

SPoonER ON MILITARY LAW

Wisconsin Senator Discusses Authority of President to Discharge Troops.

HCLOS THAT CONSTITUTION AUTHORIZES IT

As Commander-in-Chief He Can Remove Men for Good of Service and Senate Cannot Veto His Action.

WASHINGTON, Jan. 15.—Senator Spooner today resumed his speech of the Brownsville resolution, which he began yesterday. He said he agreed that it is for congress to determine the oath of enlistment of land and sea forces, the duration of term, the pay, the method of punishment and many other regulations for the government of the soldiers, but he could not agree that the commander-in-chief in time of peace or war under the supreme control of congress, the constitution made the president commander-in-chief of the army without defining his functions, declared Mr. Spooner. He read from a decision in the Swagone case in the court of claims that congress may reduce or abolish the military forces, but so long as there is a force the commander-in-chief is supreme. "I never heard until yesterday," said Mr. Spooner, "that the president had not the power of sending forces where he chose. I have never heard that that was not a power of commander until this was proclaimed yesterday by the senator from Georgia (Mr. Bacon)."

Mr. Spooner said that the constitution does not say that congress has the power to govern the military forces, but to make rules for the government of the army. He claimed that the words "to make rules" meant that the enforcement of the regulations for the government of the army rests absolutely with the president as commander-in-chief. In cases where congress has legislated to reappoint men to the army and navy, Mr. Spooner said, it merely gave to the president authority, in his discretion, to reappoint men or permit their re-enlistment.

Bacon's Theory Combatted.

Contending that Mr. Bacon's theory that congress has supreme control of the army and navy and over the commander-in-chief is the most dangerous proposition that could be advanced, Mr. Spooner again brought the Georgia senator to his feet. Mr. Bacon insisted that there could be no more dangerous proposition than that the great power of the army and navy should be lodged in the will of one man.

Mr. Spooner declared Mr. Bacon's position was in utter disregard of the constitution itself, that absolute power has to be lodged in the government somewhere and in the case under discussion this absolute power had been divided between the president and congress. He said the question of whether the 107 negro soldiers had been discharged from the army by an order not in accord with the president's constitutional authority could be tested any day.

Discussing the discretionary powers of the president as commander-in-chief of the army and navy, Mr. Spooner said he agreed that in bad hands that power might protect the vilest of murderers, the most dangerous assassins; but it was necessary to locate this great authority somewhere and it was thought best to trust the responsibility of the executive to the people.

Article Four Quoted.

Mr. Spooner said he wished the procedure in discharging the negroes had been different. It would have been much better if there had been a court of inquiry, but he thought the question of power hinged on article 4 of the articles of war. The senator said it was a perfectly plain proposition to him that this gave to the commander-in-chief the right to discharge men from the army without honor and that this title, in substance, has been in existence as long as the army. The article, he said,



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JOHN MITCHELL TO MINERS

President of Union Tells of Work of the Organization.

LESS TROUBLE NOW THAN ANY OTHER TIME

Membership Shows Decrease, but Head of the Union Finds Things Generally Satisfactory in All Districts.

INDIANAPOLIS, Jan. 15.—The eighth annual convention of the United Mine Workers of America opened here today with 500 delegates from the bituminous districts of the country and twenty-five delegates from the districts of the anthracite field. The decreased attendance at this convention is due to the fact that no wage scale is to be announced until the end of the year. The most important subject of the convention was the strike of three years ago which was signed in 1906 between the miners and the operators.

HOUSE DRAFTS SHIP SUBSIDY BILL

Committee on Merchant Marine Reports Measure Passed by Senate.

WASHINGTON, Jan. 15.—A bill that had passed last day and extended to the floor of the house, threatening to bring about much filibustering at one time, the house committee on merchant marine and fisheries finally decided at 4 p. m. by a vote of 8 to 7 to make a favorable report on a ship subsidy bill prepared by Representative Lattauer of New York as a substitute for the Grosvenor bill, which has been under consideration for many weeks.

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