sir, it's to hide the dirt on the wall!" That is precisely the reason why the flag is flaunted now. What the secretive investigating committee of the Senate could not do by suppression, the flag and a choice assortment of patriotic epithets are expected to do by intimidation.

One of the characteristic things about the Philippine controversy has been the disposition on the part of the imperialists not only to suppress testimony calculated to open up sources of information, but to fill the record with one-sided stories. The most remarkable instance of this is the publication by the war department a few days ago, of documents alleged to indicate that Aguinaldo began the present war, while the Senate "investigating" committee refuses to allow him to be a witness. The Lodge-Roosevelt-Root coterie patterns after the judge who always disliked hearing both sides of a case because it confused him. But even without Aguinaldo's testimony, an unbiased mind cannot be influenced by these documents. To begin with, they purport to be in Aguinaldo's handwriting. Since forgery is one of the arts of war practiced and defended by American military officers in the Philippines, the genuineness of the handwriting comes at once into serious question. And suspicion is not allayed by the fact that the documents are said to have been captured by Gen. Funston. But even if the documents prove, in spite of these questionable circumstances, to be genuine, they cannot cast the onus of beginning the war upon Aguinaldo or his government. For they bear date as late as January, 1899. If the war had opened in February, when the fighting began, they might have some significance, if not forged. But the beginning of the war antedates the beginning of the fighting by several weeks. War was declared by the president of the United States as early as December, 1898. This is the record evidence. When President McKinley, by his proclamation of that time, asserted American sovereignty over the Philippine archipelago and announced his intention of enforcing his proclamation with arms, he virtually declared war against the Filipino republic, which was then, and this also is record evidence, peaceably governing everywhere in the Christian islands except in Manila. Whatever the Filipinos did between then and the outbreak of hostilities was purely defensive. Responsibility for beginning the war in January, 1899, cannot be placed upon Aguinaldo and his followers so long as American official documents exist which prove that it was begun by Mr. McKinley in December, 1898.

The meat trust prosecution suggests to the Red Wing Argus, that watchful and bright Democratic weekly of Minnesota, the advisability of utilizing the "water cure," as discovered and applied by Americans in the Philippines, for domestic purposes. Since much difficulty is experienced in getting evidence against the trust, owing to the secretiveness of its members, the Argus asks—

Well, then, why not try the water cure?

Witnesses from the Philippines say it is harmless and refreshing. When they suspected natives of having guns, they applied it, and, they add, "we got the guns" The government suspects these men of using instruments of warfare against the people of the United States, but the evidence is concealed. Imagine one of Knox's lieutenants coming in to report: "We applied the water cure," and grinning, "we got the evidence."

You can't imagine it; it is unthinkable? Thank God it is unthinkable. And yet the police in the large cities use daily devices of that sort, what they call the sweat-box method, against vulgar criminals. Where they know a man is guilty, but have no evidence, where they suspect he is guilty, where they believe he ought to be guilty if he isn't, they put him in the sweat box. Wherein is it worse before the law to apply the sweat box method to Morgan or Rockefeller or Armour or Swift, than to Red Leary or Six-Fingered Jake? Are they not equal before the law, are they not presumed to be innocent until they are proved guilty?

If the gravity of the offense is to measure the severity of the means employed to gain evidence, the argument is all on the side of applying it to the conspirators, against the people. Red Leary snatches a pocketbook; the beef trust takes the meat out of the mouths of whole communities. Six-Fingered Jake pilfers a handkerchief; the great robbers loot a continent.

Out of all the futile fuss in connection with the prosecution of the beef trust, one encouraging fact emerges. The officers of the government announce their intention of proving that for many years the trust has enjoyed an almost prohibitory advantage under secret rebate agreements with the railroads. The existence of these agreements has been disclosed by the Interstate Commerce Commission, which attributes to them the very possibility of the trust. And the commission is right. It is by means of monopoly privileges, held directly as in the case of railroads and other owners of valuable public franchises, or held indirectly as in the case of the meat trust under secret contracts with railroads, that trusts can exist. That is the key to the whole trust problem. No oppressive trust can be made by combinations of competitive businesses. If such combinations were to become dictatorial, they would be met at once by new competitors. But when combinations include special privileges, created by law, then competition is checked and ceases to have its normal power of regulating business. If the attorney general has in good faith set about exposing the privileges which the meat trust enjoys, his success in the court may be followed by the collapse of the trust. But, unless it can be deprived of special privileges, any court victory he may gain will be barren.

While the United States Senate pigeon holes the proposed constitutional amendment for the election of senators by popular vote, the people of Oregon are about to test a device for effecting the same object without the consent of the federal government. A recent law of that state provides that any state convention may make a nomination for United States senator, and that such nominee shall be entitled to have his name on the

official ballot. Voters are thereby enabled to declare their preference for United States senator, regardless of their preferences for other officers, and it is assumed that the legislature in choosing senators will be influenced by the popular vote. It is not compelled, of course, to obey. But, whenever it is of the same political complexion as the popular candidate for senator, it would hardly have the temerity to reject him; and in the case of a large popular vote in his favor, even a hostile legislature might be embarrassed.

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The first trial of this law is to be made with C. E. S. Wood, of Portland, as the Democratic candidate, at the election to be held on the 3d of June. Mr. Wood is the gentleman whose speech at the Democratic gathering in the Manhattan club at New York last spring (vol. iv., pp. 737 and 765) made the David B. Hill "reorganizers" so uncomfortable. He is distinctly and unquestionably a democratic Democrat; and whatever may be the result at the Oregon election, it is a satisfaction to know that the Democrats of Oregon are democratic enough to name the author of the Wood speech as their leader in national politics. Coming as it does after the wide publication of his New York speech, Mr. Wood's nomination for senator from Oregon certifies to the fact that he spoke for his party in the state, as well as for himself, when he condemned the Hill and Gorman type of politics and flung out the banner of radical democracy.

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It may not be generally known that at the same election in Oregon a constitutional amendment establishing the initiative and the referendum is to be voted on. The amendment provides that while the legislative power of the state is vested in a legislative assembly consisting of a senate and a house of representatives, yet—

the people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly.

The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. . . .

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent. of the legal voters or by the legislative assembly, as other bills are enacted. . . .

The veto power of the governor shall not extend to measures referred to the people.

Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise.

This amendment passed both houses of the Oregon legislature in 1899 by large majorities, and in 1901 by unanimous vote in the House and with only one dissenting vote in the Senate, and was signed by Gov. Geer, January 31, 1901. If adopted at the state election it will mark another distinct advance among the states in the direction of democratic government.

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In another state also an initiative amendment is to be voted on at the next general election. We refer to Rhode Island. This initiative, however, is restricted, being applicable not to legislation generally, but only to constitutional amendments. Yet in effect it would be a full legislative initiative, owing to the ease with which it might be resorted to and the comprehensiveness of its scope. It provides that 5,000 voters "may propose specific and particular amendments" to the constitution, which shall be submitted to the electors at their town meetings, and if then approved by a majority voting thereon, they shall become a part of the state constitution. One great advantage of this measure is that it would enable the people to legislate directly without encountering constitutional barriers. The living would no longer be shackled by the dead.

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As reported by the Buffalo Enquirer, a police justice of Buffalo has raised his voice judicially against the infamous police method of securing testimony in criminal cases, which is commonly known as the "sweat box." Experts intimate that in the "sweat box" there are three degrees. In the first degree the police, having the prisoner in custody, subject him to a searching and confusing cross-examination, lying to him incidentally by telling him that his friends have given testimony against him. If this reveals nothing, they give him the second and then if necessary the third degree, which are characterized by physical torture. With confessions or incriminations thus secured, the police proceed to "make a case." Such a confession was offered before the Buffalo magistrate referred to above, and he refused to accept it as evidence on the ground that it was procured by duress. The strange thing is that any doubt should have arisen among lawyers and judges as to the invalidity of confessions so obtained. Confessions extorted by duress have been treated by the courts for generations, until recently, as unlawful. More than that, even though no torture be used, a prisoner under arrest upon charges of crime, is presumed to be under a duress which vitiates his confessions; unless he makes them voluntarily, after being informed that he need say nothing, but that if he does speak what he says may be used against him. So just is that rule that no magistrate, no judge, no prosecuting attorney, would think of asking a prisoner questions about his alleged crime, unless the prisoner, after being fully advised as to his rights, had volunteered to give information. Yet policemen, whose sole duty it is to detain prisoners in safe custody, subject them to unlawful questionings and torture, without advising them of their rights, and often after deceiving them in that respect; and judges accept confessions so extorted as evidence. It is full time that a stop were put to these "sweat box" proceedings. Every policeman who participates in