congress are capable of setting at defiance the fundamental law and the first principles of the land.

Could any one imagine John Marshall admitting the war-making power to be with the President?

Could any one imagine John Marshall giving sanction to a tax on exports in the face of a plain constitutional prohibition?

Could any one imagine John Marshall giving his approval to tariff laws that violated the express constitutional requirements of uniformity and equality?

Could any one imagine John Marshall giving approval to "purchase" as the method of emancipation in territory subject to United States jurisdiction, in the face of an explicit constitutional provision that slavery or involuntary servitude shall not be tolerated "within the United States or in any place subject to their jurisdiction?"

Could any one imagine John Marshall giving approval to a president who assumed the power and authority to appoint a commission of men and send them to an American "colony" endowed with the privilege of collecting and spending the revenue, of making the laws, of exercising all the powers delegated to Congress and many powers which the people would not even delegate to Congress?

Could any one imagine John Marshall giving approval to an administration that had deliberately set the Constitution into the background and had assumed to say that it would be governed by the Constitution only when the constitutional government best suited its whims and best subserved its imperialistic purposes.



General MacArthur's Report.

The annual report of Major General MacArthur, U. S. V., commanding, Division of the Philippines, Military Governor of the Philippine Islands, is very interesting. It makes two large volumes and is full of statistics and other information. It presents a number of facts heretofore carefully concealed and just as strenuously denied by the authorities at Washington. It is not possible within the limits of an editorial review to mention even a small portion of the interesting matters discussed and the valuable information furnished by General MacArthur's report. The report is dated "Manila, P. I., October 1, 1900," and is, therefore, well down to date.

Among other interesting facts furnished is one concerning the number of summary courts martial held in the Division of the Philippines. The report shows that about 20 per cent of the soldiers serving in the Philippines have been tried by summary court martial and about 18 per cent convicted. It is also shown that 9 per cent of the soldiers are in the hospital from one month's end to another. Of the hospital cases 23 per cent are due to the malarial fever. The death rate is 28 per 1,000 per annum. This is rather large when

it is remembered that the soldiers were selected with a view to their physical fitness.

Here is a very interesting paragraph—interesting to those who have loved ones in the Philippines:

The number of deaths in the army has steadily increased and DIMINUTION OF THE DEATH LIST CAN SCARCELY BE EXPECTED. The number of men shot from ambush by small guerilla bands now exceeds those killed at any previous time, and as time progresses AND THE MEN BECOME MORE AND MORE DEBILITATED by tropical service, THE MORE MARKED WILL BE THE RATIO OF DEATHS.

This is the country that is to offer such wonderful opportunities for American settlement!

Another very interesting fact is set forth by General MacArthur in the following words:

Wherever, throughout the archipelago, there is a group of the insurgent army, it is a fact, beyond dispute, that all contiguous towns contribute to the maintenance thereof. In other words, the towns, regardless of the fact of American occupation and town organization, are the actual bases of all insurgent military activities; and not only in the sense of furnishing supplies for the so-called flying columns of guerillas, but as affording secure places of refuge.

There is something humorous about this. The idea of a town garrisoned by American troops "affording secure refuge" for insurgents is likely to produce a smile.

General MacArthur has been in the Philippines something like two years. After eighteen months service and observation there he wrote, under date of October 1, 1900, the following words:

The Filipinos are not a warlike or ferocious people. Left to themselves a large number (perhaps a considerable majority) would gladly accept American supremacy, which they are gradually coming to understand means individual liberty and absolute security in their lives and property.

It seems that General MacArthur made another guess between October 1 and December 25, 1900, for on the latter date he wrote to the adjutant general in Washington as follows:

Expectations, based on result of election, have not been realized. Progress of pacification apparent to me, but still very slow. Condition very inflexible, likely to become chronic. I have therefore initiated a more rigid policy, etc., etc.

When the commanding officer of the Philippines does not know from one month to another what the conditions are in the Philippine Islands it is too much to expect that the administration organs will be implicitly believed every time they say the insurrection is ended and the Filipinos happy under American rule.



An Expert Opinion.

What is the purpose of a railroad in giving a pass? If it is given by the freight department to a shipper it is probably given for business reasons, but suppose it is given to a legislator, is it given for business reasons also? Some say that it is a courtesy extended without any reason in particular. In order that the readers of THE COMMONER may have the highest expert testimony on this subject the following letter is reproduced:

Your letter of the twenty-second to President Ripley requesting an annual over the railroad of this company has been referred to me. A couple of years ago, after you had been furnished with an annual over this line, you voted against a bill which you knew this company was directly interested in. Do you know of any particular reason, therefore, why we should favor you with an annual this year?

This letter was written to a member of the

Illinois legislature by the attorney of the Santa Fe railroad, of which Mr. E. P. Ripley is president. It is of recent date and was read on the floor of the house of representatives. It states as plainly as language can that a railroad gives passes to legislators as a matter of business, expecting to receive a valuable consideration in return, and it shows further that the legislator who refuses to recognize the pass as a bribe must not expect to get any more passes. A similar case occurred in Nebraska a few years ago when a pass issued to a member of the legislature was recalled because he voted for a maximum rate bill which the railroad objected to. Unless a legislator can produce better evidence of the railroad's purpose than the railroad's own admission, he cannot accept a pass without admitting either that he intends to repay the railroad in service or that he secures the pass under false pretenses.



Delightful Uncertainty.

There seems to be a movement toward the establishment of civil government in the Philippines. The Spooner resolution which receives most favor in administration circles is as follows:

Be it enacted, etc., That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil and judicial powers necessary to govern the said islands shall, until otherwise provided by congress, be vested in such person and persons and shall be exercised in such manner as the president of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property and religion.

This is an innocent looking resolution, but only a few explanatory words are necessary to make it fully understood. Translated into plain English it would read about as follows:

Resolved, That when the war is over (nobody knows when that will be) the President shall establish some kind of a government (nobody knows what kind) and maintain it (nobody knows how long) until Congress does something (nobody knows what).

It is now more than two years since the treaty was ratified and this is the nearest approach that the republicans have made toward a definite plan. They are not willing to give the Filipinos their independence and they are not yet willing to openly repudiate the doctrine of self-government. Therefore they find cover behind commissions and delegations of authority which conceal, so far as possible, their imperialistic purposes.



The Cause Grows.

Mr. Clapp, the newly elected United States Senator from Minnesota, a republican, is on record in favor of the popular election of senators. His position having been questioned by a member of the legislature, he replied:

Having for years advocated an amendment to the Federal Constitution which shall provide for the election of United States senators by direct vote of the people, I supposed that a statement to that effect was a sufficient answer to the question as to my views on the subject.

But to put the matter at rest, I desire to say that I have not changed the position I have long held on the question, and that in my off hand, impromptu remarks to the caucus I wish to be understood as pledging myself, and, that there may be no room for cavil, I do heartily pledge myself to use my best efforts to aid in securing an amendment to the Federal Constitution which shall provide for the election of United States senators by the direct vote of the people. There is no formal assurance to that effect to which I am not more than willing to subscribe.

It is gratifying to see the cause grow. Every legislature should commit the legislative candidates to this reform before a selection is made.