

tion. Commissioner Garfield said that the information he obtained by examining the books and taking the testimony of the packers would not be submitted to the department of justice. It was, however, submitted to the department of justice, and as if the administration wished to leave no doubt on this point an official statement was made of the fact.

All the power of the government was used to crush a newspaper man who failed in his duty of reporting the news of the beef trust case correctly. Will all the power of the government be used to punish a commissioner of corporations who has made the beef trust case a fiasco by promising immunity to the lawbreaking packers, or will it be used, as in the case of Paul Morton, to shield the offending official from public scorn and indignation?

Commissioner Garfield should resign. His failure has been a thousand times more conspicuous and more harmful to the public welfare than the failure of District Attorney Baxter of Omaha who was ejected from office by a furious president.

* * * * *

GAME OF JUDICIAL FOOTBALL

"All the world wondered" how Judge Gildersleeve would get out of it. Few believed that he would make H. H. Rogers answer or cite him for contempt.

Judge Gildersleeve has extricated himself cleverly, and in New York cleverness is more than godliness. He has decided that Mr. Rogers need not answer for the present. The questions asked by Attorney General Hadley, he said, were proper and material, but Mr. Rogers need not answer. Similar questions were asked in Missouri and the Missouri supreme court referred them to Judge Anthony, who decided that they were material and proper. If the supreme court of the state of Missouri decides that this question has not been certified to by Judge Anthony, or if it decides that the position taken by Judge Anthony and Judge Gildersleeve in reference to the materiality of these questions is correct, then, under the decision of Judge Gildersleeve, it will be necessary for Mr. Rogers to answer the questions asked him.

Judge Gildersleeve has merrily shifted the burden to the supreme court of Missouri. He has washed his hands of the whole affair for the present. It would be highly discourteous, says the judge, to decide the issue in advance of the supreme court of Missouri. Is it possible that the supreme court of Missouri will be so highly discourteous as to shift the burden back to clever Judge Gildersleeve? Judge Gildersleeve played a mean trick on the Missouri supreme court, but he is no doubt laughing in his "gildersleeves."

Here is a good illustration of what is commonly known as "making a football of justice." Judge Gildersleeve, the clever quarterback of the judicial eleven, has slipped the ball to Judge Anthony in the hope that, guarded by the Missouri justices, he will be able to run around the end and lose the ball in the tall grass on the side lines. Meantime Attorney General Hadley will tackle, and every effort will be made to disable him by slugging and kicking.

* * * * *

PRESIDENT SHOULD EXPLAIN

Edward F. Swift, vice president and director of Swift & Co., testifying in the beef trust case at Chicago, said:

"Mr. Garfield declared that he spoke for President Roosevelt and said that it was the policy of the administration to protect the packers."

If Mr. Swift told the truth President Roosevelt could not consistently ask Commissioner Garfield to resign. The president would be as culpable as Mr. Garfield. The Independent is loth to believe that President Roosevelt informed Commissioner Garfield that it was the administration's policy to protect the packers. If this were a fact, President Roosevelt would be exposed before the world as a sham. His "square deal" would be the cant of a hypocrite, and his attempts at "trust-busting" would be shown to have been as insincere as they have been unsuccessful.

Quite as remarkable as Mr. Swift's statement was a statement by District Attorney Morrison, who said:

"The theory of the government is that there was an understanding that the matter should not be published until the packers were satisfied with the report. We will show that Mr. Garfield came back with a type-written copy of his report, which had not yet been printed, and that the packers were ready and anxious to have this report go to the publishers."

It was natural that the packers should be ready and anxious to have the report go to the publisher, for they considered it a complete exoneration on all the charges brought against them. The public regarded the report in the same light, but suspected that something was wrong, and now the public is told by the United States district

attorney that there was an agreement between the government and the packers that no report should be published that failed to satisfy the packers.

Why did the government think it necessary to deceive the people? And if the government deceived the people in that instance, is it not probable that the government is deceiving the people with reference to control of railways and trusts and that the present prosecution of the beef packers is merely a new deception?

How is it possible to choose a charitable point of view? Can it be argued that the government wished the packers to see the report before it was published so that nothing should be published which would be untrue and which the packers could prove by their records to be untrue? If such a claim were made it would be untenable. The government's report contained much that was untrue. Evidence was withheld that proves the report to have been a lying document. The evidence is now being used in the case against the packers. If this evidence is true the Garfield report was a lie. The evidence was collected by Garfield. Why was it not in the report? If it is untrue, why is it being used as a basis for prosecution? Is it possible that it is true and is being used with the knowledge that it will be rendered impotent because of Commissioner Garfield's promise of immunity?

It is almost incomprehensible that the government should permit this disgusting state of affairs to become known.

President Roosevelt should explain.

* * * * *

"OUR HIGHEST AND TRUEST"

Congressman Sibley, of Pennsylvania, attacking the Hepburn bill, pointed out some real weaknesses, but he made it altogether too clear that he is opposed to any legislation that will alter the status quo in the railway world. The words "anarchists" and "socialists" flowed easily to his lips, showing him to be "a defender of the national honor," a rather discredited company of gentlemen whose chief distinction is notoriety. Indeed, the average American would now prefer to be called an anarchist rather than "a defender of the national honor." Not so Congressman Sibley, whose ideal public men are Platt and Depew, if we are permitted to judge by inference.

In his speech Mr. Sibley urged that the salaries of the interstate commerce commissioners be fixed at \$25,000 "so that the president may have it in his power to select from among the highest and truest of American citizenship those qualified by experience, wisdom and integrity to discharge the burdensome duties." Apparently Mr. Sibley means such men as Hyde, McCurdy and McCall, who drew splendid salaries and were among the highest and truest for many years on account of their experience, wisdom and integrity. But seriously, Mr. Sibley would so establish the new interstate commerce commission that it would be a goal for high-priced grafters, men who could be lured from the marts of speculation only by the certainty of richer loot.

"Why should the government not fix the price of bread?" asked Mr. Sibley, to whom we might retort with the query, "why should the railways fix the price of bread?" Perhaps this point of view would gain relevancy by the further query, "why does the government now fix the price of bread by means of the tariff?" Pursuing the idea still farther, why should Wall street speculators be permitted to increase railway tariff taxation by increasing the issues of watered stock? But the real answer is that the government has the right to fix tolls upon the public highways. It should never have surrendered this right to private corporations, and the time is coming when by public ownership all tolls will be fixed by the government. In this instance, however, Congressman Sibley has been guilty of giving utterance to a misrepresentation popular among railway apologists. The government is not seeking to fix all rates. Unfortunately, that is not the issue at this time. The Hepburn bill and all other bills of a like character are designed to give the interstate commerce commission power to fix rates only after complaint and investigation.

Every week or so the administration makes new concessions to the Chinese, who then kill a few more Americans by way of gratitude.

Count Boni de Castellane got millions and the countess will get a divorce. Doubtless the count thinks he has had the best of the bargain.

The envoys to the Moroccan conference attended a bull fight to whet their appetites for peace.