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THE probable addition of Brazil to the formidable list of the enemies of Germany suggests promising possibilities. Participation in the war by the South and Central American states will not add appreciably to the military and financial strength of the anti-German combination; but it will add substantially to the moral strength of the league and to the diplomatic opportunities of the existing situation for American statesmanship. It will tend to complete the moral and diplomatic isolation of Germany. It will help further to disintegrate the old system of international law with its combination of irresponsible belligerency and equally irresponsible neutrality, and to substitute for it a better system which will seek to make all enlightened and inoffensive nations jointly responsible for the international security and order. It will afford the President an immediate excuse to propose the incorporation of the Monroe Doctrine into international law and to secure from the European Allies a formal guaranty against aggressive diplomatic or military operations in the western hemisphere. Finally, it will have the advantage for the American government of increasing the

authority of the new world in the counsels of the league of nations. It will strengthen the specifically American influence upon the joint policy of the Allied Powers. Before the treaty of peace is signed there may be difficult adjustments to contrive between the somewhat special interests which America, as contrasted with Europe, will have in framing the settlement. In so far as Central and South America can be brought in, America will be the more likely to succeed in securing respectful consideration for its peculiar interests.

FOUR justices of the United States Supreme Court believe that the Oregon minimum wage law is constitutional; four believe that it is unconstitutional. One, having been of counsel, may not express an opinion. So much appears from the decision rendered by the court last Monday. Since the state supreme court, from which the case was appealed, had sustained the law, the effect of this equal division is that the measure stands as a constitutional enactment. It is hardly more than an accident of procedure that the result was not just the reverse. If the aggrieved employer had happened to choose the course taken by the railroads in fighting the Adamson law, and brought an injunction suit in the federal district court, and if, as has so often happened, the district court had given the benefit of the doubt to the employer, and held the law unconstitutional, the effect of an equal division in the Supreme Court would have been to affirm the adverse decision, and the law would have been invalidated. On such precarious chances the fate of a law of the first importance has depended. Nothing could bring more strikingly to light the constant peril of leaving to the courts their present power of reviewing legislation under the Fifth and Fourteenth amendments.

AN ultimate adverse decision in the courts is not the only risk to which social legislation will be exposed, so long as the courts retain their anomalous power over legislation. There is the

enervating and deadening delay as the cases drag their way in endless litigation. The Oregon minimum wage law was passed in 1913. The following year it safely passed the gauntlet of the state courts. Only in April, 1917, is it finally sustained in the United States Supreme Court. During those four years, which should have been years of fruitful experiment and practical experience, we have had instead a complete and useless paralysis. Instead of taking advantage of the popular impulse which resulted, in 1912 and 1913, in minimum wage laws in eleven different states, instead of utilizing it to energize the administration of these laws, we have allowed it to dissipate, while lawyers argued and courts deliberated. In the meantime state officials have hesitated to enforce minimum wage laws, and legislatures in other states have hesitated to pass new ones. Now the popular impulse has been diverted to other channels, and the invaluable social energy generated in the presidential campaign of 1912 is lost. Is not this too heavy a price to pay for an antiquated constitutional remnant of our forefathers' distrust of democracies?

IF as a part of the organization for war it becomes necessary to conserve the American food supply and regulate its distribution, Mr. Herbert Hoover is incontestably better qualified than any other American to be placed in charge of the work. The statement, consequently, that he will return to this country and become the head of the Food Bureau in the Council of National Defense will be greeted with unalloyed satisfaction. But if he abandons his existing work at the call of his country, the government of his country should reward him by assuring the success of the task of philanthropy which has absorbed his energies since the beginning of the war. It should place at the disposal of the Commission for Belgium Relief a regular appropriation abundantly sufficient to maintain a food supply for the people of Belgium and northern France. The American government is now about to lend billions of dollars to France and Russia to assist those countries in carrying on the war. It certainly can afford to lend, or better to give, a few hundred millions to Belgium so as to assist in keeping alive the innocent and suffering victims of ruthless German aggression. Now that the American nation has entered the war not merely to protect its legal rights but for the purpose in part of preventing such crimes as the violation of Belgium, it cannot testify more emphatically and effectively to the sincerity of its new attitude than by assuming a large part of the burden which the British and French governments have been assuming for the feeding of the Belgian people.

IT is absurd that Miss Rankin's vote on the question of war and peace should be exaggerated to the size of a great political incident, that it should be supposed to have some bearing upon the ability of Miss Rankin's sex to play a capable and useful part in politics. What Miss Rankin did was to hesitate as to how she should vote and finally to join the minority against the declaration of war. Whether or not her vote was accompanied by tears is doubtful, but she certainly cast it under the influence of strong emotion. This was not a heroic performance. It afforded no indication of the future regeneration of legislative assemblies owing to the presence in their midst of women. No more did it prophesy their future degeneration from the same cause. It afforded no indication of any ability on Miss Rankin's part to bring unusual political intelligence to her work as Congresswoman. Even the importance of her decision to vote against war can easily be over-emphasized, for, apparently, she hesitated up to the last moment and narrowly escaped a vote for war under the influence of the ordinary "patriotic" or "political" motive. But her behavior, although it was perhaps undistinguished and unmeaning in substance was neither undistinguished nor insignificant in manner. What Miss Rankin added to the Congressional deliberation about war and peace was not a note of competence or wisdom, but one of sincerity. In being of two minds until the last moment whether to vote for war or peace she was only acting as the representative of the majority of American men and women. She was only reproducing the actual state of mind of most of her fellow legislators only a few weeks before. In betraying emotion when she finally cast her vote she was only behaving as her fellow legislators might well have behaved under the same circumstances. If a few men had shown as much emotion in voting for war as Miss Rankin did in voting for peace, there would be a better prospect of securing their assistance in making the war fruitful. What Miss Rankin did was to suffer the full force of the conflict between patriotism and humanism and to express it with unofficial candor. If she can continue to be similarly sincere, she will add a quality to the deliberations of the House of Representatives which it needs quite as much at the present time as it needs competence and wisdom.

SOME British official has put the London Nation on the list of papers which cannot be sent to foreign countries. Having become a partner of the British Empire in a war for democracy, Americans are now forbidden to read the foremost organ of the English liberal democracy. By issuing the order the very week America entered the war the

bureaucrats certainly selected a handsome moment for this piece of grotesque stupidity. It was genial and tactful of them, for the Nation is one of the two or three English publications that have consistently worked for Anglo-American coöperation. The weekly has been a conspicuous friend of this country and of the Wilson administration, and no paper in England has done more to assist America's entrance into the war. Indeed the Nation might well claim a triumph for its policy. Yet in the very moment when its faith in America is most completely vindicated, Americans are informed that they cannot read the Nation because it would contaminate them. It is a grave discourtesy to the American government, an act unworthy of an ally, and a complete blunder. Those Americans who read the Nation are not a great number, but they are influential. They will assume that the Nation's criticisms of Mr. Lloyd George's government are responsible for the suppression. Naturally they will assume the worst. They will say that something must be going so wrong that Americans dare not be informed about it. If the present British government had set out deliberately to put itself under suspicion it could not have done so more effectively.

SINCE an emergency is often made the reason for hastily sweeping aside anything that seems obstructive to the accomplishment of a single end, the present situation is apt to encourage the breakdown of various standards which it has taken years to establish. One code which is early threatened is the body of Civil Service regulations. Experience at the time of the Spanish-American war shows what can happen. In the haste to build the necessary administrative organization, the competitive restrictions in different branches were set aside and a great number of politically chosen appointees were rushed into office. Later on many of them were "covered" into the classified service by one statute or another. In the present instance Congress should make sure that there are not enough applicants already on the certified lists before it sweeps away the slowly won standards.

IT is evident from Mr. Root's speech and from editorials appearing in the party papers that the Republicans have decided to abandon the agitation for a coalition Cabinet. That agitation never took account of the fact that coalition under a party government merely divided responsibility and stifled criticism. A patriotic and candid opposition is extremely important, in that it presents the country with a real alternative when one is needed. We shall get along far better by putting full responsibility upon the Democrats for the direction

of the war and equally full responsibility upon the Republicans for cordial support whenever possible and a positive substitute where differences of policy exist. The maintenance of party lines does not apply, of course, to positions below Cabinet rank. There the nation will expect the administration to select men without regard to party. As the organization of the government is now shaping itself the actual technical management of the war is to be concentrated in the National Council of Defense, related in matters of large policy to Congress and the President through its Cabinet members. The necessary distinctions and connections between party government and expert administration can probably be worked out along these lines.

A REAL need of the near future is the establishment of a national organization for the protection of freedom of speech. No matter how temperate the general disposition of public opinion, and no matter how sincere the higher officials in most jurisdictions may be not to interfere with the free expression of opinion, war always brings with it a tendency to intolerance, to consider criticism of public officials and public policy so dangerous to the public welfare as to justify suppression. Over-zealous officials are prone to strain the administration of the laws and to include under the condemnation of a penal statute many expressions of opinion which are innocent and perhaps useful attempts to arouse opposition to the government. If there is an organization in existence which will guarantee to every person arrested for alleged violation of the laws controlling public utterance his full legal rights, these officials are likely to be more circumspect in their activities. Such an organization should not be composed exclusively or preponderantly of people who are opposed to American participation in the war. It can claim and should receive the support of liberals of all degrees of belligerency, who agree in believing that the utmost practicable freedom of expression is necessary.

THERE is published elsewhere in this issue the result of an investigation made by Mr. William Hard on the number and equipment of the small boats now possessed by the American navy, which are capable of being used as submarine chasers. The investigation indicates a rather inferior state of preparation in this respect, and some question may be raised as to the propriety of publishing these facts at the present time. The answer to such questions is sufficiently obvious. The facts are to a large extent a matter of public record, and those which are not on record have been furnished for publication by officials in the Navy Department. The German government, if

it needed such information, has long been in possession thereof. On the other hand, the American public has not been very completely informed in relation to this particular condition, and the publication of the information has a clear public value. It will increase popular support for the concentration of sufficient energy early and adequate measures to meet the deficiency.

Who Willed American Participation

PACIFIST agitators who have been so courageously opposing, against such heavy odds, American participation in the war have been the victims of one natural but considerable mistake. They have insisted that the chief beneficiaries of American participation would be the munition-makers, bankers and in general the capitalist class, that the chief sufferers would be the petty business men and the wage-earners. They have consequently considered the former classes to be conspiring in favor of war, and now that war has come, they condemn it as the work of a small but powerful group of profiteers. Senator Norris had some such meaning in his head when he asserted that a declaration of war would be equivalent to stamping "the dollar mark on the American flag."

This explanation of the great decision is an absurd mistake, but the pacifists have had some excuses for making it. They have seen a great democratic nation gradually forced into war, in spite of the manifest indifference or reluctance of the majority of its population; and they have rightly attributed the successful pressure to the ability of a small but influential minority to impose its will on the rest of the country. But the numerically insignificant class whose influence has been successfully exerted in favor of American participation does not consist of the bankers and the capitalists. Neither will they be the chief beneficiaries of American participation. The bankers and the capitalists have favored war, but they have favored it without realizing the extent to which it would injure their own interests, and their support has been one of the most formidable political obstacles to American participation. The effective and decisive work on behalf of war has been accomplished by an entirely different class—a class which must be comprehensively but loosely described as the "intellectuals."

The American nation is entering this war under the influence of a moral verdict reached after the utmost deliberation by the more thoughtful members of the community. They gradually came to a decision that the attack made by Germany on the

international order was sufficiently flagrant and dangerous to justify this country in abandoning its cherished isolation and in using its resources to bring about German defeat. But these thoughtful people were always a small minority. They were able to impose their will upon a reluctant or indifferent majority partly because the increasingly offensive nature of German military and diplomatic policy made plausible opposition to American participation very difficult, but still more because of the overwhelming preponderance of pro-Allies conviction in the intellectual life of the country. If the several important professional and social groups could have voted separately on the question of war and peace, the list of college professors would probably have yielded the largest majority in favor of war, except perhaps that contained in the Social Register. A fighting anti-German spirit was more general among physicians, lawyers and clergymen than it was among business men—except those with Wall Street and banking connections. Finally, it was not less general among writers on magazines and in the newspapers. They popularized what the college professors had been thinking. Owing to this consensus of influences opposition to pro-Allies orthodoxy became intellectually somewhat disreputable, and when a final decision had to be made this factor counted with unprecedented and overwhelming force. College professors headed by a President who had himself been a college professor contributed more effectively to the decision in favor of war than did the farmers, the business men or the politicians.

When one considers the obstacles to American entrance into the war, the more remarkable and unprecedented does the final decision become. Every other belligerent had something immediate and tangible to gain by participating and to lose by not participating. Either they were invaded or were threatened with invasion. Either they dreaded the loss of prestige or territory or coveted some kind or degree of national aggrandizement. Even Australia and Canada, who had little or nothing to gain from fighting, could not have refused to fight without severing their connection with the British Empire, and behaving in a manner which would have been considered treacherous by their fellow Britons. But the American people were not forced into the war either by fears or hopes or previously recognized obligations. On the contrary, the ponderable and tangible realities of the immediate situation counseled neutrality. They were revolted by the hideous brutality of the war and its colossal waste. Participation must be purchased with a similarly colossal diversion of American energy from constructive to destructive work, the imposition of a similarly heavy burden upon