

asset currency on the plea that we need more money with which to do the business of the country, only shows that the money question is not dead and that eternal vigilance is the price the people must pay for relief from financial oppression.

The Chicago platform was not confined to the money question. True it spoke clearly and with emphasis upon that question but it breathed that spirit in which the foundations of this government were laid and it gave utterance to a patriotic protest against the encroachments of organized wealth and the evils of centralized government—a protest which at this moment finds echo in the hearts of millions of men who denounced the democratic platform of 1896. And many of these are already prepared to join with the democratic party in righting the mistakes of eleven years ago.

If congress and the president had oftener taken their cue from the Chicago platform public interests would thereby have been advanced. Whether the president in several of the good things for which he has stood "found his cue" in the Chicago platform it is an undeniable fact that every reform movement in which the president has engaged and upon which he has won the applause of the people is in line with suggestions made in democratic platforms and upon subjects concerning which Mr. Roosevelt's own party platform was silent.

Let us take a look at the Chicago platform and see how accurately its protests—registered eleven years ago—coincide with the protests now being made by men of all parties.

In the very beginning of that platform emphasis was laid upon the importance, under our form of government, of "the faithful observance of constitutional limitations;" and today many who looked lightly upon that warning given in 1896 are impressed with its importance.

Here is the second paragraph from the Chicago platform: "During all these years the democratic party has resisted the tendency of selfish interests to the centralization of governmental power, and steadfastly maintained the integrity of the dual scheme of government established by the founders of this republic of republics. Under its guidings and teachings the great principle of local self-government has found its best expression in the maintenance of the rights of the state and in its assertion of the necessity of the general government to the exercise of the powers granted by the constitution to the several States." The people of the British in 1896 and who rolled up republican second paragraph of who looked lightly upon are in a position to appreciate its value.

"Congress alone has the power to coin and issue money," said the Chicago platform, "and President Jackson declared that this power could not be delegated to corporations or individuals;" and those republicans who are protesting against asset currency find their cue on this point in the Chicago platform where their own party platform is silent.

In that platform a high protective tariff law was called "a prolific breeder of trusts and monopolies which enriches the few at the expense of the many; restricts trade and deprives the producers of the great American staples of access to their natural markets." And the republicans, who, like LaFollette and Cummins, are protesting against the encroachments of corporations, as well as republican advocates of reciprocity, appreciate the correctness of that arraignment.

The Chicago platform declared that it is the duty of congress to use all of its constitutional power "so that the burdens of taxation may be equally and impartially laid to the end that wealth may bear its due proportion of the expense of the government." And the president elected as a republican is now on record in favor of an income tax and an inheritance tax.

"The most efficient way of protecting American labor is to prohibit the importation of foreign pauper labor to compete with it in the home market" says the Chicago platform. The workingmen who are now protesting against that very form of competition understand very well that the Chicago platform was not a one idea document.

"Arbitration of differences between employers and employes" was one of the provisions of the Chicago platform; and while the republican congress has not taken the cue to the extent of legislating on that line the republican president carried the principle into practical operation during the great coal strike.

Here is one paragraph from the Chicago platform from which the republican president may have taken his cue in some of the reforms he has urged and from which the republican congress might well take its cue in the matter of legislating with respect to great and growing evils: "The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the federal government of those arteries of com-

merce. We demand the enlargement of the powers of the interstate commerce commission and such restriction and guarantees in the control of railroads as will protect the people from robbery and oppression."

The spirit of the Chicago platform breathed devotion to those great essential principles of justice and liberty upon which our institutions are founded—freedom of speech, freedom of the press, freedom of conscience, the preservation of personal rights—equal rights to all and special privileges to none.

THE TREATY POWER

Joseph H. Call, a well known lawyer of Los Angeles, California, writes to The Commoner this interesting and timely letter:

In the discussion as to the treaty power to nullify the authority of the states to regulate and control their public schools and exclude or segregate foreigners, it seems to me that in the consideration of this important question there are certain fundamental principles which have been sometimes lost sight of.

The government of the United States is one of enumerated powers. Each and every power granted to the United States is enumerated in the constitution.

By article X of the amendments to the constitution, "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It is plain from these provisions that the constitution of the United States not only guarantees the powers granted to the United States but equally those reserved to the states. A valid treaty is, of course, a law of the United States, and can change or amend any other existing law, whether made by the two houses of congress or in the form of a treaty.

Laws of the United States may be passed and become effective in three modes:

First—By a majority of the house and of the senate, and the approval of the president.
 Second—By two-thirds of the house and senate without the approval of the president.
 Third—By two-thirds of the senate, and the approval of the president, enacted in the form of a treaty.

The legislative power is thus vested in the two houses of congress and the president.

Congress is authorized by the constitution to legislate with respect to various international affairs. The constitution delegates to congress the power "to regulate commerce with foreign nations, and among the several states," "to establish a uniform rule of naturalization," "to coin money and regulate the value thereof and of foreign coin," "to pay debts," "to declare war," "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations."

"Commerce" includes the buying and selling and dealing in commodities, and business intercourse between people of different nations and of different states.

These powers with respect to foreign affairs are sweeping and plenary, and in those cases where treaties have been upheld as over-riding state authority, the power to execute them may be plainly referred to one of these delegated powers of congress over foreign affairs.

A treaty is nothing but a contract between nations, and it would hardly be claimed that any corporation had the power to execute a contract which was ultra vires.

The United States by treaty may bind itself to perform, or may guarantee the performance, of any act which the United States, through its legislative department or branch may lawfully do under the constitution, but how can it be said that where the legislative branch of the government (which includes the house and senate and the president), a part of this legislative branch, composed of the senate and the president alone, may have the power to do that which all three are not permitted to do under the constitution?

The greater comprehends the less, or, in other words, the whole includes each part.

In *Fong Yue Ting vs. United States*, 149 U. S. 720, the supreme court of the United States used the following significant language with respect to the scope of the treaty power:

"By the constitution, laws made in pursuance thereof and treaties made under the authority of the United States are both declared to be the supreme law of the land, and no paramount authority is given to one over the other. A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force, and relates to a subject within the power of congress, it can be deemed in that particular only the equivalent of a legislative act, to

be repealed or modified at the pleasure of congress. In either case, the last expression of the sovereign will must control. So far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as congress may pass for its enforcement, modification or repeal. 130 U. S. 600."

If the treaty-making power is not determined by these principles, it will have no limitations, and the president and senate may go on and in the form of treaties legislate upon every subject not comprehended in the powers delegated to congress by the constitution.

The maintenance of such a principle would obliterate the states and their reserved powers, suspend the powers of the house of representatives, and subordinate to the treaty power the whole constitution.

It seems to me to logically follow that the treaty-making power is limited in its scope to the execution of those powers granted by the constitution to congress; that the regulation and control of local and state schools is not one of the powers granted to congress and that a treaty giving the right to certain foreigners to "travel" and to "reside" in the United States equal to those of the "most favored nation," has always been and must necessarily be, construed as limited to those objects which the United States under the constitution has the power to deal with.

JOSEPH H. CALL.

OBSERVATIONS

A trust is a monopoly of monopolies by monopolists.

"Stand pat" neck deep in "muck?"

The only "stand pat" the people should tolerate is a determination to clean house and do it well.

By the way, after the proof of all the "graft" and stealing from the "Big 3" insurance companies in New York, who has been punished? Has any of the stolen money been recovered? They know who took the money, why not make them pay it back or convict them? (This is where the people are beginning to laugh.)

Public servants are in a way, situated as Elizabeth said of princes, upon a raised platform, so that the least blemish is seen. And so it should be; for they are but servants and their masters, the people—or, as the New York Sun sneeringly prints it, "Pee-pul"—are entitled to see the spots of blemish. And by keeping their eyes upon their servants and looking for blemishes in their conduct the people are well served. Long terms or tenures in office tend to carelessness, but that, in turn, discovers roguery. Publicity is an absolutely necessary essential to prevent a wronging of the people, and they should ever insist upon it in all things concerning their affairs; and turn out of office the person or party that hides anything from the people that it is to their possible benefit or advantage to know.

Lately I have been reading some democratic and republican speeches, that were either made in the house of representatives, or started there, and finished in the "leave to print"—why is it not "leaves to print?"

And my heart is not as glad as it is wont to be nor my mind as free from sorrow as it usually is, the reason being that, laying aside my Plutarch, I waded into this congressmen's play ground of oratory and compelled myself to read quite a number of speeches. The introductory remarks of those who would be thought brilliant, consisted of a rhetorical stage-setting with as much, if not more, detail than was evinced in the arguments that followed. But I waded. And I wondered what effect the so-called arguments had upon the partisans of the house, and I felt morally certain that the plain and ornamented people of the country would pay as little heed to the arguments as was paid them by the party men who constitute the house.

Away back yonder, when our congress contained more great men than at present, and during an executive session of the senate, Senator Edmunds, that intellectual giant, was hammering away at the democrats in a way that was simply awful. Senator Bayard was taking notes; rapidly and full,—I mean the notes. He sent a page to the cloak room where the "Old Roman"—Allen G. Thurman—was asleep on a couch and snoring as loud as Harvey Whitehill of Silver City, New Mexico. The page reported "progress" to Senator Bayard, who at once sent back a senate officer, telling him to say to Senator Thurman that Senator Edmunds was pouring broadsides into the democrats and if he did not come and answer him the position of the party was lost.

The glorious old Ohion was still—no, no, not