

COL. EDGARTON'S VIEW OF THE LIFTING OF PANAMA.

"If," remarked Col. Abe Edgerton, the Arizona mining man, "my friend Marshall P. Wilder happened to be promenading past the White House, swinging a particularly natty cane, and Champion Jim Jeffries should come along and take a fancy to that cane, and lift Mr. Wilder with a left hook and annex the cane, would I admire him for his courage, audacity and dash? Would any gentleman in this cafe admire that matchless heavyweight for doing up a featherweight just because he could, and because the featherweight had something he wanted?"

"Jeffries," observed Prof. Jenks, of Pennsylvania, "would be a cowardly dub to do a thing like that."

"Precisely," replied Col. Edgerton, "but only yesterday I heard you, as a good Republican, lauding President Roosevelt for stealing the Isthmus from Colombia, which hasn't any more chance against us in a fight than Wilder would have with Jeffries."

"In national affairs, sir," began Prof. Jenks, with dignity, "we—"

"In national affairs," interrupted the Colonel, "we remain barbarians. It's a curious thing that it should be so, too. As individuals we've tamed ourselves. If a man steals your wife you go to court instead of gunning. If you are insulted, you draw no sword, but appeal to the police. And we describe this change as progress in civilization. So it is. But as a nation we, like every other nation, still believe in the duelist's code. The most personally peaceable, pigeon-breasted, thin-blooded citizen wants his government to stand on the point of honor and carry a chip on his shoulder. He wants it to act with a ferocity and violence that he himself is quite incapable of in his dealings with his neighbors. He likes to be brave and fierce by proxy, I suppose. And the less sand he has in his own craw, the more eager he is likely to be for his country to go about with hand on hilt and full of strange oaths. He wants Uncle Sam, his big representative, to be a bad man and fight at the drop of the hat.

"And it surely does puzzle me," continued Col. Edgerton, "to see the way a decent citizen lets himself be morally up-ended when it comes to judging the acts of his government—how he manages to admire and applaud deeds that he wouldn't think of doing himself, and that he would consider any individual a cowardly scoundrel for doing.

"It's bigness that blinds him," argued the Colonel, toying thoughtfully with his glass. "Now, Professor, if I were to

lift your pocketbook while handing you this cigar as a mark of good will and friendship what'd you think of me?"

"I'd say you were a thief," came promptly from the Professor.

"Exactly. But if Morgan and Schwab and the rest of them, by lying prospectuses and giving the weight of their names to the enterprise, get you to put your all in shipbuilding stock, or steel, and copped off every dollar you had, you would call it business, I dare say, even if you did rip around and curse with the other victims, and it never would occur to you to have them pulled for larceny. The extent of their looting would bluff you away from realizing the real quality of the business they were doing."

"Still, I maintain," persisted Prof. Jenks, "that the moral standard which properly controls private conduct cannot be applied to the proceedings of government."

"Why not?" demanded the Colonel, raising his voice. "What right have a dozen men, or a million men, or seventy million men, to do a thing that in a single man would be cowardly and dishonest? If it would be base in Jeffries to hold up my small friend Wilder and separate him from his cane, it wouldn't be any less base if a wilderness of Jeffrieses did it. It's this notion that what is dishonorable in private conduct becomes excusable or even praiseworthy, when a nation does it that has made the nations what they are—a set of brigands armed to the teeth, all watching each other to see that no one of them gets he drop. There isn't a Christian power on earth to-day, gentlemen, that doesn't deserve to be in the penitentiary, and all because the people have got it into their heads that they can do collectively without sin what any man among them, if not criminal, would be ashamed to do."

"Sir!" cried Prof. Jenks, indignantly, "do you mean to intimate in my presence and in that of these other American citizens here present that our high-minded and gallant President—"

"Don't you worry about our high-minded and gallant President, Jenks," advised Col. Edgerton, soothingly. "He isn't worrying any about himself, except when he turns his eyes on the equally high-minded and gallant Hanna. Our revered President is one of the luckiest men alive, for he was born with a round head and the kind of mind that approves itself with enthusiasm. The fact that he does a thing makes it all right to him. So long as he's conscious of no immorality in any act of his you couldn't convince him that the angels themselves would be able to find anything wrong with it. If he instead of Jeffries

recognized the independence of Wilder's cane and made a treaty with it on the sidewalk that gave it to him while Marshall lay on his back in the roadway, he'd see the hand of Providence in the transfer and feel that civilization was in debt to him for putting desirable property into the right hands."

"I deny that," proclaimed Prof. Jenks. "Nothing could make me believe that Theodore Roosevelt, the soldier-statesman, would knock down and rob Marshall P. Wilder."

"Of course not, of course not," agreed Col. Edgerton. "I was speaking in parables. But this country and the world may as well understand our high-minded and gallant President has got to have the center of the stage, and any Spanish-American Wilder that happens to be carrying a canal by way of a cane, or is packing other valuables on its person, will do well on its promenades to avoid the neighborhood of the White House." —Arthur McEwen, in *Chicago Examiner*.

INTERFERENCE WITH FREEDOM OF BELIEF.

Letter of Edward M. Shepard to mass meeting held December 3, 1903, at Cooper Union, New York.

John S. Crosby, Esq., Chairman:

I am not able to accept the invitation to speak at the meeting this evening to protest against the deportation of John Turner. But I feel bound to express my deep sympathy with the purpose of the meeting, which I understand to be the promotion of sound, orderly, law-abiding freedom.

I do not know Mr. Turner; nor do I know anything of his speeches, writings or beliefs, except as they appear in the proceedings against him. They have now resulted in the order of a Cabinet officer of our Republic that he be excluded by force from our country for believing in a theory of human society different from that held by you and me and the great majority of Americans and other civilized men, and in a decision of a Federal Court that there is no judicial power to interfere with that order. To my mind the order of Secretary Cortellou is thoroughly un-American, and is dangerous to the future prosperity, and dishonors the true and useful glory of our Republic.

I am not sure that the protest I would make is quite the same protest which is to be made to-night. For I do not limit my protest to the statute itself. That is not, it seems to me, well or fitly framed; but I am far from conceding that it was ever intended, or can now be rightly interpreted, to justify an executive act such as that of Mr. Turner's de-

portation. The Federal judge has pointed out, and, I suppose, rightly, that he has no power to review the finding of fact made by the Commissioner of Immigration or the Board of Special Inquiry which sat under his auspices. That is to say, since that board has found that Mr. Turner is an anarchist, the court cannot lawfully, so it is held and probably correctly, review that finding to ascertain the real truth. The judge being, therefore, shut up to the proposition that Mr. Turner is an anarchist, and the statute prescribing the exclusion of anarchists, and the constitutional rule being (and that, it seems to me, of necessity) that the United States as a sovereign and Congress as its law making power, may determine what foreigners shall be admitted and what shall be their qualifications—the Federal judge has drawn the conclusion, and perhaps of complete logical and legal necessity—that he must not interfere. Until his order is reversed it must, in a law abiding community like ours, be assumed that he is speaking the law.

Nevertheless, it seems to me to be clear that the word Anarchist, as used in the law, did not refer to the philosophic and peace-loving belief held by Mr. Turner. He believes, as I understand, and as the judicial record fairly implies, that humanity would be better off without government dependent upon force. The statute, as I conceive it should be interpreted, referred rather to a disposition and will on the part of the foreign visitor or immigrant to use force or advise others to use force against organized government. The statute does, indeed, refer to "persons who believe in the overthrow by force or violence of the government of the United States or of all governments and of all forms of law or the assassination of public officials." This part of the statute is not well phrased; but the word "believe" as here used I understand to refer to an effective disposition and will to use force and not to any philosophic creed.

I take it we must all approve the exclusion of those who come here to use force themselves or to advocate the use by others of force or violence to overthrow any part of our Government or any kind of murder, high or low. The decree against Mr. Turner is based solely, however, upon the provision for the exclusion of Anarchists, a provision never intended, I believe, to apply to those who hold philosophic and high-minded, even if impracticable, theories of human society, and do not threaten or urge violence. My fault-finding, therefore, is

not so much with the statute, except that its phraseology is not clear, as it is with the application made of it by the National Executive. That application I regard as un-American, high-handed, tyrannical and stupid.

In the brief submitted to Judge Lacombe in behalf of the government, no assertion, not even a hint, is made against Mr. Turner's character. He is not accused of desiring or seeking violence. The whole charge is that he has called himself an anarchist. The able contention of his counsel is not disputed that he is an anarchist only in the sense of those who believe that peace and virtue and happiness do not need the exercise of governmental force.

The sole defense of the government is that Mr. Turner "disbelieves in all organized government." Secretary Cortelyou applies a statute evidently intended to exclude persons who threaten violence or murder, to the case of a man merely holding in his own conscience and mind, and who in the freedom of his own England has expressed, a belief that human progress and safety do not need the aid of armies or police. In my opinion the conclusion of the commissioner of immigration and of his board ought never to have been permitted by the administration.

Upon every theory of constitutional or statutory interpretation prevailing in our country the statute ought to have been interpreted strictly to favor and not to disfavor freedom of opinion. I must frankly say that the action of Secretary Cortelyou seems to me to have been only of a piece with much else indicating a temper in our administration, and possibly (though I believe not) for a time dominant in American life, of hostility to freedom and favoring those narrow, arbitrary, obstructive, militaristic theories of public administration against which the very birth of our republic was a protest; theories which all countries, as they have grown more intelligent and more prosperous, have left behind.

Is it not intolerable that our government should admit freely a man who believes in despotism, religious persecution, or who supports polygamy (for mere belief in polygamy does not exclude), but that, on the other hand, men should be excluded for holding doctrines long preached and even practiced by many of the Quaker and other sects greatly respected by us all, doctrines held to-day by Tolstoy—doctrines the very holding of which implies a certain nobility and generosity of temper and faith. For me those beliefs are as yet impracticable and unsound; but I

am far from saying or believing that they are more impracticable than much of the doctrine formulated in the Sermon on the Mount.

Has not America, has not civilization, come to everything now dear to them, to everything upon which their civilization and happiness depend, through the triumph of beliefs which were once odious and once treated as criminal, and for which men were deported and even burnt and crucified? Because Mr. Turner's belief is very far from mine, who am I that I shall say that, in the ages to come, he shall not be found right and I wrong? Who are Secretary Cortelyou and the commissioner of immigration, and the rest of the great majority (including myself), that we should assert that we better know the truth than the majorities just as virtuous as we are, who in other ages burnt saints and bade the leaders and thinkers and saviors of mankind to be dumb?

Are we to envy England the glory of her freedom? Are we not rich that the archives of our state department hold the drafts of the noble dispatches we sent to Austria, when she was displeased with our courtesy to Hungarian exiles? Must we in the twentieth century envy England the replies made in the middle of the nineteenth century by Lord Palmerston to Louis Napoleon and to other monarchs of continental Europe who would reduce the liberty of thought and speech in England, replies ever since steadfastly sustained by the English government and English sentiment? Are we not to serve better rather than worse, the cause of human freedom than the nation, once our oppressor, to which we sent the Declaration of Independence as an affirmation by America of a sound, sober, safe policy of public administration for all time to come?

Is it credible that in our day and in our land there should be found men in places of great power who do not see that nothing is so conservative, nothing so safe as an absolute liberty to think and to speak and to write, so long as there is no urgency or invitation to vice or to violence!

I earnestly hope that the meeting at Cooper Union will demand that the statute shall be so modified as to make it clear that no belief shall exclude any man from our land, except as it shall form part of an intention to promote crime or vice or violence. I hope that the meeting will go further, and, assuming—as I think it ought to assume—that no such thing as this deportation of Mr. Turner was ever intended by Congress, declare that his deportation or

any other interference with peaceful freedom of belief by the executive authority is a high-handed offense against American right, American law, American conscience, American order and American freedom.

EDWARD M. SHEPARD.
Brooklyn, Dec. 3, 1903.

JUDGE DUNNE ON THE PANAMA TREATY.

On Sunday afternoon, December 7, Judge Edward F. Dunne spoke before the Henry George Association of Chicago on the recent Panama affair. The Chicago Examiner reports that "Handel hall was crowded and Judge Dunne was enthusiastically received." The Examiner's report of the speech is as follows:

In the year 1846 the United States of America concluded a treaty with the republic of New Granada, now known as the republic of Colombia, in which, in return for certain valuable concessions to American citizens, among which were the same privileges of commerce and navigation enjoyed by the citizens of Granada in crossing the Isthmus of Panama, the United States of America "guaranteed positively to the republic of New Granada the neutrality of the isthmus and the rights of sovereignty and property which New Granada has and possesses over the said territory."

This treaty has been faithfully observed by the republic of New Granada and its successor, the republic of Colombia, down to the present day, and until the month of November, 1903, was respected and adhered to by the United States of America.

During the month of November just past the United States government, without any pretense of this treaty being violated, hurriedly equipped in its navy yards a number of gunboats, loaded up a number of its war vessels with ammunition and marines, and hurriedly dispatched them to Colon and Panama in a time of profound peace.

Immediately upon their arrival, as by a preconcerted signal, a few hundred men in the cities of Colon and Panama, cities located at either end of the isthmus railroad, seize a few hundred rifles and a splendid supply of ammunition and small arms opportunely placed at their disposal by some disinterested philanthropists, occupy the railroad termini and declare themselves to be the republic of Panama in revolt against the republic of Colombia.

At once, by orders from Washington given several days before, United States marines are landed from the United States gunboats, the railway stations seized by United States troops and all transportation of Colombian troops

over the railroad prohibited. The United States gunboats blockade the harbors and Colombian vessels are warned off and prohibited from landing at their own ports, Panama and Colon.

Within 100 hours after this preconcerted and prearranged emeute, before any election is held, before even any semblance of a convention or convocation is called, before a shadow of a congress is gotten together, before the rudiments of a provisional government is gotten under way; before, so far as the press dispatches disclose, a provisional president or even a dictator is appointed, the president of the United States gives official recognition to an agent of the French canal syndicate in Washington, who declares himself minister plenipotentiary of the undelivered foetus of a government, and within a few hours afterward concludes an alleged treaty with this worthy which violates the solemn pledges made by this government with the southern republic 57 years ago.

The foregoing is the shameful story of American history for the month of November, 1903.

A more scandalous and disgraceful exhibition of Punic faith and breach of national honor is not recorded in the pages of history.

In 1846, when the treaty between these countries was negotiated, the young republic of Granada was weak in population and financial strength, but she possessed then and she possesses now one of the most important strategic possessions in the world—a narrow isthmus, about 30 miles in width, separating great oceans, capable of being cut across by modern engineering skill, and thus reducing by thousands of miles and weeks of time navigation around the world. Even in 1846 the envious eyes of the great nations of the world rested upon this isthmus, and enlightened, broad-minded and fairly disposed American statesmen at that date, recognizing the tremendous importance of the position and fearing lest the great land-grabbing nations of Europe might despoil the young republic of its most valuable possession, inspired and brought about this treaty of 1846, which was fair to both republics and mutually advantageous.

The American statesmen of that day were incapable of fomenting rebellions within the territory of sister republics and grabbing off what they could lay their hands on during the disturbances that followed.

In making the treaty of 1846 they were inspired by the spirit of the Monroe doctrine, and guaranteed to the

young republic of South America, then but recently sprung into being, that no European nation should despoil her of her territory or sovereignty.

That our government at Washington connived at the outbreak at Panama is established beyond all question:

1. Walter Wellman, a very reliable and well-informed correspondent, stationed at Washington before the outbreak, wrote to his paper that the United States authorities were hastily dispatching gunboats, marines and munitions of war to Panama, and that something "was in the wind" at Panama.

I remember reading the letter several days before the outbreak.

2. On November 17 a New York paper printed the following: "Mr. Dugue (publisher of the Star and Herald at Panama) is said to have informed Mr. Hay that the revolution was scheduled to take place on September 23," to which Mr. Hay replied: "September 23 is much too early."

Mr. Dugue went back to New York. The revolution was postponed to November 3.

3. American war vessels had, by orders of the government at Washington, been collected within striking distance, and on the day before the revolution began Admiral Glass was notified to go to the isthmus.

4. The planting of the agent of the French canal syndicate, the soon-to-be minister plenipotentiary of the unborn republic, at Washington before the outbreak, so as to be ready to sign the previously drafted and arranged treaty.

5. The scandalously indecent violation of international law and customs in recognizing a representative of a government not even provisionally organized, within a few hours after the outbreak.

6. The signing of a cut and dried treaty with a man notoriously interested as the agent of companies which would acquire \$40,000,000 thereunder at a time when the alleged republic he claimed to represent had neither a president, a senate, a congress or a flag, so far as the press dispatches disclose to the world.

7. The insolent, outrageous and high-handed conduct of the United States marines and sailors, acting under orders from Washington, in refusing to allow Colombian troops to travel upon the Panama railway to suppress the rebellion, and in refusing to allow the soldiers of the republic to be landed in Panama and Colon, when sent there by their government to put down the disturbance.