

for their civic backwardness. In another place in this number of *The Outlook* an interesting account is given by Mr. Paul Kennaday of New Zealand's radical law for compulsory arbitration, which, if it has not literally abolished strikes, has at least in large measure stopped senseless labor warfare. Repeatedly *The Outlook* has described Canada's Board of Conciliation, under which it is a punishable offense against the law to declare either a strike or lockout without prior investigation by the Board. A few weeks ago Mr. Walter G. Merritt in *The Outlook* pointed out that strikes on public utilities in their effect on the public were disastrous and dangerous, and suggested that the Inter-State Commerce Commission and the Public Service Commissions of the States receive power to do as part of an ordered system what was done as an informal expedient and to avert public disaster by Mr. Roosevelt's Anthracite Commission. How or by whom the work is to be done is an open question. The trouble is that we—that is, municipalities, legislatures, and Congress—sit supinely by and do nothing.

Every reasoning man knows what will follow in any large American city if suddenly street car motormen and conductors go on strike and the companies send out part of their cars manned by strike-breakers or even by old employees who refuse to join their fellows. Crowds gather, a rabble collects, made up of men and boys, some strikers—more, probably, of the rowdy and reckless hoodlums found in the worst districts. From hooting and rough horse-play the advance to stone-throwing and brutal beating is quick. Then come police clubbing and shooting, and quickly the city is in a state of semi-anarchy, and savagery is seen to be as surely the result of mob excitement as it was in the days of the French Terror. It is a public duty to put down rioting; but it would be wise to forestall it by making the exciting cause impossible. The law should forbid strikes of public utility employees in a body and without notice, because such strikes are an incentive to crime and an outrage against public safety and comfort. But if it does this, it must, as a matter of plain justice, provide a fair and reasonable way in which the claims of the employees acting together may be heard

and the right or wrong determined. Conciliation and compromise must supersede brickbats and pistol-shots—and this not only for the benefit of workingmen and business men, but in order that such civic chaos as that in Philadelphia may become impossible under the sway of industrial democracy.



THE PRESENT DUTY

This week President Taft begins the second year of his Administration. One-fourth of the term for which he was elected has passed. During these twelve months his optimism has been severely tested. Entering his office supported with an extraordinary degree of popular confidence, he has had to do his work under the depressing influence of diminishing enthusiasm. Though trained, as lawyer and judge, to keep his mind on the task before him without hesitating because of popular opinion, and though still further inured to hostile popular views by his experience in carrying out the Philippine policy in spite of the earlier ignorant opposition of Filipinos and the continued selfish opposition of American special interests, he has not been oblivious of the growing volume of criticism during these latter weeks. Speaking impromptu, with that engaging frankness that wins for him the good will even of those who most emphatically oppose him, he is reported to have said in a speech at Newark, New Jersey, last week, in reference to the words used by ex-Governor Murphy in introducing him: "It is true I told him I wanted to make good a year ago. I am not so certain now of having done it. He said something about the newspapers. When the newspapers are prone to criticise, and sometimes unite in hammering your Administration, treating it sometimes with contemptuous disdain and sometimes with patronizing friendship, it is hard to overcome the feeling that perhaps you ought to begin all over again."

What the President refers to is really more deep-seated than merely newspaper criticism; it is a feeling widespread among the people. Unquestionably public opinion over a large part of the country is growing more and more critical and impatient. And the object of the criticism, the cause

of the impatience, is the Administration. Here lies a danger.

In its absorption in the occupation of judging the efficiency of the Administration, the country is forgetting the duties that are laid upon Congress. Certain great laws are needed, and needed now. Public ownership in public wealth must be retained; public control over organized wealth must be increased. The only body that can make such public ownership and public control secure is Congress. There are men in Congress who would be glad to see the policy of Government ownership and Government control impeded. They hold that the natural resources of the country should be exploited by and for private interests, and that the business of the country, as now organized, should be free from what they call interference. These men represent only a minority of the American people, but they have on their side the advantage that always lies with those who would do nothing, the obstacles that have been placed in Governmental machinery against hasty legislation and therefore against all legislation, and the natural inertia of human nature. Is the country going to allow Senators and Representatives to escape from doing their duty? If the country wants its will carried out, it must not devote its attention exclusively to the deeds and omissions of the Executive; it must take time and thought and energy to demand of Congress that the needed laws be passed.

These laws now before Congress constitute a legislative programme such as has been presented at few sessions. First in immediate importance are the Conservation bills. They are first because they are designed to prevent loss that would otherwise be irreparable. They must be debated and perfected and enacted. They will not be, however, unless public opinion in their favor is emphatically and repeatedly expressed. The bill to regulate further the railways of the country, enlarging the powers of the Inter-State Commerce Commission so that the highways of the Nation shall be open on fairer terms to all the people, is scarcely second in importance. It necessarily contains many technical provisions, and therefore affords opportunities for obstructionists. If the people of the country are not to be

defeated in their determination to see that the policy of railway regulation is furthered, they must make their insistence known to Congress. The bill to establish postal savings banks is a bill to conserve the wealth of the people, to make it easier for the ordinary man to increase his resources. The bill is opposed by special interests and by Constitutional literalists, and it can become law only if the country gives it its hearty support. A bill for the control of industrial corporations is also before Congress. It is of great importance. It carries out that policy of Federal control over modern industry which during the past six or seven years has been approved most emphatically by the Nation. Now that this bill is before Congress, ready for discussion and for such modification in detail as may be needed, the country will have to renew its demand. Other bills, less conspicuous, but not less vitally affecting the public interest, are to come before Congress, such as those to establish a Bureau of Public Health, in order that the Government may give as much attention to the health of men and women as it does to that of cows; to establish a Children's Bureau, that it may conserve the boys and girls of the Nation as well as its coal and oil; to modify injunctions, so that it may promote justice between men; to provide a better government for Alaska, so that the American population there may have at least as good a chance to live under orderly conditions as have the Filipinos and the Porto Ricans, and at least as good a chance as they to well-distributed wealth. The people of America have only a limited amount of attention that they can devote to their Federal Government; if they are not to be frustrated, they must give some of that attention to Congress.

If, as some people predict, the next House of Representatives is to be Democratic, then the chance for the enactment of such measures as these will be greatly reduced after this session. A Congress divided against itself is not likely to be an actively legislating Congress. If it is to remain Republican as it is now, it must prove its present ability to carry out the people's will. In either case, this legislative programme, if it is to be enacted at

all, must be enacted within the next few months. The country must see that Congress does its task. That is the present duty.



THE NEW YORK POLICE PROBLEM

Mayor Gaynor is taking hold of the New York City police problem with vigor, and, if he is sustained by the Police Commissioner and his immediate subordinates, or is able to get subordinates who will sustain him, there is a good promise that he will succeed in introducing some better degree of discipline in a force which now sadly lacks it. Up to this time the policemen have been less dependent on the Police Commissioner, or even on the Mayor, than they were on political leaders and a political organization which made and unmade mayors. Of this political control even the Police Commissioner could not be independent—and remain Police Commissioner—as was demonstrated by the fate which befell General Bingham. We may reasonably hope that the investigations which Mayor Gaynor has so vigorously undertaken will at least make two much-needed improvements: the police patrols will really patrol the streets at night, which are now too often left unguarded while the appointed guardians sleep or engage in pleasant social fellowship; and the brutalities sometimes indulged in by ill-tempered individual members of the force will be less frequent, if they do not altogether cease.

But the radical reforms which are indispensable to make the police force of New York City what it ought to be cannot be achieved by any Mayor, however honest and efficient, without the co-operation of the Legislature in two important respects.

At present the policeman's office is regarded as a piece of property of which he cannot be deprived without due process of law. And this principle is so construed that any policeman dismissed for the good of the service can appeal to the civil courts, and, unless the removal can be sustained before the courts by the kind of evidence required in determining the rights of property by the courts, he can be reinstated. Nor is this a barren right.

Frequently it has been availed of by discharged policeman, who have been reinstated and awarded their salary for all the time they were out of commission, so that the discipline to which they have been subjected by their superior officer has been a vacation of one or two years with full salary paid during the vacation.

Two claims for this system are interposed by its defenders. First, that it is very rare that policemen have been reinstated without adequate grounds. There is good reason to question the accuracy of this claim, but, if it were true, it would not justify the practice. It is impossible to maintain true discipline in the force if disciplinary acts of the superior officer are always subject to review by the civil courts, with the consequent certainty of delay and uncertainty of result. For adequate discipline, promptitude of action and inevitableness of penalty are indispensable. What discipline could be maintained in a school if every teacher were liable to a damage suit for the suspension or expulsion of a pupil? What discipline in an army if every soldier might appeal to the courts for reinstatement after his discharge? The police force should have its police court, as the army has its military court; the accused member of the force should be entitled to a court martial, and the decision of that court martial should be final. The police force is essentially a military force, and the laws which govern it should be military laws.

The other defense for the present system may be thus stated: Tammany controls the police; it would control the police court; any policeman who was not obedient to Tammany might find himself at any time discharged under circumstances which would make him ever after a marked man. This argument reduced to its simplest terms is: If democracy gives to a public officer the power necessary to enable him to be efficient, he may misuse it. Therefore, deprive him of the power and leave him inefficient. To concede this argument is to concede that democracy is a failure, for it is to concede that democracy cannot secure honest, faithful, and efficient public officers. The remedy for dishonest officers is not to deprive them of power; it is to deprive them of office. It is true that injustice