Far be it from us to hint that the proposals in question really are intended to mask Privilege, which by creating poverty among workers to bestow wealth upon idlers, generates and fosters the social evil; but how can headway be made against this evil while the idle rich are allowed to feel that no responsibility for it rests upon them as stubborn beneficiaries of its underlying cause? Prostitution may be so regulated by laws and commissions that the leisurely rich may not find it offensive. Nevertheless it will flourish. Disinherited classes who earn wealth without getting it, will have their daughters drafted into it as victims so long as privileged classes, getting wealth without earning it, furnish sons to be seducers and brothel patrons. Privilege in power cannot be deprived of its awful toll of women's virtue, any more than of its ghastly toll of human lives. As it is no respecter of "lower class" age nor sex nor infancy in its industries, neither does it respect the virtue of "lower class" women in its play.

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Law-making Judges.

When the North and the South were at white heat over the question of Negro slavery, in that bitter period which culminated in the Civil War, the rights of a slave were brought to a hearing before the Supreme Court of the United States, and irreverent liberty men were often heard to say of the decision that "it gave the law to the North and the nigger to the South." History repeats itself. The same Supreme Court, its dominant members now in friendly touch with plutocracy as those who dominated it some sixty years ago were with slavocracy, has just disposed of two cases involving the plutocratic principle even as that old decision involved the slavery principle; and although it may not be said that in these cases history has repeated itself literally, it seems to have repeated itself in effect as closely as superficial circumstances permit.

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In the Gompers-Mitchell-Morrison case the Court appears to have decided that those particular Labor officials were wrongly sentenced to imprisonment because in the lower court some technical *i* was undotted, or traditional *t* uncrossed. But the kingly power of the courts to make law to order for the undoing of labor unions seems to have been upheld. Although these particular Labor leaders are saved from present imprisonment—a highly desirable concrete situation on the eve of 1912,—the arbitrary control of the courts over Labor unions in behalf of Big Business unions seems to be "cinched." Labor gets the judgment, plutocracy gets the law.

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A highly desirable situation, too, for present political emergencies, is the decision outlawing the Standard Oil trust. But while hitting that particular and unpopular combine this body blow, the Court has thrust into the law words which plutocracy has for years vainly tried to get Congress to put there. It has decided that none of the conspiracies in restraint of trade which Congress has made criminal are criminal, unless the courts think they restrain trade unduly. So the oil combine is dissolved, with leave to re-combine *not unduly*. The judgment goes against the oil trust, but the law is spread out invitingly before its greedy members and their skillful lawyers.

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Let it be distinctly understood that in these comments we make no attack of our own upon the Supreme Court. We go no further in suggestive criticism than the oldest and one of the ablest of its members goes in his dissenting opinion. While agreeing with the decision dissolving the oil trust, Justice Harlan does not agree with it in usurping the authority of Congress, and he says so in unmistakable and highly significant terms. What could be more sinister in significance than his indignant phrases, to which Senator La Follette gives this shortened but not altered form: "The court has by judicial construction written into the Sherman anti-trust law language which the great combinations and trusts have been endeavoring to persuade Congress to add to it by way of legislative amendment"?

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Asquith's Speech on the Lords' Veto Bill.

In the course of the passage through the British House of Commons of the Liberal measure for pulling the teeth of the Lords' veto, Mr. Asquith gave special emphasis, speaking as Prime Minister, to two or three important matters of interest in this country as well as in Great Britain. He emphasized the Liberal pledge of immediate home rule for Ireland; he definitely declared the utter deadness of the King's veto, and predicted a like fate for that of the House of Lords; and he denounced the attempt of the Tories to thrust upon the British people irresponsible judicial power, as in the United States.

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Before quoting him on his objection to judicial control, let us reproduce Mr. Asquith's words on

the old hereditary vetoes and the pledge of his party to Ireland. He was giving notice to the Tories in a speech in the Commons, that none of the crippling amendments to the Lords' veto-abolition bill would be allowed by the Liberal-Irish-Labor membership of the Commons. These amendments were designed to leave the Lords their veto in full force on such subjects as home rule, duration of Parliaments, suffrage questions, education, etc., and Mr. Asquith said:

No one, I think, will dispute that this bill was clearly before the electorate. If ever there was anything which approached the nature of a referendum it was the general election of December of last year. But nobody supposed that the Parliament bill was anything but a means to an end. It is not an end in itself. It was never represented as an end in itself. It is an improvement in our Constitutional mechanism. You may say it is not an improvement. At any rate, it is a change in our Constitutional mechanism, and it is a change initiated and advocated with one object and one only—to make the progress of legislation desired by the people as represented here in the House of Commons easier and more facile than it has been in the past.

I take the case of Home Rule as an illustration. I constantly see it represented that the Government is pushing through this bill, and this clause in particular, without any of the amendments now suggested, in order that they may spring a trick upon the electorate of the country. What is the trick? The trick simply consists in this—in having told the electors, as we did tell them in the clearest and most explicit terms, that we wanted to improve the Constitutional machine in order to carry out certain objects of which one was the granting of self-government to Ireland. I never concealed from the country, but I explicitly stated to the country in the clearest possible terms before this election took place, that if the electors gave us a mandate to carry this bill we should use the machinery created in this bill, and use it in this Parliament—[loud cheers]—for the purpose of carrying out—[The end of the sentence was lost in a great outburst of cheering.] To ask us now, as you are asking us by the series of amendments of which I take this one as a sample, to go through the elaborate operation of setting up this improved Constitutional machine, and at the same time to enter into a self-denying ordinance not to apply it to any of the purposes, social and political, on which the hearts of our fellow-countrymen are set, is to ask us to degrade the discussions of Parliament into a sham. That is my general answer to the whole series of amendments which seek to exclude from the operation of this bill particular categories of legislation.

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In alluding in the same speech to the King's veto, Mr. Asquith said that it is "as dead as Queen Anne."

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But it was his comment upon the efforts of the Tories to give to the British courts the dangerous power over legislation which our courts claim and have used, that gives peculiar interest on this side of the water to that speech by Mr. Asquith. For its full appreciation, readers must recall two things; the fact, first, that our courts, from lowest to highest, may nullify legislation, as they frequently have done, on the ground that it is unconstitutional; and the fact, second, that the Tories were trying by amendment to introduce into the bill restraining the Lords' veto, certain subjects to which the restraints should not apply. "The moment you introduce discrimination," said Mr. Asquith on this point, "and except from the omnipotence of Parliament certain categories of legislation, introduce an outside authority to determine matters—you invoke the courts of law to say not only what is the meaning of an act of Parliament, but whether Parliament has acted within its Constitutional competence—in other words, introducing doubt and difficulty and ambiguity as to whether any particular law is Constitutionally binding." When citizens of the United States object to the Recall for judges, inspired by that sanctity with which the judicial office is clothed in England, whence we get our tradition of judicial sanctity, let them remember that in England judges are not allowed to nullify laws which the people's representatives enact, whereas in this country judges assert that very power. And let them be duly impressed with the further fact that one of the ablest and most democratic of British prime ministers warns his countrymen against the judicial trap their Tories had set and which our tories have already sprung upon the democracy of the United States.

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A Memorial Number of The Public.

At an early date we purpose issuing a regular but enlarged number of The Public in memory of Tom L. Johnson. It will contain as nearly as practicable all the newspaper and magazine comment, favorable or otherwise, upon Mr. Johnson at the time of his death. We already have several hundred clippings, but will appreciate the courtesy of periodicals favoring us with clippings of their own editorial comments, lest our collection be incomplete. Tom L. Johnson's relations to The Public were especially close. Beginning with the first number, they were intimate and cordial until he died—from personal motives in part, for personal affection was an inextinguishable quality of his character, but not from personal motives alone. Inspired by the same principles of fundamental democracy,