The Outlook

A Family Paper

NEW SERIES OF THE CHRISTIAN UNION

Volume 50 For Week ending 28 July, 1894 Number 4

THE President, with a disregard of conventionalism very characteristic of him, has written a "personal" letter on the tariff issue, which, being read in the House of Representatives, has had all the effect of an official communication to Congress, and has put a new aspect on the tariff debate. Precisely the best portions of this letter—which we publish entire in another column—have aroused in the Senate the greatest bitterness of feeling. After declaring that the Senate bill is an abandonment of Democratic principles, and means "party perfidy and party dishonor," he continues:

"It must be admitted that no tariff measure can accord with Democratic principles and promises, or bear a genuine Democratic badge, that does not provide for free raw material. In the circumstances, it may well excite our wonder that Democrats are willing to depart from this the most Democratic of all tariff principles, and that the inconsistent absurdity of such a proposed departure should be emphasized by the suggestion that the wool of the farmer be put on the free list, and the protection of tariff taxation be placed around the iron ore and coal of corporations and capitalists. How can we face the people after indulging in such outrageous discriminations and violations of principles?"

In treating the sugar schedule he is both less explicit and less clear; but, if we understand him aright, he holds that a tariff on refined sugar is not inconsistent with Democratic principles, which allow for a revenue tariff on manufactured articles, and therefore the question of such a tax may be left to be determined by compromise, even if it does aid, incidentally, the Sugar Trust. He also expresses disapproval of the income tax, but is willing to yield upon this point to the majority of the party.

❀

In the House the reading of this letter was frequently interrupted by applause. It came at the close of an exceedingly spirited speech by Chairman Wilson stating that the Senate conferees, whatever their own opinions, had entered the conference fettered by "the apprehension that there were forces in the Senate, however small, yet powerful enough to resist successfully the passage of any bill which did not make concessions to great corporate and trust interests." After Chairman Wilson's speech and the reading of the President's letter, the House, without serious debate, voted not to concur in the Senate amendments. In the Senate, however, on the day following, the letter was the occasion of a debate animated to the point of bitterness. It was opened by Mr. Smith, of New Jersey, who declared that the Democratic platform demanded, not free raw materials, but simply freer raw materials, and this the Senate bill had granted, reducing the duty on iron ore from 43 to 23 per cent., and the duty on coal from 75 to 40 cents a ton. Mr. Hill, of New York, came to the defense of President Cleveland, pointing out that the Democrats in the last Congress supported successive bills freeing raw materials, and that these efforts were indorsed by the Democratic National Convention. This speech of Senator Hill did not improve the temper of Senator Vest, of the Finance Committee, who replied with unexpected fierceness to the criticisms of both the New York leaders. Senator Vest first dismissed with scorn Senator Hill's pretensions to tariff reform leadership, and then proceeded to attack the President for having forgotten the position given him by the Constitution and attempting to influence legislation. The bill as it passed the Senate, he angrily concluded, "will become law, or the McKinley Act will remain upon the statute-books. I wish it were otherwise." On Monday Senator Vest's speech was exceeded in bitterness and also in power by that delivered by Senator Gorman, who "hurled back" at the President the charge of "perfidy," and called upon Senators Jones, Harris, and Vest to bear witness that the President and Secretary Carlisle had been consulted upon the Senate bill while it was in preparation, and had given approval to its main features. He denounced the President's letter as "the most uncalled-for, the most extraordinary, the most unwise communication that ever came from a President of the United States." The President's action, he said, could have come only from one who "was consumed by vanity and desired to set his judgment above that of his fellows, or desired to keep an issue before the people that he might ride into power." At the close of Senator Gorman's speech the Senate voted not to recede from its amendments, but agreed to hold further conference with the House.

❀

Senator Gorman's charge that the President first accepted and afterwards repudiated the Senate amendments is one that cannot fairly be discussed until all the evidence is in. But as an independent journal we can find neither justification for the criticism upon the President for venturing to write a letter respecting pending legislation, nor for the fears lest it shall defeat all tariff legislation by the present Congress. It is true that the unwritten Constitution of Great Britain prohibits the King from making any attempt to influence legislation; but it is also true that this public jealousy of royal intervention is a tradition coming down from past ages, when the King attempted, sometimes with success, to overawe the Parliament. We do not inherit the tradition. The Constitution of the United States explicitly declares that the President shall "from time to time . . . recommend to their consideration [*i. e.*, that of Congress] such measures as he shall judge necessary and expedient." If he may do this by an official message, he may surely do it by a personal letter. The intervention is no greater in the one case than in the other. But we do not wonder that some of the Senate politicians find themselves hit hard by the President's indictment of a bill which gives a bounty to the great corporations and denies it to the farmer. For the agriculturists constitute a large body of voters, and they are beginning to show some sensitiveness to their own interests, not to say some

jealousy of corporations. As to the threat that if the Senate bill is not adopted no bill at all will be allowed to pass, worse evils might befall the country—as, for example, the passage of a bill notoriously and even avowedly framed on no consistent principle, but made up by a series of bargainings, some of them political, others of them financial, and euphemistically called a "compromise." The McKinley Bill represented a political principle; so does the Wilson Bill; but the Senate Bill represents nothing but the political and pecuniary fortunes of the Senators who have framed it. If it gets before the President at all, he will do wisely to veto it, and go to the country on that veto.

❀

Last week's history of the strike is almost exclusively the history of the court proceedings against the strikers. Even in California the strike virtually ended about the middle of the week, when the Southern Pacific road offered to take back all men not guilty of crime. By the end of the week the railroad strike seemed to have ended everywhere. The indictments, however, continued to be issued against the strike leaders. If the contempt cases in Ohio have been correctly reported, Judge Taft has sentenced to six months' imprisonment one of the strike leaders, on the ground that he urged a boycott which would have forced railroads to break their contracts with the Pullman Company. In the Indiana contempt cases Judge Baker is reported to have expressed doubt whether men could be enjoined from peaceably calling upon others to quit work, but later was reported to have intimated that no strike was peaceable. "Every one that has any sense at all," he is quoted as saying, "knows that strikes would not amount to anything unless they follow it out by violence." This is rather extreme doctrine, since the Federal labor reports, those of New York State, and those now made by the English Board of Trade, indicate that about one-half of all strikes are at least partially successful. Many persons of sense had believed that violence never secured success. In the Chicago cases, which are the most numerous and important, the strike leaders were early last week imprisoned for contempt of court pending their trial. Mr. Debs and his associates refused to give bail, on the ground that the order against them was void. "It was necessary," said their attorney, "to prove that they were in contempt before they could be punished for it. The constitutional right of trial by jury could not be frittered away at the demand of interests that believed that injunctions were created for their especial benefit." The District Judge ruled, however, that, whether the injunction against them was valid or not, they were in contempt for violation of it during its temporary continuance. The trial was begun on Monday of this week.

❀

The indictments against Mr. Debs should be pressed, that the country may know whether our present laws prohibit such a boycott against the community as that of the American Railway Union, and what protection they now afford against such a high-handed outrage. But we should be sorry to see the contempt proceedings against Mr. Debs prosecuted to a successful issue, and that he be subjected to imprisonment under those proceedings. This is not because we have any sympathy for Mr. Debs, or any desire to see him shielded from just penalty if he has broken the law of the land; nor because we think that policy calls for any compromise with lawlessness. But the American people have inherited from their English ancestors a just jealousy of any judicial proceedings which seem to undermine or weaken that bulwark of individual liberty, the right of trial by jury. If Mr. Debs has not violated existing laws, and the acts which he has committed are acts of injustice, the law should be amended, but that amendment should be sought at the hands of the Legislature, not by *ex post facto* judicial decisions. If he has violated the law, he should be adjudged guilty by a jury of his peers. We are not ignorant of the provision which both English and American law makes for the granting of injunctions and the enforcement of them by proceedings for contempt, but it would be a new departure in equity jurisprudence to enlarge this method for the purpose of punishing a crime against the peace and order of the community; and the same spirit which in England resented the endeavor of Charles I. to punish supposed offenses without a jury trial would be and ought to be quick in America to resent any such endeavor in this country, whencesoever it may come, and by whatsoever authority sanctioned.

❀

Governor Tillman, of South Carolina, has issued a formal order for the reopening of the dispensaries on August 1. The latter part of July the political complexion of the Supreme Court is changed, a Reform judge taking the place of one of the Conservatives. As the Court divided along factional lines when the dispensary question was previously before it, it is now believed that the friends of the dispensary can secure a favorable decision any time they desire. The dispensary system has become more popular since its overthrow by the Court. The stock of liquors in the various dispensaries, State and county, has not been touched since the Supreme Court decision in April, and all officers have been retained on half pay. The system can therefore be put in operation at a moment's notice. The Governor claims the legal right to reopen the dispensaries because the present law (that of 1893) was never declared unconstitutional, but only its predecessor, the repealed law of 1892. The present law, therefore, may be enforced by the executive until the Court pronounces against it. This a Reform court is not likely to do. The situation bids fair to be analogous to that in Ohio, where the (Dow) law taxing the saloons was pronounced unconstitutional by a Democratic Supreme Court, but pronounced constitutional by its Republican successor—the Court dividing along party lines just as the Legislature had done. It is perhaps to be regretted that the Governor did not defer the reopening of the dispensaries until the Legislature reassembled in December. If the Legislature should eliminate the revenue feature from the dispensary system, its constitutionality would be rendered unquestionable. For other than constitutional reasons this feature should be eliminated. The temperance agitation which resulted in the enactment of the Dispensary Law was an agitation for prohibition. It was prohibition pure and simple which the Democratic voters of the State had indorsed by a majority of ten thousand. Good faith demanded that no measure should be enacted not acceptable to the Prohibitionists. The dispensary system was acceptable to them, but not its revenue or profit feature. This feature was introduced at the instance of Governor Tillman, who wished the State control of the liquor traffic to be made a source of revenue as well as a means of restriction. The Prohibitionists of South Carolina, as well as those at the North, believe that public revenue from the liquor traffic simply interests the whole body of taxpayers in its preservation, and are unalterably opposed to it in every form. If, therefore, the Carolina Legislature eliminates the profit feature from the law, it will not only remove all constitutional difficulties, but will give the State the