

tions could seldom be questioned when fully understood. In one thing, however, in the part he played in the midnight judiciary, it is difficult to find a trace of broad-minded statesmanship. And yet at the end of his term he did a great service for his country—an act the effect of which is still felt in our government—he appointed John Marshall chief justice of the supreme court.

"The downfall of the federal party was final. This first great political party in America had piloted the ship of state upon a stormy sea for twelve years, but now at the close of the century it suffered an irrevocable overthrow. The federal party embodied in its doctrine much that is of permanent value in human government; and it did a great service to the country, and was necessary to save the new born nation from anarchy. But it was too centralizing in its tendencies, and from this cause the party was never popular; for the people, ever jealous of their liberties, feared that the government would become tyrannical and oppressive. Moreover, the party committed the unpardonable sin in passing the alien and sedition laws, and the sovereign people sat in judgment, and passed upon it the sentence of death. But these laws were the occasion, not the cause, of its overthrow. The vital defect lay in its distrust of popular government—its want of confidence in the people."

SEDITION IN 1909

The New York World, discussing its own prosecution says:

"There has been nothing quite like it in this country for the last 109 years—not since the federalist party went to wreck and ruin under the infamy of the alien and sedition laws and Thomas Jefferson became president of the United States.

"The real issue involved in this case is not one that affects merely the New York World. It is not an issue that affects the freedom of the press. It affects the freedom of speech as well and reaches out to the constitutional rights of every citizen of the United States.

"If Mr. Roosevelt could muzzle the World by instituting or instigating criminal proceedings in federal courts for what he called in his message of December 15 'a libel upon the United States government' he could muzzle every newspaper and every individual that ventured to criticize the official acts of the president or of his administration.

"He could muzzle Mr. Bryan and The Commoner. He could muzzle every democratic newspaper, every independent newspaper, every republican newspaper that refused to make itself his creature. He could muzzle every member of congress that criticized him from the stump or from the platform or from any place except the house and senate chambers. If the World is guilty of 'a libel upon the United States government' for what it has said about the Panama canal purchase Judge Parker must have been equally guilty of 'a libel upon the United States government' for what he said in denunciation of Mr. Roosevelt's method of raising a campaign fund in 1904."

AFTER 109 YEARS

Commenting upon the proceedings instituted by Mr. Roosevelt, the Omaha World-Herald says:

"It is notable that Mr. Roosevelt is trying to do now, under the common law, what the federalist party tried to do, more than a century ago, by the enactment of statutory law. As the New York World says truthfully, the federalist party 'went to wreck and ruin' in consequence.

"The most objectionable section of the sedition law of 1798 was that providing that any person who should write, print, utter or publish, or aid in doing so, any false, scandalous or malicious writing against the government, congress or the president, with intent to defame them, or bring them into disrepute, should be liable to fine not exceeding \$2,000, and imprisonment not exceeding two years.

"The circumstances at that time were vastly different from now. This was a young and struggling republic, and French emissaries, headed by the notorious Genet, were busy striving to incite the American people to rise against their own government. If circumstances could ever justify the course adopted then, and which Roosevelt is now adopting, circumstances justified it at that time. But, to quote from that invaluable handbook, 'The American Statesman,' 'The law did not accord with the disposition and liberal views of the American people. It was of doubtful expediency, even under the

circumstances that gave rise to it. Much less toleration would it find at the present day.'

"Nearly forty years later that staunch federalist, John Quincy Adams, discussing the alien and sedition acts, said: 'The prosecutions under the sedition act did but aggravate the evil which they were intended to repress. Without believing that either of those laws was an infraction of the constitution, it may be admitted * * * that they were not good and wholesome laws, inasmuch as they were not suited to the temper of the people.'

"Matthew Lyon, a member of congress from Vermont, was imprisoned for four months and fined \$1,000 under the sedition act. In 1833, many years after his death, a law was passed refunding to his heirs the amount of the fine.

"Thomas Jefferson, when, largely because of the odium attached to this act, he became president, directed nolle prosequis in all the prosecutions which had been instituted under it. Later he wrote, in explanation—and his attitude is one to be commended now to President Roosevelt:

"Those prosecutions were chiefly for charges against myself, and I had from the beginning laid it down as a rule to notice nothing of the kind. I believed that the long course of service in which I had acted on the public stage, and under the eye of my fellow-citizens, furnished better evidence to them of my character and principles, than the angry invectives of adverse partisans in whose eyes the very acts most approved by the majority were subjects of the greatest demerit and censure.'

"It was 111 years ago that the federalist party asserted the right of the executive to punish, under written law, the public press for criticising the government, on the ground that such criticism was sedition. That attempt sent the federalist party to its grave.

"Today the successor of that party, through the administration at Washington, is asserting the same right, though the sedition act expired by limitation March 3, 1801, and none has since been so hardy as to propose its revival.

"It remains to be seen if, after these hundred years, the American people are prepared to reverse, by giving their approval to the course of the present president, the overwhelming verdict rendered in favor of the liberty of the press by their patriot forefathers."

A DEMOCRATIC MEASURE

Hon. Fred Humphrey, of the city of Lincoln, a member of the house of representatives of the state of Nebraska, has the honor of introducing in the house, bill number one, which reads as follows:

HOUSE ROLL NO. 1

A bill for an act to secure a more certain selection of the people's choice for United States senator, to provide for a form of statement in regard to election of United States senator to be made in their nominating petitions by candidates for legislative nominations at the primaries and to prescribe the form of ballot and statements thereon to be used at the primaries for the selection of legislative candidates.

Introduced by Fred B. Humphrey, of Lancaster county.

Introduced and read first time January 11, 1909. Read second time January 12, 1909, and referred to the committee on privileges and elections. Sent to printer January 12, 1909.

Be it enacted by the Legislature of the State of Nebraska:

Section 1. Any elector seeking nomination as a candidate for the legislature at the primaries where such candidates are chosen may include in the application to have his name placed upon the official primary ballot provided for in section 5866 of Cobbe's Annotated Statutes for 1907 any one of the following statements, but if he does not do so the officer with whom the application is filed shall not, on that account, refuse to file his petition or place his name on the official ballot:

STATEMENT NO. 1

I hereby state to the people of Nebraska, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator in congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in congress, without regard to my individual preference.

(Signature of the candidate for nomination.)
If the candidate shall be unwilling to sign

the above statement, then he may sign the following statement as a part of his petition:

STATEMENT NO. 2

During my term of office I shall consider the vote of the people for United States senator in congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

(Signature of the candidate for nomination.)

Section 2. That part of the official primary election ballot which contains the names of candidates for legislative nominations shall have printed thereon, immediately following the names of those candidates whose applications include Statement No. 1, the following words, "promises to vote for people's choice for United States senator" and immediately following the names of those candidates whose applications contain Statement No. 2 the following words, "will not promise to vote for people's choice for United States senator." The form of that part of the ballot containing the names of those who are candidates for legislative nomination shall be substantially as follows:

For state senator from —th district. Vote for—
Richard Smith, promises to vote for people's choice for United States senator.
James Brown, will not promise to vote for people's choice for United States senator.
William Jones.
For representative from —th district. Vote for—
Wilbur Able, promises to vote for people's choice for United States senator.
William A. Adams.
Frank Alger, will not promise to vote for people's choice for United States senator.
Elton Ankeny.

The Humphrey bill was considered by the Nebraska house of representatives January 22, was reported favorably by the committee of the whole and ordered to a third reading. This was accomplished by a strict party vote, the democrats voting aye, the republicans no. In spite of the fact that the republican party in Nebraska has professed to be in favor of election of senators by the people, not a republican vote was cast for this measure.

EPITHETS

Here are some of the names applied to Theodore Roosevelt by Congressman Willets of New York:

- Hay-tedder. (A rake for gathering hay into rows.)
- Tyrant.
- Always good—to laugh at.
- Warrior alone in Cuba.
- Governor of New York—by a fluke.
- Beneficiary of assassination.
- Mammoth Jocularly.
- Gargoyle. (A spout projecting from a roof-gutter, often grotesquely carved.)
- Curious figure.
- Eccentric exception to all rules.
- Solecism suit generis. (An absurdity, or barbarism, in a class by itself.)
- Mixed-metaphor vivant.
- Impossibility.
- Comet.
- Fountain of Billingsgate.
- Exigent.
- Implacable.
- Bogus hero.
- Nero fiddling while Rome burns.
- Surely Theodore Roosevelt must look to his laurels so far as concerns the use of epithet.

THE GOMPERS INJUNCTION

A. K. Grow of Spokane, Wash., writes The Commoner as follows:

"The Commoner Greeting. What a flood of light you turned on the Gompers injunction matter in your article of January 1, 1909! It is worth all the sparring that has been made on the subject heretofore; so plain, so simple and so practical that a wayfaring man, ever so stupid, can not fail to note the difference between a financial corporation and a labor corporation or union. I note, too, that the state of Montana has a judicial decision in behalf of the Federation of Labor, which shows the public mind is waking up to the fact that human rights belong to humanity regardless of the position which it may occupy for the time being."

Benjamin Franklin described a high tariff as something wanted by its advocates "for their private interest under pretense of public good." But Ben is a whole lot deader than Uncle Joe.