

Indianapolis News, could not be extradited (pp. 205, 242, 253, 339, 1011) to Washington for trial for libeling President Roosevelt and others in connection with the Panama scandal. In the course of a long opinion in support of his decision, Judge Anderson said:

Here is a matter of great public concern. Here was a newspaper printing the news—or trying to. Here was this matter up for discussion. The question is, did these defendants under the circumstances act honestly in the discharge of this duty which I have spoken of and which the law recognizes, of a newspaper to print the news and tell the truth about it. Were they actuated by a desire to injure the persons who are affected by their act? If it were necessary to decide this case upon the question of privilege or lack of malice, I would hesitate quite a while before I would conclude it was my duty to send these people to Washington for trial. But that is not it. This indictment charges these defendants with commission of a crime in the District of Columbia. Now, the Constitution of the United States, in one of the Amendments, provides that the accused shall be tried in the State or District where the offense is committed. The Indianapolis News is owned by these defendants, conducted and published by them, printed by them in the city of Indianapolis, state of Indiana. The defendants have no agent or bureau or office, and maintain no agent or bureau or office, in the city of Washington, in the District of Columbia, for the circulation of papers within that district. So the question, do the defendants when they prepare and publish fifty copies in the city of Indianapolis and deposit them in the United States mail in this building, to be transmitted by mail to fifty subscribers in Washington—do they publish those fifty copies in Washington? If they do, the court has jurisdiction of the offense. I will not go so far as to say that it was of the defendants. But if they did not, then the court has neither jurisdiction of the offense or the defendants. To my mind there is but one conclusion to be drawn. Everything that the evidence shows that defendants did they did in the State of Indiana, city of Indianapolis, county of Marion. It seems to me that I am compelled to take one of two views, and there is nothing between them. Either those defendants are guilty here and in every county, district or jurisdiction into which these papers go, or they are only guilty here. There is no middle ground to take. If the history of liberty means anything, if the Constitution means anything, then the prosecuting authority should not have the power to select the tribunal, if there be more than one to select from at the capital of the nation, nor should the Government have the power to drag citizens from distant States there for trial.

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Charles R. Crane's Recall.

When we went to press last week, Secretary Knox had asked for the resignation of Charles R. Crane as American minister to China (p. 994), and Mr. Crane had promised a public statement. His statement appeared on the 13th.

In his statement Mr. Crane said that the newspaper article he is charged with inspiring—

did not mention my name, nor in my judgment would it have been a mistake if the department of State had not chosen to vouch for its accuracy and give to it an official significance by its own conduct. It certainly contained nothing of substance that was not matter of common knowledge or deducible by any competent newspaper reporter from facts commonly known. The substance, if not the full text of the agreement had been published, and its effect had been widely discussed.

Explaining his freedom in public speeches, Mr. Crane said:

When I accepted the appointment of minister to China at the request of the President, and afterward, he expressed the earnest wish that the people of this country should be roused to a keen interest in the Pacific situation, both commercially and politically. He felt that our greatest problem lay there and that our people were not fully awake to its importance. As I stated in a public address in Chicago on Sept. 14, the President advised me to accept all available invitations to public meetings and dinners, and said: "Do not miss any of them, and when you go to one insist on speaking, and let them have it red hot." I assumed that the President wished me to discuss realities and not platitudes. I have not had experience as a public speaker and it was and is a difficult role, but I have done my best to carry out the President's wishes. The difficulty also has been increased by the absence of specific instructions from the state department and of any adequate discussion with its officials as to the policy of this government. . . . As I was hurriedly leaving Washington a representative of an important paper asked me about the China-Japan agreement, and I said that the matter was under consideration, as was well known, but that no decision had been reached, and I may have said, although I do not recall it, that obviously no statement would be prepared in the absence of Mr. Hoyt. I advised him to get thoroughly informed upon the whole subject as it would be of the greatest importance that it be handled intelligently by the American press if official action were taken. This is the sum of my offending. On mature consideration, it is my judgment that my action was in accordance with the spirit at least of the President's wishes, expressed by him to me, and that it furnished no sufficient excuse for the sensational and inconsiderate action of the Secretary of State. However, I did not seek this post and am absolutely unwilling to remain in it without the entire confidence of the President and the cordial support of the government.

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Before receiving Secretary Knox's letter, notifying Mr. Crane that he would recommend the President to accept Mr. Crane's resignation, Mr. Crane had telegraphed on the 12th the following statement to the President:

The State Department objects to certain things I have done in the effort to carry out my understanding of your wishes as expressed by you to me. I

have carefully considered the entire matter. In my judgment no mistake has been made, except as the department has made it a mistake. However, I did not and cannot guarantee to make no mistakes, and especially unless I have the cordial support and cooperation of the Government. The manner in which the Department has proceeded and is proceeding is inconsistent with my own self-respect and my conception of the dignity of the position and with the understanding upon which I accepted it. I appreciate the personal consideration I have received from you and under all the circumstances have decided to await information as to your wishes before taking action. You will understand, of course, that my resignation is in your hands.

On this reference of the matter to the President, Mr. Taft acted on the 14th, at Prescott, Ariz., directing his Secretary as follows:

Convey to Mr. Crane following communication: "I concur in the letter under date of Oct. 12 which the Secretary of State has addressed to you, and I greatly regret that the circumstances found to exist by him make it necessary for me to accept your resignation."

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Upon receipt of the President's message through the President's secretary, Mr. Crane, still in Washington, issued the following statement:

I am greatly relieved by the President's decision. There has been no minute since I learned the attitude of the Department of State when I have not contemplated the possibility of a continuance of my official relations with the deepest repugnance. Nevertheless, I have felt that my obligation to the President was to permit him to decide the issue. I have appreciated fully what would be involved in a decision by him that I should continue. I have realized also the impossibility of his securing complete information at this time. He has chosen to base his decision upon the "circumstances found" by the Secretary of State. I accepted the Chinese mission at his request and solely because of assurances that I could be and would be permitted to be of service to the country in constructive work of the greatest importance to it and of the greatest interest to me. It has been made perfectly clear that conditions here were not and are not such as to make this possible. To demonstrate this has involved a personal humiliation such as no self-respecting man who is drafted into the public service should be called on to endure, but I am grateful indeed that I have had the test of official confidence and support here rather than in China, and now rather than at some real crisis involving the honor or the interest of the nation. I think I should state at this time that until I arrived here last Sunday I had never seen the newspaper article which is made the excuse for my recall, nor had I heard that such an article had been published, and at my interview with the Secretary of State it was not shown to me. I accepted the description of its character and consequences then given to me and assumed full responsibility for my connection with it, purely incidental as that connection was.

President Taft's Journey.

On his way eastward from Los Angeles (p. 994) President Taft won a welcome in Arizona by declaring that he was heartily in favor of Statehood for both Arizona and New Mexico. At Phoenix on the 13th he urged the people of Arizona in planning their constitution to confine their work to laying down fundamental limitations upon their legislature and their executive. Continuing, he said:

Now, if you think that in that constitutional convention you ought to lay down all the limitations that are ordinarily included in the statutes you are going to make a great mistake. The greatest constitution that ever was made is the Constitution of the United States, and you can go through that in a very short time. You take the last constitution that was made—the constitution of Oklahoma—and it is a zoological garden of cranks. I don't mean to say that it has no good ideas in it; it has. But the idea of tying down a legislature, which is an experiment, so to speak, with the laws that are to be adapted to a new territory, with a long discourse imposing all sorts of limitations, is a mistake which you ought to profit by.

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The President spent the 14th at the Grand Canyon, and the 15th in New Mexico, where he was entertained by Indians at Laguna. In speaking in New Mexico he referred again to constitution-making, saying:

You are looking forward to Statehood as if it were heaven. Well, I venture to think that there will be a considerable difference between heaven and that State after you become one. You have to draft a constitution, and that is going to affect the character of your State for years to come. And I want that you shall have time and deliberation to make a good constitution. Don't put into your constitution a provision as to the length of the linen sheets to be put in a hotel. It may be that they ought to be limited. It may be that they ought to be made of a certain size. I sympathize with that feeling myself. But the constitution is not the proper place to put it.

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At the little Mexican city of Juarez, across the Rio Grande from the Texan city of El Paso, the President of Mexico entertained the President of the United States on the 16th, with an elaborate state banquet, after visits of ceremony had been mutually exchanged by the two Presidents. This was the second time that a President of the United States has gone outside of his country during his term of office, President Roosevelt's visit to Panama having been the first. It was the first time that President Diaz has left the boundaries of his country, and to do it special sanction had to be granted by the Mexican congress.

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President Taft accepted for the army and dedi-