

should always be greater than a part; the principle should have the power of veto over the agent, but never the agent over the principal."

Mr. Alfred Cridge, the author of the direct legislation provisions in the San Francisco charter, writes:

"In framing the charter it was at once perceived that the power conferred upon the voters by the initiative would be nugatory if the supervisors could undo the work; therefore it was provided that 'the same shall not be repealed by the supervisors,' but must again be submitted to the people for effective modification or repeal. This, therefore, obviates the objection in the decision to 'two sets of laws.'

"Even from that standpoint and as regards the law declared unconstitutional, the decision is absurd; because no board of supervisors would thus defy the people's will by reenacting a proposition of which the voters had disapproved, until there had been another opportunity for expression, either by direct vote or by electing another or part of another board in a manner indicating a change in the popular view."

There are two good things flowing from this California decision. First, the public attention called to direct legislation, and the wide discussion in the papers; and, second, the movement, backed by Mayor Phelan and other important men, to amend the state constitution so as to protect the direct legislation they have and to secure more.

ELTWEED POMEROY.

NEWS

The Fifty-seventh congress of the United States, elected 13 months ago, met on the 2d. In the lower house David B. Henderson, of Iowa, Republican, was reelected speaker by 190 votes, James D. Richardson, of Tennessee, Democrat, receiving 149, and Amos J. Cummings, of New York, Democrat, and William L. Stark, of Nebraska, Populist, receiving one each. The rules of the Fifty-sixth congress were readopted. Senator Frye presided in the senate, the vice president, Mr. Roosevelt, having succeeded Mr. McKinley as president. On the 3d both houses listened to the reading of President Roosevelt's first message.

The message opens with a tribute to the late President McKinley, pro-

ceeding from that to a denunciation of anarchism and anarchists, which leads on to a recommendation that Congress—

take into consideration the coming to this country of anarchists or persons professing principles hostile to all government and justifying the murder of those placed in authority.

The president advises that such persons—

should be kept out of this country, and if found here they should be promptly deported to the country whence they came, and far-reaching provision should be made for the punishment of those who stay.

He further advises that the federal courts—

be given jurisdiction over any man who kills or attempts to kill the president or any man who by the constitution or by law is in line of succession for the presidency, while the punishment for an unsuccessful attempt should be proportioned to the enormity of the offense against our institutions.

Proceeding along the same line, Mr. Roosevelt urges that anarchy—

be made an offense against the law of nations, like piracy and that form of man-stealing known as the slave trade, for it is of far blacker infamy than either. It should so be declared by treaty among all civilized powers. Such treaties would give to the federal government the power of dealing with the crime.

Having dealt thus with the tragedy under whose shadow he acts as president, Mr. Roosevelt proceeds in his message to a consideration of the problem of wealth-concentration, with especial reference to what he describes in the message as "the great industrial combinations which are popularly, although with technical inaccuracy, known as 'trusts.'" While acknowledging the beneficence of these institutions, he points out some of their evils and proposes that—

in the interest of the whole people, the nation should, without interfering with the power of the states in the matter itself, also assume power of supervision and regulation over all corporations doing an interstate business.

To this end, he would, if necessary, have a constitutional amendment conferring the requisite power submitted for adoption.

Next among the president's recommendations is a suggestion that a new cabinet officer—secretary of commerce and industries—be established.

This recommendation, he says, relates to—

one phase of what should be a comprehensive and far-reaching scheme of constructive statesmanship for the purpose of broadening our markets, securing our business interests on a safe basis, and making firm our new position in the the international industrial world, while scrupulously safeguarding the rights of wageworker and capitalist, of investor and private citizen, so as to secure equity as between man and man in this republic.

The scheme of statesmanship thus alluded to is outlined at length. It contemplates protection of American wage workers not only by the tariff but also by the reenactment of the Chinese exclusion law, by "fair" conditions in government work, and by laws excluding all immigrants "who are below a certain standard of economic fitness to enter our industrial fields as competitors with American labor," the object of the latter prohibition being to "stop the influx of cheap labor and the resulting competition which gives rise to so much bitterness in American industrial life." Within this scheme of which the new cabinet officer is a phase, there also comes the perpetuation of the protective tariff, in combination, however, with "a supplementary system of reciprocal benefit and obligation with other nations," to be secured by reciprocity treaties. The natural line of development for a policy of reciprocity is defined in the message to be "in connection with those of our productions which no longer require all of the support once needed to establish them upon a sound basis, and with those others where, either because of natural or economic causes, we are beyond the reach of successful competition." Mr. Roosevelt's outline of the scheme of statesmanship beginning with the creation of a new cabinet officer to be known as secretary of commerce and industries culminates in a proposition that "our government should take such action as will remedy" certain differences between American and foreign shipping caused by foreign subsidies, cheaper construction abroad, etc., and restore our merchant marine to the ocean. There is no specific approval of a ship subsidy, but the inference intended is unmistakable.

There are numerous approvals and miscellaneous recommendations in

the message. The gold standard law of 1900 is approved, as is the national banking law. An amendment of the interstate commerce act so as to enable railroads to fix rates by concerted action is recommended. A word is said for the department of agriculture, and general suggestions with reference to forestry and the preservation of native wild animals are made, while more specific recommendations are put forth in behalf of water storage and distribution in the arid region. For Hawaii a homestead law is recommended. Porto Rico is congratulated upon its prosperity and good government. Cuba is assured independence before this session of congress ends, and a special tariff promotive of reciprocal trade with her is urged.

For the Philippines Mr. Roosevelt recommends a policy, neither aggressive nor weak, which shall fit the natives for self-government. There are still troubles ahead, he says, the islands being infested with banditti, "who deserve no higher regard than the brigands of portions of the old world." But some of the people, conspicuously the Macabebes, are courageously devoted to the flag, wherefore the president recommends pensions for those of them who are injured and for the families of those who are killed. He also urges the encouragement of industrial development in the islands by congressional laws "dealing with general transportation, mining, banking, currency, homesteads and the use and ownership of the lands and timber."

A Pacific cable, to be built by the government if necessary, is proposed in the message, and the isthmian canal treaty with Great Britain, now before the senate, is briefly described. The Hague conference is noticed as a definite expression of the general hope for world-wide peace, the realization of which finds no exception in "war with barbarous and semi-barbarous peoples," since these are "merely a most regrettable but necessary international police duty which must be performed for the sake of the welfare of mankind." The Monroe doctrine, and its recognition by the Hague conference, are emphasized. Much space is devoted to the necessity of building up the navy as an agency for preserving peace while maintaining rights, but the army is said to be large enough for the present. The merit system of civil service, the individuali-

zation of the Indian by allotment of tribal funds as well as tribal lands, the St. Louis and the Charleston expositions, the public library, a permanent census office, abuses of second-class mail privileges, the adjustment of the relations of the powers with China, the Pan-American congress in session in Mexico, each discussed in turn, are the subjects with which the message closes.

Steps have been taken in congress to carry out the president's recommendations regarding anarchy. Among the members offering bills on this subject are Senators Hoar, McComas and Burrows. Bills have been introduced also by Senators Lodge, Mitchell, Fairbanks, Stewart, Quay and Penrose to extend the Chinese exclusion act. Mitchell's bill would likewise exclude Japanese and Filipinos. Senator Lodge has offered a bill to apply educational tests to immigrants, and Senators Nelson and McComas each introduce a bill to establish a department of commerce. Senator Lodge has also introduced a Philippine bill. It is intended to meet the administrative difficulties caused by the supreme court decisions described below. The Lodge bill would apply the Dingley tariff law to the Philippines to the full extent of the duties scheduled, and not merely to the extent of 15 per cent., as the Foraker act applies it to Porto Rico.

The supreme court decisions mentioned above were announced by the court on the 2d. They supplement those of last spring (p. 120), the first of which is known as "the DeLima case. In that case the court held that goods imported from Porto Rico into a state of the Union, after the treaty with Spain which ceded Porto Rico to the United States but before the Foraker act creating a territorial government in Porto Rico, were not subject to duties under the Dingley tariff law, because they had not been imported from a foreign country, Porto Rico having become by the treaty of cession American territory. Justices McKenna, Shiras, White and Gray were opposed to this decision. It was supported by Chief Justice Fuller, and Justices Harlan, Brewer and Peckham. The action of the court was therefore determined by Justice Brown. At the same time (p. 120) the decision in the second case of the colonial group was rendered. This is known as "the Downes case." Here it was decided that tariff duties laid

upon goods imported from Porto Rico after the Foraker act and pursuant to its provisions are lawful, notwithstanding the clause of the constitution requiring that "all duties, imposts and excises shall be uniform throughout the United States." The reason for the decision was that Porto Rico is not an integral part of the United States but is national territory over which congress has plenary powers of legislation, under clause 2, section 3, article 4, of the constitution, which invests congress with "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The justices had changed places. Fuller, Harlan, Brewer and Peckham opposed this decision, though they had supported the other; McKenna, Shiras, White and Gray supported it, though they had opposed the other; and Brown again broke the tie.

One important case of the colonial group, argued at the same time with "the DeLima" and "the Downes" cases, was not decided with them. It is known as "the Fourteen Diamond Rings case," and involved the right to levy duties upon goods imported from the Philippines after the Spanish treaty. It is one of the cases mentioned above as having been decided on the 2d. The decision is to the effect that the Philippines, like Porto Rico, became American territory immediately upon the ratification of the treaty of cession, and that, as in the case of Porto Rico, no tariff duties can be imposed without special congressional legislation with reference to the new acquisition. The particular effect of the decision will be the restitution of some \$5,000,000 of duties collected on American trade with the Philippines; its general effect is the judicial recognition of the Philippines as an American colony, subject to any congressional legislation which congress is not in terms forbidden by the constitution to enact.

Along with the decision in the Philippine case the decision in the fourth case of the colonial group was handed down on the 2d. It had also reference to Porto Rico. Though "the Downes case" had decided that duties on imports into the states from the American territory of Porto Rico were valid when specially imposed by congress, notwithstanding the uniformity clause of the constitution, no decision had yet been made with refer-