

**Samuel Polak.**

The death roll lengthens. One month to the day after Tom L. Johnson's death, there died in New York one of the oldest of the little group that came in touch with Henry George in New York immediately after the publication of "Progress and Poverty." Born in Holland in 1833, a resident of Paris in the stirring times of 1849, and of London for several years in the 'fifties, a wide traveler and fluent of speech in several languages, Samuel Polak came to New York just before the Civil War. While in London he had taken an active interest in the labor movement, and when this movement began to express itself crudely in American politics through the Greenback party, with Peter Cooper as its leader, he became a Greenback candidate for the New York legislature. In the semi-socialistic labor movements in the city of New York in the 'seventies, in one of which John Swinton was candidate for Mayor, Mr. Polak ran twice as their candidate for the legislature. In 1881 he read Henry George's "Progress and Poverty" serially as it appeared in Truth, the penny daily of the period from 1879 to 1884, through which Labor Day was established, first by the labor unions and then by law. This book captivated his imagination, and gave to his radicalism definite principles and a practical method. When the first Henry George campaign for Mayor came on, Mr. Polak plunged into the fight, abandoning his business for the time, and making a house to house canvass of the extensive but sparsely settled region of the Bronx. In the parade preceding the election, a labor demonstration that fairly terrorized Tammany Hall, Mr. Polak led a large delegation of his Bronx neighbors, and in the speaking campaign in the Bronx he canvassed the region, with Mr. George when he was there and independently at other times. His first connection with what is now known as the Single Tax movement was as a member of the Free Soil Society, organized in New York in 1883. Although not so active when age crept upon him, Mr. Polak lost no sympathetic interest in progressive affairs until a few days before his death at the age of seventy-eight years.

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**AN OPEN LETTER TO SPEAKER  
CHAMP CLARK.**

The ways and means committee has no doubt received resolutions purporting to come from the Chicago Live Stock Exchange protesting against the passage of the Underwood bill (H. R. 4413),

introduced in the House April 12, 1911. The closing clause of these resolutions reads as follows:

Resolved, By the Chicago Live Stock Exchange, an organization of upward of seven hundred members, engaged in breeding, raising, feeding, shipping, selling, buying, slaughtering, and exporting, all kinds of live stock, that it insists upon a fair and just duty upon live stock and its products and upon all products of the farm and ranch, and is unalterably opposed to placing the same upon the free list. That we are opposed to the enactment of the said Underwood bill because it is unjust and discriminatory as against our membership and its constituency among the live stock and farming interests of the United States.

Please note here that this resolution purports to express the opinion of an organization of 700 members and to represent a constituency of all the live stock and farming interests of the United States. Allow me to advise you of the facts, in order that members of Congress, whose duty it is to pass upon the Underwood bill, may know just what weight to give that resolution.

The Chicago Live Sock Exchange is a corporate body (not for profit) which exists for the purpose of looking out for the immediate interests of its members, and no one is eligible to membership unless his interests center in the Union Stock Yards of Chicago. It is governed in routine business matters by a board of directors consisting of nine members. Seven members of this board constitute a quorum. The board has no legal right to take action upon any matter of politics or legislation without submitting it to a vote of the members of the Exchange, who elect the board. But the above resolution was passed by the board without submission to the members. Most of the members of the Exchange knew nothing about it until its adoption by the board was published in the newspapers. Probably few of the constituents whom it professes to represent know anything about it yet. In truth it represents nothing whatever except the opinions of the seven or nine men who attended the board meeting at which it was passed.

GEO. V. WELLS.

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**FOR A GATEWAY AMENDMENT.**

At the present time the absurd difficulties encountered for the ratification by the States of the income tax amendment to the Federal Constitution and that for the direct election of Senators has received a needed scrutiny of Article V of the Constitution which provides the method of amendment. Had this Article a reasonable basis at its adoption?

Has our subsequent history shown favorable results from it? Is it suited to the needs of our nation at the present day? These are questions of vital importance.

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That few of the delegates to the Constitutional convention of 1787 believed in the unalterable rule of the dead-hand is evidenced by the little opposition they offered to Article V. The chief reason for its adoption, however, was probably a fear of the smaller States that their autonomy might be impaired by the larger States if amendments were made too easy to secure. A State like Rhode Island, which hung back from any federal arrangement at all, would certainly be fearful of future changes in the instrument of union.

Subsequent history shows what a baffling obstacle to change, this method of amendment has been. Of 1300 distinct resolutions to amend, offered in Congress in the first century of Federal history, only 15 became law. The first 10 of these, comprising the Bill of Rights, were adopted in 1791 to rectify an oversight in the original document as to individual immunities. The last 3 were only made possible by the fact that opposition to them in the South was disfranchised. This leaves only 2 amendments (the Eleventh of 1795 and the Twelfth of 1804) that have been passed under normal conditions during 120 years, out of 1300 proposed.

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The part of Article V of the Constitution which concerns the method of amendment reads as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The requirement of "three-fourths of the several States" is more than the first proposal of the Constitution framers. They suggested "two-thirds" of the States as necessary for ratification. "Three-fourths of the States" does indeed seem a high proportion, but its unreasonableness does not fully appear until it is scrutinized with reference to national population.

A ratio based on States as units would be the equivalent of one based on population only if all the States were equally populous; but that was far from being the case even in 1787, and at present

the discrepancy between the two methods of calculation is surprising.

Of the thirteen States forming the first Federal Congress, that of 1790, the largest (Pennsylvania) had eight, and the smallest (Rhode Island or Delaware) had one, representative; which signifies, if we estimate relative population by representation in the lower house, that the largest State had eight times the population of the smallest. At present the largest State (New York), has 37 representatives, or 37 times the population of any of the six smallest States (Delaware, Idaho, Montana, Nevada, Utah and Wyoming) with one representative each.

In 1790, therefore, the blocking of an amendment would have required at least four of the thirteen States; and assuming these to have been the smallest (Delaware, Rhode Island, New Hampshire and Georgia), their eight representatives would have been under ten per cent of the 65 members of the lower house. But at present, with 46 States, it requires 12 to block an amendment; and assuming these also to be the smallest (Delaware, Idaho, Montana, Nevada, Utah, Wyoming, New Hampshire, North Dakota, Oregon, Rhode Island, and South Dakota), their 18 representatives are less than five per cent of the 390 members of the lower house. This means that an amendment has now only half the chance of passing the lower house, or of securing the popular indorsement that it had in 1790.

Such rigidity in our Constitution is a serious obstacle to legitimate progress, and the practical result would have been much worse had not the Supreme Court pursued a policy of liberal interpretation in certain directions. But might it not be better and safer to have a Constitution that can be kept up to date by direct action of the people rather than one which is only narrowly variable by judicial interpretation?

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If the nation ever considers it desirable to lessen the present difficulty of passing amendments, it could probably be easiest effected by substituting some smaller fraction for the "two-thirds" and "three-quarters" now incorporated in the portion of Article V already quoted.

If this smaller fraction were a "majority," it would affect the balance of State and popular control in the following manner: The substitute would preserve State rights; for the deciding voice, both for the proposal in the Senate and for the ratification by the several States, would be based on State lines and not on population. But the

States would not have the only voice in the matter, for amendments could not be referred to them for ratification until sanctioned by a majority of the population as represented in the lower house.

In the present Congress of 390 representatives, only 196 votes are necessary to block the proposal of an amendment, and these could be furnished by a combination of the ten largest States, which could thus guard themselves against a possible coalition of the smaller States for the purpose of ratification. Twenty-four States could block ratification, and if these were the smallest their total representatives would number but 78, or one-fifth of the lower house or of the population.

Thus it may be seen that the requirement of both State and popular approval has indeed well guarded our Constitution against sudden change. Even with "a majority" substituted for the higher fractions of Article V, amendments might be blocked by one-fifth of the States, or by one-fifth of the population.

R. B. BRINSMADE.

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## EDITORIAL CORRESPONDENCE

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### A MRS. PARTINGTON BOOSTER CLUB.

Portland, Ore.

It was a certain Mrs. Partington who tried to sweep back into the ocean a few waves that came in with the tide and threatened to mess up her parlor carpet; but she failed to deliver the goods. May 3 and 4, 1911, the Governors of seven northwestern States met at Helena, Montana,\* and a few days thereafter a convention of delegates from those same States met in the same city to make plans and specifications for turning back the tide of American farmers who are going to Manitoba, Saskatchewan and Alberta—the three prairie Provinces of Canada. The two conventions of Governors and delegates organized the "Northwest Development League," an infant which declares that one of its purposes is to stop "the constant drain of homeseekers" into Canada.

Looking upon that purpose as a declaration of war, the Canadian papers promptly unlimbered their artillery, saying that in the northwestern States all classes "except the farmers" are trying to stop the exodus of Americans to Canada, that American farmers who want good wheat land must go to Canada, where the land is better than in the States, that tens of thousands of American farmers know that, and, therefore neither the Helena-born infant nor any other organization will prevent the American farmer from following the line of least resistance in his pursuit of happiness.

"So the issue is drawn," says a Portland paper, which asks: "Where is the northwestern farmer's interest? How shall it be made plain to him where that interest lies?" Well, for instance, by arresting him and reading to him the hypnotizing booster literature of booster clubs managed by real estate

speculators—not forgetting that our transcontinental railroads, like the Canadian transcontinental lines, are land and lot speculators. Then, when the American farmer who thinks of going to Canada is properly "under the influence," soothe him with the howls of rage of the same booster speculators against the proposals to exempt farm improvements and personal property from taxation. For what shall it profit boosters to boost if the land values created by the industrial community do not flow into the pockets of the boosters?

Responding to the fire from the Canadian papers, the sharp shooters of the Pacific coast—Oregon and Washington—papers decided to get busy and show up Canada as it really is in their imagination. For why soil one's mind with dusty facts when lively imagination can turn out stuff hot from the oven? And here is a picture borrowed from a Portland paper: "In October," said one farmer who sought Oregon from a Manitoba farm, "the pond froze, in November the creek froze, in December the well froze, and from then on till April we had to thaw out snow and ice for water for the family and for the stock. Meanwhile the tails of the cattle froze and dropped off. A dog with a tail is a rarity."

That work of art is almost equal to one of the "old monsters." And it is dashed off with so much eclat, sang froid and faux pas! It is not a large canvas, but it arrests the attention like a fly in the gravy. I lived some years in Montana; I have shivered through North Dakota in winter; and last January I was in Winnipeg three days when the thermometer was 35 below zero; two days in Calgary when the mercury was 20 below; one day in Regina when it was about 25 below; and in those cities and between them I saw many cows and dogs. As I remember, I did not see any detailed cows or curtailed dogs. I did see a few men with bob-tailed minds, but they were Tories of the same breed as the American standpatter.

It isn't my business to boost for Canada, and I'm not doing it; but a cow or dog so anemic as to have its tail frozen off in one of the prairie Provinces of Canada needs a much warmer climate than can be found in winter in North Dakota or in northern or eastern Montana; and any mollicoddled cow that loses her tail by frost in Manitoba would lose her horns in North Dakota or eastern or northern Montana.

In addition to dogs and cows, I saw farmers in Canada—met a whole convention of them at Calgary—Alberta farmers, some of them from Iowa, some from Minnesota, from Wisconsin, Montana and other States. They were prosperous and fairly happy; they liked conditions in Canada, except that they want free trade and direct legislation, and many of them want single tax. They have no taxes on their farm improvements, stock and other personal property, and they see no reason why land speculators should reap the land values sown by the people who produce wealth.

Of course the climate of Washington, Oregon or Idaho is better than that of Alberta, Saskatchewan or Manitoba. But the land speculator has "capitalized" the climate as well as the land; and if there happens to be any scenery in the neighborhood, the speculator capitalizes that too; and if

\*See The Public, current volume, page 389.