

tion can be restored. Consequently he does not demand the removal of special privileges. He favors government interference at all points and gives the opponents of rate regulation a strong argument. He would even regulate insurance by means of a federal bureau.

The opposing theory of government intervention can be stated briefly. Let the government withdraw the special privileges that foster the trusts. Let the government own the railways as the only means of preventing discrimination. Let the government control commerce in such a manner as to prevent monopolies and thereby to destroy the trusts.

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#### KEEPING UP THE FARCE

The removal of United States Marshal T. L. Matthews because he failed to keep under surveillance Comstock and Richards, the cattlemen who were sentenced to his custody for six hours, is silly and childish. Marshal Matthews rightly interpreted the sentence of the court as a virtual acquittal and he promptly turned over the stockmen to the custody of their attorney. He obeyed the spirit if not the letter of the sentence, and he knew that he was expected to obey rather in the spirit than in the letter. He was simply carrying out the court's design. Judge Munger, who sentenced the stockmen, doubtless approves the conduct of Marshal Matthews.

President Roosevelt and Attorney General Moody dismissed the marshal in a spirit of pique and spite. After carefully investigating the case, Attorney General Moody found a scapegoat. He ascertained that Marshal Matthews had not strictly carried out the farcical order of the court. Then the thunderbolt of the administration was launched upon the luckless head of the marshal.

President Roosevelt and the attorney general have really set an example of disrespect to the court. They knew, as everyone at all acquainted with the circumstances knew, that Marshal Matthews was doing precisely what he believed the court wished him to do. Had he obeyed the court literally he would have excited wonder. The court had practically ordered Comstock and Richards to be released from custody and the marshal tried to obey the order.

The fact that the administration was not able to discipline a federal judge serving a life term should have prompted them to be lenient with an officer of the court who was in no way to blame for the court's laxity. The administration's disapproval was just, but it has found expression in a most ridiculous fashion.

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#### IN DESPOTIC COLORADO

"So far as I am concerned, if the court please, I am unwilling to be bound by such a system, and, therefore, if no other result is to come from these proceedings beyond my own punishment, then by the arousing of the public to the danger of such a power in the hands of any body of men, a great good will have been accomplished; more, perhaps than is necessary to compensate for what I may suffer; and I only desire to say, further, before I sit down, that no matter what penalty the court may inflict, from this time forward I will devote myself—by constitutional amendment if necessary, and by the decisions of the court it has become necessary—to deprive every man and every body of men of such tyrannical power, of such unjust and dangerous prerogative, of the ability to say to publishers of newspapers: 'While about everybody else you may speak the truth, no matter what our offenses may be, you speak the truth with the open door of the jail staring you in the face, or the depletion of what you may possess of this world's goods, and probably, of both.' If the court please, I am now ready to receive the judgment of the court."

These eloquent words were uttered by Senator Patterson of Colorado when asked whether he had anything to say why sentence should not be pronounced upon him for contempt of court. Respectfully but forcefully one of Colorado's best men called attention not only to the corruption of Colorado's supreme court but to the growing disgrace of Colorado as a state.

There has been something seriously the matter with Colorado for many years, but it is only within the last five or six years that its fitness for statehood has appeared to be a question. Justice long ago fled from Colorado in despair and left not even her broken scales behind. The rule of the strong and the tyranny of the cruel have attainted the name of Colorado with an indelible infamy. Not even in the Philippines have the best and bravest suffered so much from flaunting injustice.

While states and cities, east and west, are awakening under less intolerable wrongs, Colorado yet sleeps. How long will the people of that commonwealth permit a reign of czarism to impair their rich inheritance of liberty?

Senator Patterson's offense lay in the fact that in his newspaper, by word and cartoon, he told the truth concerning Colorado's supreme court. Stung by the revelations of their ill deeds, they cited the brave and honest senator for contempt. Senator Patter-

son demanded a trial by jury, but the court, fearing the proofs he promised to produce, sentenced him without a hearing. The senator was fined \$1,000. He has secured a suspension for sixty days and has appealed to the United States supreme court, but it is unlikely that the federal court can take cognizance of the case, inasmuch as this would probably be stretching its jurisdiction too far.

In his message to congress President Roosevelt makes a rather vague reference to the injunction power of our courts, but it is evident that he believes the power should not be taken away nor even materially modified. The people, however, look upon the injunction as a growing evil in the hands of tyranny. Government by injunction is still an issue of vast importance. Akin to the legal lawlessness of the practically unlimited injunction power is the power of the courts to sentence for contempt unrestricted by proper safeguards of individual liberty.

Not all the blame, of course, can be laid at the door of the law. If the people elect bad judges they must expect bad decisions, but in Colorado the people are not wholly to blame. A reign of terror has existed in that state so long that the people realize their weakness in the hands of judicial and administrative brigands. Stolen elections have perpetuated in power a regime that does not represent the people.

It is time for Colorado to awake, not merely to turn over in sleep. In the face of such great perils there should be unanimity among the people. They should speak in such a united chorus that the autocrats who now rule by the triumph of injustice may be driven in terror from the seats of power they hold as usurpers.

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#### FORMS OF LEGAL GRAFT

Representative Williams of Mississippi, democratic leader in the house, made a strong point when he introduced an amendment to the canal bill providing that the \$40,000,000 of government money now on deposit with national banks be used to pay for canal construction. The republican plan is to create a new debt bearing 2 per cent interest. Each year this program will be repeated, until the people are harnessed with another enormous liability.

What would be said of a man who would deposit his money in a bank without interest and who, when he needed money in his business, would not draw on his bank account but would borrow money of the bank at 2 per cent. It would be said that he was needlessly assuming a liability that benefited only the bank. And yet this is the way in which our national revenues are being administered. In the national banks of the nation we have \$40,000,000 which could be used to build the canal or to meet other expenses. Instead of using this money we allow the bankers to draw interest on it and we borrow money from the bankers at interest to meet our obligations.

Every special privilege is a graft. The tariff is graft. The railway rate to pay dividends on watered stock is a graft. The banking monopoly is a graft. The nation is honeycombed with legal graft, and it should surprise no one that a system of legal graft has led to a system of illegal graft. The insurance official finds it difficult to distinguish between taxing by a customs tariff or taxing by a needlessly high insurance premium. In both cases the beneficiary is the man or corporation possessing the power to levy the tax. Even the common grafter who accepts bribes excuses himself on the score that he is merely doing without legal sanction that which the recipient of a special privilege does under the sanction of law. Suppose, for example, that a legislator were permitted by law to accept bribes from corporations for enacting legislation that would rob the people for the benefit of the corporations. In that case the legislator would be granted a special privilege to assist corporations in the commission of theft. Under the shelter of law he would share in the spoils, as he now shares in the spoils without the law's sanction.

As long as the people permit special privileges they will be robbed. Just so long, moreover, will legal graft be supplemented by illegal graft or by a species of graft that the law neither condemns nor approves. Of this species is free pass bribery. It is a graft which the law in most states neither condemns nor approves. Nevertheless it is a theft upon the people, for its result is such legislation as permits the railways to rob the people.

There has been an awakening in the nation to the evils of special privileges that allow frenzied financiers to misuse trust funds, but of greater benefit to the whole people would be an awakening that would destroy the special privilege graft which is established by law. When the people are robbed by their city of-