

just returned from London to Washington, declined today to talk politics, saying he had been away too long to speak understandingly. But he did declare that it was absolutely certain that no call for immediate tariff revision would appear in the next republican platform, nor if inserted would be heeded by the next congress.

The president found much that was wise and stimulating to say on the subject of internal improvements and the preservation of our natural resources. It was expected in Washington when he took his departure that he would also say something which would put an end to this continuous third term talk. His friends argued to him that silence at this time would give renewed life and vigor to the third term movement, an argument which the facts today are abundantly justifying.

Silent on tariff revision, the president gives the standpatters renewed hope.

Silent on the question of the third term, he awakens the boomers to new activity and noise.

It would seem, however, that as both of these subjects are of interest to the American people, and the first of particular importance to their pockets, the president might have lent the great force of his voice and his influence to clearing up the mystery which now encompasses them.

What is to be expected of the two conventions this year can not be determined thus early. There is tremendous influence being brought to bear upon Mr. Roosevelt to repudiate his promise to not become again a candidate. It is fair to say that among people who are interested in politics the belief is general that he will forget his promise and become the candidate of his party. There seems to be no conviction that he is at all earnestly behind Taft. Talking with one of his most intimate friends two days ago I was told that it would be Roosevelt by acclamation. It is fair to say that my informant said that he did not believe that Roosevelt would be a party to this, but he did believe that the convention would be stampeded by some sudden speech in Roosevelt's behalf.

That is really the opinion of official Washington—not merely the men who hold office under Roosevelt, and who owing him their places dislike him, nor of the members of congress and of the senate who owing him nothing dislike him more, but it is the general belief of the national politicians that if he wishes the nomination he can not be deprived of it.

None of them regard him as phenomenally strong before the people in the states that must be carried. They look back on his record in New York and find that he fell far short of men of less prominence than he when he was a candidate for governor. They laugh when the story is told of his tremendous popular majority when he was a candidate for president, because they know it was a majority won not by personal or political popularity, but because of the fact that his opponent was unable to hold the democratic masses. In brief the students of politics do not think that Mr. Roosevelt, if he yields to the appeals of his idolators, would be the strongest of all republican candidates.

WILLIS J. ABBOT.

#### AN INTERESTING PUBLICATION

Rev. Charles A. Ferguson, of Kansas City, Mo., is issuing through the Municipal University Press, Kansas City, a quarterly entitled "The News Book." It is devoted to economic, sociological and religious movements, with which Mr. Ferguson has been for years identified. He discusses these subjects from the standpoint of one who is interested in finding a just solution of every problem. It is a thoughtful publication for thoughtful people. The last issue discusses the municipal university, the citizens' lobby, tenants, the purpose of government, the mission of the church, the position of the school, and a number of other kindred subjects.

#### A SPOOL OF THREAD

The Textile World Record is in a quandary. It finds that the American consumer pays six cents for a two hundred yard spool of thread, while the British consumer pays only three cents for exactly the same spool. Both spools, of course, are made from exactly the same American cotton and, what makes the case most puzzling, both are made by exactly the same trust. Commenting upon this fact the Saturday Evening Post says:

"We must allow for higher wages in this country. The tariff does allow for that, and the framers of the Dingley schedules have never, so

far as we are aware, been accused of underestimating the difference between American and foreign wages. The duty on the spool is one cent, and unless we are to adopt the startling hypothesis that the tariff-makers guessed short, we must accept that as amply covering the item of higher wages on this side of the sea. Why, then, the other two cents per spool? Upon what theory does the thread trust, deriving its raw material from the United States, charge its American patrons fifty per cent more than its British patrons over and above the increased cost of manufacture here due to higher wages? Well, we recall an English trust which joyfully followed approved American methods—up to the time it began marketing its wares. Then there was a radical departure, in the form of so strenuous a public protest that the trust capitulated. Possibly the answer to the conundrum which baffles the Textile World Record is that the American public doesn't mind being soaked, while the British public does."

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#### HISTORY MAY REPEAT

The St. Louis Globe-Democrat (rep.) says that the election of the republican candidate for governor of Kentucky "will show that the republican wave throughout the nation will still be at high tide when the big canvass takes place twelve months from now." But in the same editorial the Globe-Democrat intimates that a republican defeat in Kentucky would mean nothing because "no democrat supposes that they have the faintest chance to carry the election a year hence."

That being true the republican wave will certainly be at "high tide" in Kentucky this year. Reports from Kentucky indicate that the "wave" will be at "high tide" in old Kentucky just about as it was in young Oklahoma.

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#### THE CONSTITUTION

The following editorial appeared in the Philadelphia Public Ledger, a republican newspaper:

Mr. Roosevelt makes so many speeches upon so many subjects that it is not always easy to separate from them the central thought. For some time the prominent idea has been the punishment of wealthy malefactors. In his present series of long addresses there appears to be embodied a demand for greater powers for the restraint and regulation of corporations, and especially of the railroads. This does not seem to contemplate legislation merely, for there has been a great deal of legislation in this direction lately, the most recent of which, enacted at the president's own insistence, has not yet been fully tested. His impatience appears to be directed against what are commonly regarded as constitutional restraints upon the federal power. The supreme court, and the other courts, have constantly interpreted the constitution in the spirit of the Tenth amendment:

"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."

As lately as this past summer, in what Senator Knox has referred to as "a great opinion," in the Kansas-Colorado case, the supreme court took occasion to reiterate the doctrine it has held from the first:

"It is still true that no independent and unmentioned power passes to the national government or can rightfully be exercised by congress."

It is against this fundamental construction that the president contends. Secretary Root, in a notable speech in 1906, formulated the idea of constitutional change through elastic interpretation, which the president has since dwelt upon with increasing insistence. This was the central thought in his speech at St. Louis. The constitution must remain as it is, but it must be "interpreted as the interests of the whole people demand," upon a theory that

"Allows to the nation—that is, to the people as a whole—when once it finds a subject within the national cognizance, the widest and freest choice of methods for national control, and sustains every exercise of national power which has any reasonable relation to national objects."

By what mental process Mr. Roosevelt associates the name of Marshall with this "theory" is not apparent, nor is it important. He goes on to say that if this theory shall prevail, "then an immense field of national power, now un-

used, will be developed, which will be adequate for dealing with many, if not all, of the economic problems which vex us."

No one disputes that "the people as a whole" have retained their right to "alter or abolish" their form of government at their will. The question Mr. Roosevelt raises is between a written constitution, like that of the United States, ordained by the people and unchangeable except in the way they have expressly provided, or a "flexible" constitution, like that of Great Britain, formed by custom and precedent, by legislation and judicial interpretation, and changing with the changing exigencies of the time or the desires of the majority in power.

That the European idea of a constitution has practical advantages and opens "a wide field for national power" may easily be maintained. It may be that we Americans have made a fetch of our written constitution, and that we would do well to abandon it as something we have outgrown. Or, we still have retained powers which we can confer upon the national government in the way provided, if that be resolved upon. But the theory of a constitution readily adjustable by new construction to every desired exercise of authority is plainly incompatible with the theory which has hitherto prevailed. The "development" which the president is urging, whether for good or ill, would be essentially a change in our form of government.

The opinions of Chief Justice Marshall are full of just such declarations as this:

"This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it would seem too apparent to have required to be enforced by all those arguments which its enlightened friends while it was pending before the people found it necessary to urge. That principle is now universally admitted."

This was in an opinion relating to the judicial power, which the constitution had vested in the supreme and other courts—"all the judicial power which the nation was capable of exercising"—and which could not be limited by legislative or executive interference, nor in any way except as expressed by the constitution. The president has no authority to determine how the judicial power shall be exercised, and the supreme court will have to reverse its whole view of the constitution before it can accept his present theory. It was, in fact, against this very theory of inherent powers, which was argued on behalf of the United States, that the supreme court directed its unanimous opinion in the Kansas-Colorado case:

"This amendment (the tenth), which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the national government might, under the pressure of supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act."

Elsewhere in the same opinion it is said:

"The people who adopted the constitution knew that in the nature of things they could not foresee all the questions which might arise in the future, all the circumstances which might call for the exercise of further national powers than those granted to the United States, and after making provision for an amendment to the constitution by which any needed additional powers would be granted, they reserved to themselves all powers not so delegated."

This is so recent a deliverance, made since the president has been arguing for amendment by construction, that it presents very clearly the issue between him and the supreme court, or rather the issue between the two opposing views of constitutional interpretation. In a broad sense, some such difference of view has divided parties from the beginning, but it has never before reached so wide a difference as to the essential nature of our constitutional forms. The amendment of the constitution has been frequently proposed. The president's idea is not to change the form, but to leave the form and change the meaning—a method more direct and certainly more far-reaching in its consequences. But first it will be necessary to change the supreme court.