

courts issue injunctions forbidding "picketing," "persuasion," or other action by working men in furtherance of strikes, they assail our system of government in one or both of two ways. They either enjoin what is already forbidden by criminal law—as riotous or other disorderly conduct; or they forbid what is not forbidden by the criminal law—as long continued persuasion of non-strikers to join strikers. If they enjoin what is already forbidden by criminal law, they deprive persons charged with the crime of their constitutional rights, including the right to trial by jury. By enjoining a crime, the court that does it may try upon affidavits, convict in its own discretion, and imprison at will, any person charged by way of contempt of the injunction with the crime enjoined. Grand juries, indictments, petit juries, confrontation of witnesses, limitation of penalties, all presumptions of innocence, and every other safeguard of personal liberty and precaution against tyranny, are brushed aside when injunctions issue in restraint of crime. It is not merely that this mode of restraining crime is something of which criminals may complain, but that it breaks down all the safeguards that long experience has proved necessary for the protection of the innocent when falsely accused. When injunctions make new offenses—when, for instance, as in the molders' case in Cleveland, they forbid "persuasion of itself, long continued,"—then all these objections apply as before, with another added. In such cases, not only do the courts usurp the functions of grand jury and petit jury, not only do they deprive the accused of the right to be confronted by and to cross-examine his accusers, not only do they throw down these and other constitutional safeguards established for the protection of the innocent when charged with crime, but they also usurp the functions of the legislature, and treat as a crime, punishable with arbitrary imprisonment, that which is not a crime by law. Such, in brief, is government by

injunction when this innovation is adopted by the state courts.

When the federal courts set up government by injunction, they become guilty of still further usurpation. By this means, the federal courts and all their officers, the president as commander in chief and the regular army he commands, together with all the other powers that center at Washington, are brought into play for the regulation of the local peace. State lines are broken down, and the police power of states and municipalities is lodged with the commander in chief of the American armies. "Persuasion," for instance, such as the term "picketing" in labor strikes includes, if by long continuance or for any other reason it becomes an offense, is most clearly an offense not against the federal power, but against the local peace. The same thing is true of every possible act of strikers, however criminal. These crimes are breaches of the local peace. If the municipal authorities cannot restrain them, they may apply to the state authorities for aid, and the state authorities may in turn invoke the aid of the federal authorities. In that way the federal army might legitimately be called upon to preserve the local peace. Let it be observed, however, that the call for such interference then goes up from the locality. There is no usurpation, no invasion. But if a federal court enjoins these breaches of the local peace, and then, upon pretense of violations of the injunction, punishes for contempt, it may call in federal marshals and federal troops over the heads and it may be against the protests of local authorities. Thus it does away with local grand juries, local petit juries, local officers of all kinds. It turns the local peace of every community over to the regulation of judges appointed by the president, whose interests and ambitions tend to alienate them from local interests and sympathies. Back of them are as many deputy marshals as they wish, also alienated from local sympathies, and a federal army of hirelings

if they need it. In a word, federal injunctions for the preservation of the local peace, lay firm foundations for an autocracy as irresponsible as any that ever cursed Europe.

Persons who believe in a strong central government, reaching out with obsequious deputy marshals and disciplined soldiers as its unquestioning instruments, into every nook and corner of the land, for the regulation not only of national affairs, but also of affairs strictly local, will not be concerned about the usurpation of federal judges in labor cases. These judicial innovations lead on to what they want—namely, to the relegation of the states to a place analogous with reference to the nation to the place of counties with reference to the states. Its end will be subordination of the states as sovereignties and the transformation of the federal Union not merely into a nation with a big N, but into an empire with a big E,—an empire with all power concentrated at Washington, and local self-government only an historical remnant as it is in Russia. Such imperialists cannot be argued with. They are only to be reckoned with. But persons who do not look with complacency upon this imperial outcome, will do well to suppress their hostility to labor organizations long enough to stamp out this federal usurpation in its small beginnings. The regulation of local labor disturbances by federal injunctions is becoming a settled policy of the federal courts. Once established it will not stop with the regulation of labor disturbances. This policy is loaded with imperial dynamite.

How much more truly American in spirit than many of the utterances of American statesmen in the imperialistic times upon which we have fallen are these sentiments of Wu Tingfang, the Chinese minister to the United States, put forth by him in a Fourth of July oration this year at Philadelphia:

This nation, it seems to me, has not sprung into existence without a man-

ifest destiny. There must be some noble ends for which the independence of the United States was established. It was to demonstrate to the world what great good to mankind a free and independent people can do; to establish "a government of the people, by the people and for the people;" to preserve law and order; to treat all people alike with fairness and justness; to do away with selfish and clannish feeling; to make American patriotism synonymous with fair play, with the love of mankind, with freedom and liberty in accordance with law and justice. By pursuing these ends this republic will become the greatest power upon the earth and you citizens of this great country will be more than ever respected and loved by all.

That is the kind of "manifest destiny" of which a democracy might proudly boast. But there is all the difference of heaven from hell, between thus making this country the world's exemplar of liberty, which is Mr. Wu's ideal as it was Jefferson's, and shooting liberty into inferior peoples, which is the Chamberlain-McKinley ideal.

When "law and order" papers of the plutocratic type, those for instance like the highly respectable New York Times, inveigh against mob violence, they must not be taken too literally. What they really object to is not mob violence. It is only the kind of mob violence that hurts them and theirs. Such mob violence as interferes with the rights of persons to whom they have antipathy is, in their estimation, if not justifiable, at any rate excusable. In saying this we speak by the book. For here is an editorial published in the New York Times itself, on the 8th of July, with reference to the infamously lawless attack of a swell mob in Evanston upon a party of perfectly well behaved men and women, missionaries of the Dowieite persuasion, who were exercising their lawful right of free speech. Listen to the Times:

Mob violence is never commendable, except, of course, when it rises to the dignity of a justifiable revolution, but one cannot help feeling that the people of Evanston had several fairly good excuses for using means more vigorous and summary than the law provides in driving out of

that highly respectable suburb of Chicago the gang of Dowieite emissaries that had invaded it. Of all the exploiters of ignorant credulity by whom the country is troubled and endangered just now, the man Dowie is probably the most obnoxious. When addressing his dupes, of whom he has thousands in Chicago and not a few elsewhere, he talks like a raving maniac, but the sincerity of his grotesque claims to being a reincarnated prophet with supernatural powers and a large share of divine authority is more than questionable, since his apparent insanity has not prevented him from conducting large business enterprises with much and very practical shrewdness, and he has been even more successful than his feminine rival in the east in transferring to his own pockets the cash of his followers. They joyfully provide the capital for his banks and mills, and they support his pretensions, no matter how preposterous, with an enthusiasm and unanimity which Mrs. Eddy no doubt envies. Evanston, being something of a center of education and intelligence, naturally dislikes Dowie and all his works, and it has several times gone to the length of expressing its disapproval by showering Dowie's representatives with assorted missiles, and hustling them out of town in a rapid and tumultuous way. These are not the best of methods for answering and confuting false doctrine, and the Evanstoners presumably are more than a little ashamed of them, but—well, the Dowieite missionaries haven't been seriously injured, and a veneration of the contents of ancient eggs becomes them marvelously well. The eggs and the cult harmonize beautifully as to odors and otherwise, and harmony is always desirable.

If any "fairly good excuses" for the Evanston lawlessness are specified in that article, we should like to have them pointed out. For ourselves, we fail to find any at all, unless the Times considers that "a center of education and intelligence" is excusable for mobbing peaceable persons who utter sentiments which it "naturally dislikes." It is interesting to know, incidentally, that when a well behaved and reputable woman, whose only offense is that she preaches false doctrines, is hit in the eye with a rotten egg by a mob of "education and intelligence," as in the Evanston case, the New York Times does not regard her as having "been seriously injured," but on the con-

trary thinks that "a veneration of the contents of ancient eggs becomes" her "marvelously well." Most admirably does the Times represent the spirit of brummagem law and order that prevails with the upper class mob to which it caters. But is the Evanston mob any less ashamed of its New York defender than its defender thinks it probably is of its own "excusable" criminality? Probably not. That it is not ashamed of its own lawless acts is evident from its subsequent repetition of them with increased violence. Why, then, should it be ashamed of its lawless defender? May not this progress in lawlessness be due to the encouragement of hypocritical "law and order" papers like the Times?

The example of Colorado with reference to the Australasian system of taxation, has been imitated by Hawaii to the extent of the initial steps. At the legislative session this year, a joint committee of the Hawaiian legislature was selected, of which the Hon. John Emmeluth, of the house of representatives, is chairman, to ascertain the nature and effect of the system as exhibited in Australasia. Mr. Emmeluth will probably make the same tour of investigation for Hawaii that Senator Bucklin made for Colorado.

#### JOHN FISKE.

Justice to the memory of John Fiske would not be done, if his death were made the occasion only of recalling his greatness as a philosopher, historian and teacher. Great teacher though he was, both in philosophy and history, and also in the blending of the two so that each served the other, his larger greatness lay in his cultivation of those qualities of mind and heart which distinguish his philosophical and historical work and made its superiority possible. He was an intelligent theist and a profound democrat.

Whether we think of theism, the principle of the fatherhood of God, as involving democracy, the principle of the brotherhood of man, or of democracy as implying theism—that is, whether belief in a beneficent God generates belief in equality of human