

ing—more considerately than he is doing now, but promptly and energetically—to secure compliance with the safety laws? Because he, too, feared the business classes of the city. As he now says, he would have been mobbed had he taken that course at that time. And so, probably, he would have been; and by a broadcloth mob at that. He could not have relied upon any business-class sentiment of respect for the law. Again, why did the city council merely toss the report over to a committee, and why did the committee merely refer it to a printer and indifferently await the printer's pleasure—why all this piddling over violations of laws so vital to the security of human life? The same reason. The city council, too, was afraid of the business classes.

So we may trace responsibility for the Iroquois catastrophe back from the Iroquois managers to the managers generally whose derelictions they followed; and back from the managers to the officials who winked at these derelictions; and back of the officials to the business classes, whose deadened conscience has latterly become so characteristic of American business men. Among these classes right and wrong have ceased to be distinguishable except momentarily as the distinction may happen to be useful for selfish ends; while respect for law is something which, though the "lower classes" are said to owe it to society, the business classes seem to owe to nobody whenever they are agreed upon its inconvenience or unprofitableness to themselves. With this spirit prevalent, it is certain that any official who had undertaken to enforce the fire laws prior to the Iroquois disaster would have run counter to a business class sentiment reinforced by local advertising mediums, which would probably have ended his career in public life. Officials are culpable, of course, for not having bravely met that obstacle; but the culpability of those who created the obstacle is far

the greater of the two. One of the manifest lessons of the Iroquois calamity is the importance of revitalizing public opinion with a conscience capable of distinguishing right from wrong and disposed impartially to respect laws for the right regulation of social life. This lesson needs to be learned not merely by labor strikers and hold-up men, as your modern pharisee thinks, but it is needed by the business class most of all. Nor is it applicable to Chicago alone:

Incidentally, the vice of free passes is brilliantly illuminated by disclosures regarding the Iroquois theater fire. It was by this means that minor officials were bribed to be good natured about infractions of the law that have proved so disastrous. For instance, an inspector reported the Iroquois as "O. K." only a few minutes before the audience began a terrible struggle for life in this lawlessly equipped theater lawlessly packed with human beings. It is just that sort of inspection, just that sort of official oversight, that free passes encourage. And the free pass evil is not confined to theaters nor to minor officials. How many members of the Chicago city council are not in possession of railroad passes? How often does the Mayor travel without a pass? How many judges in Chicago reject the proffered passes of railroads on whose interests they may have to sit in judgment? How many officials anywhere are without free passes? That these "courtesies" do not effect the bribery of officials with reference to large matters is doubtless true. Corrupt officials do not sell themselves so cheap. But it is beyond dispute that passes do secure small favors—compensating "courtesies;" such, for instance, as the "O. K." of a theater's violation of the law in trifles—trifles which, however, may precipitate calamities. If free passes do not improperly influence judges, inspectors, councilmen, legislators, etc., why do railroad officers and theater managers make them the regular

perquisites of public servants with whom they have official relations? Surely not for their health. The "O. K."-ing of the Iroquois theater just before it burned, tells the story. Passes put public officials in good humor toward law-breakers. The public official who takes them may not know he is bribed; but the theater or railroad manager who gives them, he knows it.

That is reason enough for this resolution offered in the Chicago city council on the 4th by Alderman Dunn:

Whereas, the receipt of gratuities, such as free passage or tickets from railroads, theaters, or other public utilities or places of amusement by city legislators, city officials and employes, is clearly detrimental to the free discharge of official duties; therefore, be it resolved, that it is the sense of this Council that the asking for or receipt of any free pass, ticket, or special favor from railroads or places of amusement be condemned; and, be it further resolved, that this asking or accepting such favors be made a ground for disqualification from municipal office or employment. Resolved, that the judiciary committee of this Council be requested to report the necessary order to bring this resolution into full force and effect.

And it is rather discouraging to be obliged to report that the "reform" council of Chicago has buried Mr. Dunn's excellent resolution in committee, thus following the example of the Democratic caucus in Congress (p. 503) which made a similar disposition of Congressman Baker's resolution pledging the party to refuse railroad passes.

President Roosevelt's special message to Congress is unusually interesting for a presidential message; and, while long, necessarily so because of the mass of its detail and the subtlety of its argument, its substance may be boiled down to Tweed's noted inquiry: "What are you going to do about it?"

And, sure enough, what are we going to do about it? If we concede that the right to recognize new governments is vested in the

President exclusively and absolutely—which is a precedent set by President Cleveland,—nothing remains to do; for in that case Panama is not only an independent nation, but it is one whose sovereignty—if Secretary Hay is right in his theory as to treaty covenants “running with the land”—we are bound by the old Granada treaty to defend. No matter what the American people may wish, no matter what Congress might have been disposed to do, if the President’s irresponsible recognition of this new nation is conclusive, then nothing remains for Congress to do but to attend to details. The President himself will have done the vital thing without so much as “By your leave, Messrs. Congressmen.”

It is upon this basis that Mr. Roosevelt virtually demands of Congress that it fill in the details of the Panama policy which he of his own unbridled will has inaugurated. He has virtually made himself an absolute monarch as to this most important matter. For does he not say:

The only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

And does he not—

repeat that the question actually before this government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian canal.

Take those two admonitions out of his special message, and nothing but a plea for Panama and the Panama canal route remains. But there is power in those admonitions. They are Rooseveltian for Tweed’s less polished but not more defiant phrase.

How did Panama’s independence come to be “an accomplished fact”? Simply through the favor of Mr. Roosevelt. It was by his

orders, as his message shows, that Commander Hubbard, U. S. N., “prevented either party from attacking the other;” that is, that prevented Colombia from coercing a seceding State as we coerced South Carolina in the 60’s. It was by his recognition of the seceding State, regardless of Congress, that this State became a sovereign Power which we are bound by treaty (according to the Hay theory that “the covenant runs with the land”) to protect from the parent Power. So Mr. Roosevelt virtually says to the Senate: You might as well ratify the treaty, for I have already done everything else; and whether you like it or not, “What are you going to do about it?”

Obviously only one of two things can be done. The President’s constitutional authority to put Congress into such a hole can be conceded, in which case, a treaty with Panama must be confirmed whether the confirming power likes it or not. The only alternative is to attack this evil at the roots, by contesting the authority of the President to force his own will upon the country in a matter involving, as the recognition of new nations does, far-reaching questions of treaty obligations, of national honor, and even of war. If the President’s recognition of Panama is constitutionally conclusive he has virtually usurped the war-making authority; for in that case his recognition imposes upon Congress the necessity of making war upon Colombia if Colombia attempts to hold Panama to its repudiated allegiance.

Gov. Garvin’s inaugural message to the legislature of Rhode Island is a model of terseness, literary form and statesmanship. Among his recommendations is an amendment to the State constitution empowering 5,000 citizens to propose constitutional amendments for referendum adoption. He reminds the legislature that the passage of this amendment was solicited two years ago by 28 organizations—labor, reform and

religious — representing many thousands of citizens, and yet the petitions were ignored. His rebuke of the last legislature for refusing to act upon the bribery corruption, to which he had called attention, is stinging, notwithstanding its mild terms and calm tone. Another of his especially valuable recommendations is the Purdy plan of apportioning State taxes — namely, in proportion to the actual expenditures of the respective towns for local purposes. He takes occasion also to condemn the growing practice in legislative bodies of burying important minority measures in committee, a procedure which he truly describes as “a maltreatment of representatives and their constituents, and unfair to the whole people of the State.” But best of all is the spirit in which Gov. Garvin asks the Rhode Island legislature to approach the performance of its duties. “In this, the 258th year of the General Assemblies of Rhode Island,” he writes, “may we be able to say of every act performed, It is just.”

The lower courts of Oregon, which held that the initiative and referendum amendment to the State constitution had not been properly adopted and was therefore invalid (p. 215) have been overruled by the highest court of the State. This decision was rendered on the 21st of last month. The case arose over an act of the legislature affecting the city of Portland. To forestall a referendum petition, the legislature declared the act to be emergent, which, by the terms of the referendum amendment, enabled the legislature to give it immediate effect. It was a legislative trick for evading referendum possibilities. Upon coming into the courts the law was defended on two general grounds. It was argued, first, that the referendum amendment was invalid. This point was overruled by the Supreme Court. Secondly, it was argued that if the amendment were valid, the emergency declaration by the legislature could not be inquired into by