

Americans in the mass do not want to live in such a world, and they are preparing to do what they can to make it unnecessary.

Happily they have found a leader who can express that feeling nobly and eloquently, a man who knows his countrymen well enough to state the tremendous alternative before them. Organized security or armed isolation—that is the choice we have to make. The better choice takes courage, means risks and heavy responsibility. But the man would not be fit to live who failed to try it after the agony of these years. This thing must not be repeated if human power can prevent it. Our vitality, our strength and our potentialities are too great for the mere pursuit of our own interests. All that is valuable in our tradition cries out that we must not sit still in grudging isolation.

The President cannot succeed without the hearty support of the American people. With it he may succeed, and in that success he will have elevated the pride of American citizenship. It will be something to boast of that we have lived in a time when the world called us into partnership, and we went gladly, went remembering what we had always professed, and pledged ourselves to it in a larger theatre. At least it shall not be said that we were too selfish and too timid to attempt it, or that the sources of American idealism have run dry.

## What the Adamson Law Is

**S**OLICITOR GENERAL DAVIS in opening the argument for the government in support of the Adamson act is reported to have "declared it regulates both hours of service and wages, and contended Congress has power to regulate both." Mr. Justice Day is reported as asking the Solicitor General, "Do you claim the same power in fixing wages as in fixing rates?" to which Mr. Davis is reported as replying, "We do."

If the government has conceded that the Adamson law is a regulation of the hours of labor and a wage-raising act simply—as if it read that for eight months after January 1st railroad employees engaged in interstate commerce should not work more than eight hours and should for such work-day receive an advance of 20 per cent in wages—the legal defense of the act has been needlessly complicated.

Plainly the act is not an hours-of-labor statute. It does not restrict the number of hours that railway employees shall labor. Nor is the act a wage-raising law simply. A fair analysis shows it to be an act requiring an experiment to obtain information, which is to be made public through a commission, for the use of employees, railway

managers, the government and the public; so that the results may be persuasive in bringing to an agreement that party to a threatened strike whose position is proved to be untenable.

A general transportation strike was threatened. No one knew what the merits of the controversy were. Apparently the subject matter of the dispute was so intricate that the legislature was at least entitled to assume that no one could know, without some actual experiment being made. The act on its face merely provides for an experiment. In laying down the eight-hour day as measure of a day's pay, and requiring that wages be not reduced, the act determined the general outlines of the experiment. The act then provided for the appointment of a commission to report upon the results of the experiment within a reasonable and appropriate time—not less than six, nor more than nine months after the act takes effect. Thirty days after the report is rendered by the commission, the provision prohibiting a reduction in wages comes to an end. The railroads may then reduce wages as they please. The employees may strike. But all parties will have the commission's report for advisory purposes. The form and operation of the act is consistent only with the theory of an experiment. It provides for an actual trial, the results of which will be to supply indispensable information to the contestants and to the public.

It will no doubt be argued that if the act merely directed an experiment, why require the wages at the old rate to be paid over to the employees? Why not merely hold up the wages and have them paid at a future time, if the commission so ordered? There are several objections to such a plan. It would have provoked the charge that the act was in fact a wage-fixing statute, pure and simple, because it would have provided, *after* the experiment had been made, for the payment over of the higher wage. If the money were not actually paid over at any time the experiment would have lacked reality. It would have been a mere matter of keeping books, and therefore the incidental changes which the payment of the higher wage would tend to produce, might be lacking. The wages which the experiment calls for are to be actually paid over, not at all because the legislature is fixing wages, or claiming to exercise any such power, but solely because this step is necessary in order to see the experiment through and to make it real.

It may be urged that it would have been fairer for the public to pay the cost of the experiment, or at least to have required the interstate commerce commission to raise rates in order to reimburse the railways. Perhaps. But Congress undertook to say that the cost of this experiment (except that of the commission and its incidental expenses)

should be borne by the railways themselves. The court cannot say that the cost of such an experiment was improperly thrown upon the railroad. Once concede that placing the cost of the experiment upon the railroads is not confiscatory, and that such an experiment is a proper subject of legislation, so that the act may itself be "due process," then throwing this cost on the railroads is not different from placing on the railroads the cost of new safety appliances, the cost of new methods of keeping accounts, and the cost of many other regulations, the validity of which has been sustained. The railroad is protected, as far as it can be by the courts, through the rule that the cost of the experiment shall not be confiscatory.

## To the Congress of Constructive Patriotism

SOME will ask why you felt the need of putting the word "constructive" in front of the word "patriotism." They will ask to know why patriotism needs any qualifying adjective. You will answer that here as in so many other places the corruption of the best things has often produced the worst, that patriotism has been the mask of the jingo, the jobber, and the reactionary, that it is only too often used to befuddle the mind, to conceal aggression, to serve partisanship. You will say you recognize that the word has of late been prostituted meanly, that in the minds of many it has become a substitute for honest thinking. You will insist that you had to distinguish your purposes somehow, and this is then your excuse for qualifying a high-sounding word. You did not wish to be confused with those who hope to swagger across the face of the globe, nor with those who are accustomed to describe a sordid quest of commercial monopolies as national honor, nor with those who dream of empire, nor with those who foment international discord for journalistic or partisan or business ends, nor with those who would turn America's military needs into a chance to drill the population for an automatic obedience.

You have come together recognizing that it is the very depth of folly to arm a nation without clarifying its foreign policy. You recognize that a sound diplomacy is the essence of national preparedness, that a nation which does not know what are its purposes, its rights and its duties in respect to other Powers can buy guns and train soldiers, but cannot possibly regard itself as ready. You know only too well that armament without candid public statement of purposes merely frightens other nations into increasing their armaments. You know that great navies and great armies do

not in themselves make for security. Germany has taught you that. She has shown the world that the preparation of a superb military machine brought into existence a grand alliance against her, a coalition of those who feared her power because they mistrusted her purposes.

You are not under the illusion that we can repeat her experience without in the end paying the same penalty. That is why you are assembled in Washington. You have come to formulate a foreign policy which will justify to the American people and to the western world the heavy increase of military force which most of us advocate. That is what you mean by the word "constructive."

But it is not all that you mean. You have learned the other lesson of the European war: that a nation split into hostile classes, undisciplined, badly educated, led by conventionally minded men, is a weak nation, whatever its numbers or its wealth. Therefore you will earnestly set to work drawing plans for the sincere nationalization of American industry, radical improvement in education, and the promotion of scientific research. As constructive patriots you will be as ready to conscript wealth as men. You will plan largely and fearlessly in spite of prejudice, tradition, group selfishness, and private interest. You will insist not only that the young must be trained, the newly arrived assimilated, but that the middle-aged and elderly who direct business and government and all our institutions, shall enlarge their understanding, think more clearly, face facts more courageously, and alter their habits more readily. You would not have come together did you not know that the long years of slack and dull leadership must end. If you were not prepared to make great sacrifices as well as to ask them of others, you would not have assembled.

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