

the statute is directed against a corporation, it is expected that it will be tested by disobedience. The newspapers which hold the labor leaders up to public condemnation because they violated a judicial order think it entirely proper that the great corporations shall await a judicial construction of a statute before obeying it. It is never suggested by such papers that a corporation is doing anything disreputable when it disputes the constitutionality of a law and violates the law in order to secure a decision upon that point. Why should the labor leaders be treated more harshly than the heads of corporations?

Not only do the managers of corporations test the constitutionality of law by disobedience, but public officials constantly do so. A case in point is recalled. About twenty-one years ago the city council of Lincoln, Nebraska, was investigating charges made against a police magistrate. The attorneys for the police magistrate secured a temporary suspension of the investigation and before the investigation was resumed, secured from Judge Brewer, then on the circuit bench of the United States, an order restraining the city council from the removal of the offending official. The restraining order was made returnable at a date about two months away. If the council had followed the advice now being given to Mr. Gompers and his associates it would have awaited for two months and then, if the temporary injunction had been made permanent, it would have taken an appeal, and possibly by the time the magistrate's term expired, or a few years afterwards, a final decision could have been secured. But the mayor and council, believing that Judge Brewer was interfering with the constitutional right of the city authorities, proceeded to violate the injunction by continuing the investigation and removing the official. They were cited before Judge Brewer for contempt, and because of the prominence of the defendants, a fine of \$600 was imposed on all but two of them who, for special reasons, were fined only \$50. The defendants, with one exception, refused to pay the fines and went to jail, while their attorney presented the matter to the United States supreme court. The court decided that Judge Brewer exceeded his authority in issuing the order; that the order was void; and that the defendants acted within their rights in refusing to obey the order. The defendants were, therefore, discharged. The one councilman who, because of ill health paid his fine rather than go to jail, recently recovered the fine by an act of congress.

This case is reported in the United States Court Reports, "ex parte: in the matter of Andrew J. Sawyer, et al. petitioners;" volume 124, page 200.

There are many other cases that might be cited, but here is one involving a constitutional right. If public officials are justified in deliberately violating an injunction in order to test its constitutionality, why should Mr. Gompers, Mr. Mitchell and Mr. Morrison be condemned for resorting to the same method of testing the constitutionality of a restraining order which, in the opinion of the defendants, violated the constitutional rights of themselves and the large body of men for whom they acted?

If the supreme court sustains the position taken by Justice Wright, it becomes the law of the land until the decision of the court is reversed or until congress enforces the guarantees of the constitution.

This case also shows the imperative necessity for legislation which will give trial by jury in cases of indirect contempt.

Is it not time for a congressional limitation of the power of the court in matters of temporary injunction? Is it not time for legislation along the lines of the democratic platform? It seems impossible to arouse the public to the need of a reform until someone has suffered. Every step in advance has behind it the suffering of some for others. Mr. Gompers, Mr. Mitchell and Mr. Morrison are to be commended rather than condemned that they are willing to suffer, if by their suffering, they can secure to their fellow laborers protection from the increasing injustice which comes from the arbitrary issuance of injunctions. The president has already pointed out in his messages that the writ of injunction has been abused, and he has warned congress that these abuses, if not corrected, will lead to a revolt against even the legitimate use of the powers of the equity court. The republican national platform, while seeming to admit the need of remedial legislation, employed deceptive language, and the adoption of that platform was hailed during the campaign as a triumph for the corporations in

their contest against their employes. It will be remembered that Mr. Van Cleve, who is back of the stove company's prosecution of the labor leaders, issued campaign documents appealing to the business men to support the republican ticket because the republican convention rejected the petitions of the labor organizations. It will be but poetic justice if the prosecution which Mr. Van Cleve has started results in the very legislation which he opposes, and yet this is not only the natural result, but it is a result to be desired.



THE DOCTRINE OF MONARCHY

The November number of Everybody's Magazine contains an article by Mrs. Eleanor Franklin Egan, entitled "America's Record in the Philippines." It begins with the following endorsement from President-elect Taft: "I have read the following article of Mrs. Egan's with a great deal of pleasure, and fully concur in its statement. It is well worth the perusal of every one interested in one of the most interesting experiments in national altruism ever undertaken."

Mrs. Egan says, "Briefly stated, the American policy with regard to the Philippine Islands is to govern them for the benefit and welfare and the uplifting of their people, gradually extending to them, as they shall prove themselves fit to exercise it, a greater and greater measure of self-government."

This is a statement that ought to be easily understood, and as it is endorsed by the president-elect, it may be accepted as expressing the administration's views on the subject. The policy is "to govern them (the Philippine Islands) for the benefit and welfare and the uplifting of their people." This is a plain statement of the monarchical theory of government. The czar could not have presented the theory more bluntly. According to the Declaration of Independence the government derives its just powers from the consent of the governed. Until imperialism took hold upon imaginations of the republican leaders, no American ever thought of defending any other theory of government. But every condition requires a theory to explain it and the only theory that will explain imperialism is the monarchical theory—the theory that government rests upon force. The theory of a republic is that the government is made by the people for themselves; the monarchical theory is that the government is a thing separate and apart from the people—a thing which may be thrown over the people as a net is thrown over a bird. According to this theory a government may properly be administered over a weak people by a stronger people, and as there must be some excuse, the excuse always is that endorsed by Mr. Taft, namely, it is "for the benefit and welfare and the uplifting of the people." The dominant government, however, is to decide what is for the benefit and welfare and uplifting of the people, and if the people who are to be benefited and uplifted object, they must be suppressed by force.

It is not necessary to inquire whether we can benefit the Filipinos by governing them without their consent. The first question is whether we can afford to give the lie to our theory of government and paralyze our influence as a teacher of the doctrine of self-government. The republican position is that the Filipinos are unfit for self-government; this is the theory that Spain adopted when she fastened her colonial government upon them; it is the theory that England followed when she endeavored to continue her colonial government in the United States, and it is the theory upon which India is now governed by a viceroy and a council, in the choosing of which the Indians have no voice. The democratic theory is that the Filipinos are now capable of self-government and that our stay there should not be for the purpose of developing in them a capacity for self-government, but to help them to establish a republican form of government, the government to be then turned over to them. Capacity for self government is not easily defined; it is a matter of degree, like self restraint. Some individuals exercise more self restraint than others, and some people are able to provide for themselves a better government than others are. But the doctrine that some are fit for self-government and others unfit—this is the doctrine of kings, for those who claim a monopoly of the capacity for self-government must always be in a position to make their claim good by the exercise of a force superior to any force that can be brought against them.

If it were necessary to consider a means

of benefiting the Filipinos, it might be easily shown that we could render them better service after recognizing their rights than we can before—that our example as a teacher of American principles would be of more service to them than any service that we can render by a denial of the principles upon which our government is founded. But for the present let the readers of The Commoner meditate upon the doctrine of imperialism briefly stated in the passage above quoted, namely, that the new American policy is to govern people without their consent and tax them without representation "for the benefit and welfare and the uplifting" of the people thus governed and taxed.



TAINTED EDITORIALS

Senator Carter, of Montana, presented in the senate a few days ago some specimens of the literature prepared by the Bankers' association to be used against the postal savings bank bill. He called attention to the fact that this literature was being sent to local bankers with the request that it be inserted in the local papers, and those sending it out took the precaution to ask that the instructions sent with the literature should be removed before it was delivered to the press. Here is a deliberate attempt to manufacture opinion antagonistic to the postal savings bank, and those who are back of the movement are unfair enough to seek to make the arguments appear as if of local origin. It is bad enough to have a great central bureau supplying ammunition for a fight against the people, but what shall we say when these eminently respectable men resort to deception and seek to give to their arguments a weight to which they are not entitled? What shall we say, too, of the local papers that are willing to print as editorial matter the stuff furnished by those who are back of this crusade.

The republican platform demanded the postal savings bank, and the democratic platform endorsed the postal savings bank conditionally, that is, if the guaranteed bank could not be secured. More than ninety per cent of the voters have supported the republican platform or the democratic platform, and a large majority of the people can be counted as favoring greater security to the depositor, and yet the Bankers' association does not hesitate to resist this demand and to begin a fight to defeat the verdict in favor of the postal savings bank. If the average voter knew how much of tainted news he reads and how many tainted editorials are accepted as genuine, we would have no difficulty in securing remedial legislation, but the press has not yet awakened to its duty to the public.



EX-SECRETARY SHAW ALARMED

Speaking before the alumni of Dickinson college at New York recently, Ex-Secretary Shaw is reported to have appealed to the college men to save the country from socialism. According to the press dispatches he said: "I am alarmed at the trend toward socialism in this country today. If there is any power in this country to stem the tide, it ought to be the trained minds of the college men."

Mr. Shaw may well dwell upon the dangers of socialism for few have done more to encourage socialism than he. He is a standpatter of the most pronounced type, one of the most obstinate opponents of reform. If Mr. Shaw's advice were followed in political and economic matters we would have a still greater growth in socialistic sentiment. An increasing number would, out of desperation, consent to any kind of a change in the hope of securing relief. But fortunately Mr. Shaw represents a waning sentiment. Abuses continue until public attention is focused upon them and then remedial legislation follows. The republican party under such leadership as Mr. Shaw has permitted abuses to develop until they have brought odium upon individualism, but the correction of those abuses will relieve individualism of the blame which it now unjustly bears and thus limit the growth of socialism. The trained minds of the college men can best help to stem the tide of socialism by helping to take the government out of the hands of the predatory interests and make it responsive to the will of the whole people. "Equal rights to all and special privileges to none" applied to all departments of the government, is the only thing that will remove the causes which have developed a socialistic sentiment.