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President Roosevelt's message is described by his partisans as a "master work." All presidential messages have been "master works" in the estimation of the partisans of their authors. Then why not Roosevelt's? Let it go at that. Selah.

In this "master work" of his, President Roosevelt says one thing that his more sensitive countrymen might wish he had left unsaid, or, saying it, had said it differently. It is about the Filipinos. "No one people," writes the President, "ever benefited another people more than we have benefited the Filipinos by taking possession of their islands." This is crude. It is obtrusively suggestive of looting. President McKinley's "benevolent assimilation" was much better.

But it is the Panama question to which President Roosevelt devotes the "hardest licks" of his "master work." With this part of his message Republican leaders in Congress are reported to be particularly delighted. And, indeed, it is a marvelous production—one that should make of the fortunate pen with which the President signed the message, a dime museum favorite for all time. Beginning upon this subject with a recital of the primary and the alternative provisions of the Isthmian canal law, Mr. Roosevelt proceeds to show that it was not necessary for him to consider the execution of the alternative provision when the primary provision failed, because a third consideration afterwards arose of which

Congress had wotted not. If we read between the lines we shall see with tolerable clearness that Mr. Roosevelt does not object to being credited by history with having himself providentially created the unexpected circumstances; which are, of course, the secession of Panama from Colombia.

To appreciate President Roosevelt's masterful skill in dealing with this providential concatenation of circumstances, his order of statement must be somewhat altered, so as to secure a truer perspective. In the first place, then, (we quote from the message):

By the act of June 28, 1902, the Congress authorized the President to enter into treaty with Colombia for the building of the canal across the Isthmus of Panama, it being provided that in the event of failure to secure such treaty after a lapse of a reasonable time recourse should be had to building a canal through Nicaragua.

In the second place, after a canal treaty with Colombia had been negotiated and ratified by the United States—

the government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the scantiest hope remained of ever getting a satisfactory treaty from them.

In the third place, such being the circumstances, what would naturally come in due legal order? The "event of failure" to secure a Panama canal treaty with Colombia had occurred. Not merely had there been "a lapse of a reasonable time," but the treaty had been rejected by Colombia under circumstances which left "not the scantiest hope" of ever getting a "satisfactory treaty" from that government. Was it not President Roosevelt's sworn duty, therefore, he being of the executive and not the legislative branch of the government, to obey the act of

Congress which commanded that in such circumstances "recourse should be had to building a canal through Nicaragua"?

But Mr. Roosevelt could entertain no such view of his legal duty. Great financial interests in Wall street—very powerful in a presidential year—have \$40,000,000 in cash at stake on the Panama route, and only Satan himself knows how much more in prospective land values along that route. Moreover, the potent continental railroad interests—especially potent in a presidential year—prefer the Panama route because its completion is farther off and its competitive influence would be less than the route across Nicaragua. So Mr. Roosevelt turns his attention to the possibility of securing the Panama route in a manner not contemplated by Congress, in total disregard of the command of Congress, and in defiance of international obligations. Instead of obeying the law, and, upon the hopeless failure to get a treaty from Colombia, proceeding with negotiations for a Nicaragua canal—the alternative solemnly prescribed by Congress—he concluded, as the third step, that it was not necessary to consider that alternative at all. His amazing reason is that he had found a way of avoiding the decree of Congress by making a treaty with a hitherto non-existent and even now only de facto sovereignty, for the Panama route.

This leads Mr. Roosevelt to a defense of his high-handed use of the American navy to prevent Colombia from resisting the secession of his "hand-me-down" republic of Panama. And what a defense! "Master work" is all too weak for adequate characterization. He quotes Secretary Seward's declaration of 1865 that the

purpose of the neutrality stipulation in the treaty with Colombia "was to guarantee the Isthmus against seizure or invasion by a foreign power only," and Attorney General Speed's opinion of the same year to the same effect—quotes both to justify his interference with Colombia's forcible assertion of sovereignty. Think of it! Because we are under treaty obligation with Colombia to protect the Isthmian part of her territory from foreign invasion, therefore we are empowered by Colombia to exclude Colombia herself from that territory! This is Rooseveltian—masterfully so; but it is neither logic nor law.

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Most amazing of all this amazing "master work," however, is the President's calm statement of his reasons for precipitately recognizing Panama as an independent nation. In view of the established policy of this nation with reference to recognizing new nations, Mr. Roosevelt's position is absolutely revolutionary. Note his words, and note them carefully. He quotes his instructions to the American representative at Panama for what he himself describes as "the recognition of the de facto government of Panama," as follows:

The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States, . . .

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Consider those words in the light of our long neglect of Cuba after the people of Cuba had "by apparently unanimous movement, dissolved their political connection" with Spain, and in which there had been established "a de facto government, republican in form and without substantial opposition from its own people." Consider them again in the light of the history of our own invasion

of the Philippines (by authority of a purchase from Spain after Spain's actual expulsion), notwithstanding that the people of the Philippines had "by apparently unanimous movement dissolved their political connection" with Spain, and notwithstanding that there had been established in the Philippines "a de facto government, republican in form and without substantial opposition from its own people." Consider those words again in the light of the history of our civil war of the 60's. We had protested against any foreign recognition of the Confederate States, and our protest was heeded. Yet the people of those States had "by apparently unanimous movement, dissolved their political connection with the United States and resumed their independence," and in and for each of them there had been established "a de facto government, republican in form and without substantial opposition from its own people."

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To appreciate the revolutionary character of Roosevelt's Panama policy, one has only to recall the attitude of the Federal government toward the Confederate government, and then to paraphrase President Roosevelt, only slightly and with no essential change, in the form of a letter of instructions from Great Britain to a British consul at Charleston in the Winter or early Spring of 1861. Thus:

The people of South Carolina and [certain other States, naming them] have, by apparently unanimous movement, dissolved their political connection with the United States of America and resumed their independence. When you are satisfied that a de facto government, in form a republic or a limited monarchy, and without substantial opposition from its own people, has been established in the State of South Carolina and her seceding associates, you will enter into relations with it as the responsible government of the territory and look to it for all due action, etc., etc., etc.

And suppose that Great Britain had capped that climax of international impudence and arrogance, with this dispatch to her minister at Washington (a mere

paraphrase of President Roosevelt's dispatch to our minister at Bogota which he quotes with satisfaction in his message):

The people of South Carolina and [certain other States, naming them] having by an apparently unanimous movement dissolved their political connection with the United States of America and resumed their independence, and having adopted a government of their own, named the Confederate States of America, with which the government of Great Britain has entered into relations, the Queen of Great Britain and Ireland, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the governments of the United States of America and of the Confederate States of America the peaceful and equitable settlement of all questions at issue between them. She holds that she is bound by the interests of civilization to see that the peaceful traffic of the world along the Atlantic coast of North America shall not be disturbed by an unnecessary and wasteful civil war.

"Masterful," indeed, is President Roosevelt's work. But so was the bull's in the china shop. With what apprehension must sober Americans contemplate the fame of their country after impartial history shall have dealt with recent events and explained their manifest inconsistency? How can anything but shame result from the inevitable disclosure of the sordid influences that dictated yesterday the destruction of an Asiatic republic trying to work out its democratic destiny, and today the habilitation of a speculative junta with valuable privileges for sale.

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Mr. James N. Tyner, the assistant postmaster general of the post office department, has just grounds of complaint against President Roosevelt and he states them in a dignified way. Mr. Tyner is under indictment for fraud in connection with his official position. He is entitled, as are all men under indictment, to a fair trial. No official, no newspaper, no citizen has any right to prejudice public sentiment against him. When an indictment comes into court public attack upon the accused should cease. This is only