

# The Public

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The latest effort of Lord Roberts to capture 4,000 Boers with 40,000 British troops is not the brilliant success it was expected to be.

When the Whitneys and the Wideners and the Elkinse organize an \$8,000,000 company to develop Cuba, as it is reported they have done, it is time for the Cubans to begin to calculate upon how much of Cuba will be left to them in the round-up.

One of the bloodiest weeks of the Philippine war since the first, says the Associated Press, was that which closed on the 21st of this month. It estimated that at least 1,000 Filipinos had been killed. The American loss was much less, as it had always been; but comparatively small as it was, the wounded numbered 16 and the killed nine. Yet this bloody week is well on in the fifth month of that pacification which Gen. Otis reported at the opening of congress. The best information from the Philippines, corroborated by such bloody testimony as this, goes to show that those islands are no nearer pacification than they have been at any time since the people awoke to the wretched fraud that had been perpetrated upon them under the shadow of the American flag. They have never yet been pacified, nor will they be by President McKinley's murderous methods. Those people have drunk in the words of our own Patrick Henry. They demand liberty or death. And they are proving that to them this is not mere Fourth of July rhetoric.

Kate Kane Rossi, an Illinois lawyer, won laurels last week at the Chi-

cago bar, which are none the less green because it was the bar of a justice of the peace and his jury. In defending a woman charged with vagrancy, Mrs. Rossi made the impressive point that a woman cannot be a vagrant. Her reason was that woman is not made to work. And she pressed this point home with such legal learning, force, eloquence and good sense that, though she did not convince the justice, she did convince his jury. The jury concluded unanimously that under a statute defining a vagrant as "any person who is idle, remains idle, and refuses to work," a woman cannot be convicted, since it is a woman's prerogative, in accordance with the principles of our civilization, to be idle, remain idle, and refuse to work, if she wants to.

The protection instinct is strong in the selfish man. Here are a parcel of merchants in suburban Chicago towns who have actually asked the railroads to increase their rates of fare, so as to compel the people of those towns to buy of those merchants instead of buying in Chicago, where they want to buy. It is a neat substitute for a protective tariff. American manufacturers, afraid that their fellow citizens will buy foreign goods, get congress to impose taxes on foreign goods so as to make them dear. But city councils cannot levy protective tariffs in the interest of local merchants. So the local merchants ask the railroads to do it. This action of the merchants we have referred to reduces the protection theory to the level of the absurd. Yet it in no wise libels the theory.

Readers of South American news must have observed that Brazil has an "uitlander" question. The "uitlanders" there are Germans. They were invited to come to Brazil and their

section has grown to be the wealthiest in the republic; yet Brazil tramples upon their rights by forbidding their flying of the German flag. The fact is that Brazil is afraid of them, just as the Boers were afraid of their "uitlanders." Not so much afraid of them, either; but afraid that the German empire, following the South African example of the British empire, may make their cause an excuse for conquest. Should Germany do this, the attitude of the American government as now constituted would border on the picturesque. A supporter of Great Britain in her raid upon the Boers, and itself a freebooter with a Spanish commission in the Philippines, this government couldn't very well "sass back" when Germany reminded it that the Monroe doctrine is obsolete. Nor is it probable that Brazil herself would welcome American intervention, after having observed the kind of appetite which intervention stimulates in Mr. McKinley's Uncle Sam. Since our humanitarian intervention between Spain and Cuba we have lost some of our good reputation among the weaker peoples of the earth.

In his speech before the Ohio republican convention this week, Senator Hanna made this observation:

The balance of net trade in favor of the United States during the last century preceding this administration amounted to \$311,000,000. In 100 years that was the net balance to the credit of the United States in our trade with the world. In three years of the administration of President William McKinley the net balance as shown by the books of the United States treasury is \$1,400,000,000. It is \$1,100,000,000 more accomplished in those three years than had been accomplished in 100 years preceding.

And then Mr. Hanna asked:

Looking into the face of such results, do we want a change?

If such figures were laid before Mr.

Hanna in connection with his private business, we imagine that he would want a change and want it quick. Those figures do not imply that we are profiting by our foreign trade. They imply that we are losing. Excessive exportation, if continuous, is a drain upon the country that boasts it.

Consider. Mr. Hanna must assume that our excessive exports either have been paid for in gold and silver, or that they constitute a debt due this country from abroad against which we may draw somewhat as a merchant draws against his bank account. Otherwise, the excess of exports would be a dead loss to us. This is a matter of simple accounting. Neither a man nor a nation can continuously send goods away profitably, unless the goods so sent either are, or are to be, paid for. In fact, Mr. Hanna does assume one or the other or both of these conditions. But his assumption is wrong. We never have been paid for these goods in gold and silver; for our exports of gold and silver are vastly in excess of our imports of those metals, as the same treasury reports from which Mr. Hanna quotes distinctly show. Neither have we run up a credit abroad. We are a debtor country, not a creditor country, as every man in large business, Mr. Hanna included, well understands. Our excess of exports, therefore, about which Mr. Hanna brags, is in reality not an augmentation of our national wealth, but a drain upon it.

The chief reason for our great excess of exports, is payment of rents by American producers to alien owners of American lands. On the very day that Mr. Hanna bragged about our excess of exports, a transaction was reported in the press which explains the real character of continuously excessive exports. The report came from Mishawaka, Ind., and told of the purchase, by an English syndicate, of 40,000 acres of land in an oil-producing district of Indiana and Ohio. The syndicate had paid \$157,000 for the land. Somewhere,, somehow, that

amount may figure in our imports, tending to show, according to Mr. Hanna, a balance against us. For goods received, bear in mind, help to make trade balances "unfavorable"! That must be Mr. Hanna's view of it, or he couldn't call excessive exports "favorable." But pretty soon that English syndicate will draw rents or royalties from the Indiana and Ohio land. These royalties will be exports, and will tend to increase what Mr. Hanna calls our "favorable" balance of trade. In time they will more than offset the \$157,000 we now import as pay for the land; and thereafter this oil land transaction will figure as all export and no import. We shall then send rents and royalties out of the country, without getting or having got or expecting to get anything back. Nor shall we acquire any right to get anything back. The balance of trade with reference to this matter, according to Mr. Hanna's theory, will then be decidedly "favorable." We shall be getting rich by getting rid of our products without equivalent! But that is what continuously excessive exporting always means. Yet Mr. Hanna commends Mr. McKinley to the American people for reelection because Mr. McKinley has, in four years, enabled us to increase our continuously excessive exports by \$1,100,000,000; because he has enabled us, that is, to get rid of wealth without equivalent or expectation of equivalent to an amount equal to \$15 per capita for every man, woman and child in the country!

Harry Pratt Judson, professor of political science at the University of Chicago, writing for the Review of Reviews for April, makes a valuable contribution to the crown colony discussion in its constitutional aspects. Of his imperialistic conclusions, the less said the better for his position; but he renders a real service in unraveling the tangle about the power of congress to extend the constitution over territories. Of this power he says:

Saving only by the admission of new states, congress has no more

power to "extend" the constitution over a specific area than it has to square the circle by legislation or to repeal the law of gravitation. The constitution is absolutely beyond the will of congress. Wherever it is law, it is law irrespective of congress. Wherever it is the constitution it is the organic law—and that is law which congress can neither expand nor contract. In whatever area it is not of its own force the organic law, no possible action of congress can make it such.

Never was constitutional principle more soundly conceived or better stated. The essential question, according to Prof. Judson, is not whether constitutional limitations apply to territories by force of the constitution itself, but what are the limitations it imposes upon congress when legislating for territories. That proposition, also, is sound and clear.

Prof. Judson's next step is to classify all constitutional limitations as either "qualified" or "unqualified," and to concede that the unqualified limitations forbid federal legislation "under any circumstances and for any area, and hence must apply to territories as well as to states." The issue is thus reduced to the question of the power of congress with reference to "qualified" limitations. It is at this point that Prof. Judson lays the constitutional foundation for his imperialism. His corner stone is the judicial construction which gives to congress with respect to territories "both the powers of the federal government and the powers of the state." From this construction he infers that as to territories "congress has all powers not denied by the constitution." That is, as he explains, congress has all those residuary powers which, as to matters of state as distinguished from territorial concerns, are reserved to the states. In consequence, upon Prof. Judson's theory, the powers of congress over a territory are absolute, except as they may be restrained by "unqualified" constitutional prohibitions upon congress, and such "qualified" prohibitions as cover territories.

As stated, Prof. Judson's doctrine