tendency toward centralizing all power at Washington. Such laws are part of the imperial programme.

A British transport fleet of eight ships was reported this month in the harbor of New Orleans, as openly loading munitions of war—mules and horses for use against the Boers in South Africa—at this neutral American port. Well may it be asked how long these flagrant violations of neutrality are to be permitted by our government. Let it be observed that the shipments are not commercial. The mules and horses are sold in New Orleans, not to dealers but to agents of the British army; they are embarked at New Orleans, not on commercial vessels, but on transports of the British government; and they are carried not to foreign markets but directly to the seat of war. If that does not constitute a violation of American neutrality nothing can. When urged to take action in the matter, President Roosevelt is understood to have replied that the courts had been appealed to and decided that there was no cause. That is true. The courts were appealed to, and they did decide that there was no cause. But the reason they gave was that the question is not one for the judicial department of the government, but that it belongs to the executive department, with which the courts have no right to interfere. President Roosevelt is the head of the executive department. He cannot escape responsibility by referring to this judicial decision. On the contrary, that decision fixes his responsibility. What does he propose doing about it? Will he fall back upon the doctrine of his message, that these munitions of war are not for the prosecution of war, but are for the control, by a civilized power, as matter of "international police" regulation, of a "barbarous or semibarbarous" people?

A copy of the civilian salary lists at Manila under the American government there has come to light. As reported by the Chicago Daily News, it is an exposure fit to make any sensitive American blush for shame. These salary lists carry 4,606 names. Of that number of office holders 2,044, or nearly 45 per cent., are Americans, and 2,562, or slightly more than 55 per cent., are Filipinos. The annual salaries of these 4,606 office holders amount to $3,086,989, a mild average of only $670. But of this amount the Filipinos get but $806,945, or about 26 per cent., while the Americans get $2,280,044, or about 74 per cent. It appears, therefore, that only 26 per cent. of the salaries go to 55 per cent. of the officials, who are Filipinos, and that 74 per cent. of the salaries go to 45 per cent. of the officials, who are Americans. Gov. Taft receives $20,000, which is double the highest salary paid to the governor of any state. Four American commissioners receive $15,000 each, or three times the salary of members of congress. Other salaries, drawn almost exclusively by Americans, vary from $5,000 to $7,500. As these salaries are paid by the people of the Philippines, the circumstances are not altogether unlike those of which the Americans complained so bitterly in 1776, when, in the declaration of independence, they charged George III. with having "erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance."

Instructions have been given throughout the island of Luzon to celebrate annually in the public schools "the birthday of Jose Rizal, the Filipino patriot who was executed by the Spaniards." Such is the order of the American superintendent of public schools in the Philippines, according to Manila dispatches published on the 9th. The dispatches add that "the life and history of Rizal will be recited on this day." What is the meaning of it all? Rizal a "patriot!" Did he not "rebel" against the authority of Spain? We recognized Spain's right to govern the Filipinos when we paid her $20,000,000 for her title. We recognize it now when we are spending $119,000,000 a year to maintain that title against the inhabitants. If the Filipino who resists our authority is a "rebel," a "guerrilla," a "bandit," surely the Filipino who resisted Spain's authority was also a "rebel," a "guerrilla" and a "bandit." Not even President Roosevelt's adeptness in twisting logic and language can make our title one whit better than the title of the country from which we got it. If Rizal were still alive, resisting our invasion as he resisted Spain's occupation, he would be, in the language of President Roosevelt's recent message, deserving of no more respect or sympathy than an Apache Indian. Why, then, this order styling Rizal a "patriot" and directing the annual celebration of his birthday? It is a dangerous experiment. If we are to keep the Filipinos in subjection our officials in Manila should see to it rather that the word "patriot" is blotted from the dictionary. They should also prohibit the importation or printing of copies of the declaration of independence. References to patriotism and just government resting upon the consent of the governed can do no good in a country that acknowledges our sovereignty only at the muzzles of a hundred cannon and 50,000 rifles.

THE CHINESE EXCLUSION LAW.

One of the important subjects to come before congress this winter is the question of reenacting the statute for the exclusion of Chinese immigrants. The existing statute with its amendments expires next May; and not only is there a vociferous demand for its reenactment, but President Roosevelt has in his message advised that policy.

Doubtless the president will be severely criticised for this recommendation, and for signing the new exclusion bill when it shall have passed congress. So also will congressmen who vote for the bill. But all such criticism should be especially considerate, for the Chinese question is difficult and embarrassing to public men. On the Pacific slope gen-

erally, and with organized labor everywhere, this question is for the time the test of political fitness; and the president who should condemn the exclusion statute, or the congressman who should vote against continuing it, would have to be both clear-minded and courageous. The case is one of those, therefore, in which criticism of professedly pro-exclusion statesmen should be most considerately tempered with mercy.

Whatever conclusion anyone may reach regarding the merits of this question as a whole, be he politician or critic, one of the pleas for exclusion which comes from the Pacific slope and is calculated to forestall opposition elsewhere, must be met upon the threshold. It is precisely the same plea that undemocratic Democrats of the South set up in support of discrimination in their section against Negroes. As these Southerners say to the North: "We understand the Negro question and you don't, for we are in the midst of it and you are not," so the Pacific slope says to the rest of the country: "We understand the Chinese question and you don't, for we are in the midst of it and you are not." The Pacific slope therefore asks to be the judge of the Chinese question, just as the South asks to be the judge of the Negro question. As the Negro question is the race question south of Mason and Dixon's line, so the Chinese question is the race question west of the Rocky mountains.

But this plea for local infallibility is utterly without merit. Some questions are, indeed, essentially local. Those that are, may be better judged by people on the ground than by others. Not all questions, however, are local; and those that are not can be no better judged by people on the ground than by strangers. In the latter category come all questions of human rights. Regarding these questions everyone is competent to judge. If there is any difference in powers of judgment between people on the ground and people not on the ground, the difference is in favor of those who are not; for the judgment of those on the ground is likely to be vitiated by local prejudices or traditions, local class interests and other superficial considerations.

Probably the oligarchy of Russia regards itself as better qualified than the American or the English people to pass judgment upon the merits of the Russian autocratic and penal systems. In fact it is not so well qualified. General questions of human rights are there involved, and distant peoples, who are not selfishly interested, are consequently the better judges. In all such cases disinterested peoples stand in much the same judicial relation to those who are selfishly concerned, that the people of the present do to those of the past, and that those of the future will to those of the present. There are few, for instance, who would now deny that the Southern states were wrong, morally and economically, on the slavery question; yet in the days of slavery it was the most emphatic contention of Southern statesmen that the South was the best judge of the moral justification and economic necessity of its "peculiar institution." Disinterested history decides they were mistaken, and that decision is accepted even at the South. If the judgment of those who are temporarily most interested in interfering with human rights were conclusive in such questions, Nero's infamy would stand approved. He was on the ground. Moreover, he was charged with the burdens of responsibility. Upon the theory, then, of our friends at the South and upon the Coast, Nero must have been a better judge of what was good for Rome than we who were not upon the ground and had none of his responsibility. But no one of sense would acknowledge his peculiar fitness.

The theory is a false one. The Negro question at the South and the Chinese question on the Coast are questions of human rights, mixed with questions of selfish local interest. If only the selfish interests were at stake, the decision might better be left to local judgment. But as fundamental and universal principles of government are involved, local public opinion is not the best test. It is likely to be the worst. At any rate, it is open to challenge for bias. As the local judgment of the South with reference to the Negro question is properly challenged, so the local judgment of the Pacific coast with reference to the Chinese question must be challenged. It is not conclusive. It may be right. But if right, it is right for other reasons than that the question is localized there. The special plea of the Pacific coast should be disregarded, and the question itself on its own merits alone be considered.

Similar observations apply to the demands of labor organizations, whether they be those of the Pacific coast or of other sections. Though the reasons they offer should be received with candor and weighed with intelligence, pleas based merely upon a naked right of labor organizations to dictate labor legislation affecting human rights should be disregarded. The merits of the question—not as a local question and not as a labor union question, but as a national question involving fundamental principles of human liberty, and in that aspect alone—should be decisive, alike in the White House and in the halls of congress.

The essential character of the Chinese question is disclosed by the principal congressional legislation of the past. After our race had induced China and Japan to throw down the outer barriers which those isolated empires had maintained against aliens, it was discovered that in the name of immigration Chinese and Japanese slaves were being imported in large numbers into this country. Public opinion rose against this revival in new form of an abhorrent trade, and from 1862 to 1875 acts of congress were passed to prevent it. These acts were subsequently codified in the revised statutes of the United States, where they now appear as sections 2158 to 2164. They were directed against the importation of "the subjects of China, Japan, or any other oriental country, known as coolies," to be "disposed of, or sold, or transferred, for any time, as servants or apprentices, to be held to service or labor; and they distinctly provided that the exclusion law should not apply "to any voluntary immigration." They also specifically prohibited local legislation discriminating against Chinese, Japanese or other orientals, as voluntary immigrants. Their manifest

object was to prevent the importation of Chinese slaves, and not the voluntary immigration of Chinese workmen.

At that time public opinion would not have tolerated the exclusion of voluntary immigrants. But even then one of the motives for excluding coolies was hostility to all oriental immigration; and the impulse which this motive generated had grown strong enough in 1880 to secure the ratification of a new treaty with China modifying the privileges of the Chinese with reference to this country. By that treaty, ratified November 17, 1880, the United States was allowed to limit or suspend, but not to prohibit, the immigration of Chinese laborers. The first suspension act was accordingly passed by congress May 6, 1882. As amended two years later, this act, reciting that "the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof," suspended all such immigration for ten years. "Both skilled and unskilled laborers, and Chinese employed in mining," were embraced in the exclusion. Although the Chinese treaty of 1880, while permitting this temporary suspension of immigration forbade its prohibition, congress extended the term of suspension for ten years from May 5, 1892; and notwithstanding that the same treaty is still in force, the question now before congress is whether Chinese immigration shall be suspended for still another period. In other words, the treaty permission to suspend is being evasively used by our government, in defiance of the express inhibition of the treaty, as authority to prohibit. For between positive prohibition and repeated suspension the only difference is nominal.

It is evident from this recital of our Chinese legislation, coupled with the reasons for the demand for its extension, that the intention is to exclude from our country permanently one class of men who earn their own living—Chinese workingmen. The matter first comes up, therefore, as a labor question, with sufficient distinctness for consideration by itself. Ignoring other points, let us consider then, for the moment, the exclusion of Chinese workingmen merely in that aspect.

We are aware of the uses which employers would make of the cheaper Chinese labor to press down the wages of American labor. President Roosevelt rests his advocacy of the law solely upon this ground. In his message he says that our labor must be protected from the presence in this country of any immigrant laborers who "represent a standard of living so depressed that they can undersell our men in the labor market and drag them to a lower level." But that plea does not apply to Chinese laborers alone. Labor saving machinery, as well as other laborers than the Chinese, has a similar tendency to depress the American standard of living. Employers make the same use of labor-saving machinery that they would of Chinese immigrants. They make the same use of immigrants from the poverty-stricken regions of Europe. They make the same use of the army of the unemployed and partly employed which is being recruited in greater and greater numbers even from our own native population. There is nothing unique in the use they would make of Chinese laborers. Consequently, if this consideration calls for the exclusion of Chinese laborers, it calls also for the exclusion of European laborers, for a strenuous discouragement of labor-saving invention, and for some drastic limitations upon the native birth rate.

We sympathize with American workingmen in the problem that confronts them, this deadly problem of a relatively decreasing wages fund, which might be more deadly if Chinese laborers were freely admitted. But we do not sympathize to the extent of being willing to support oppressive laws against other workingmen, the more especially as just and effective instead of oppressive and futile remedies are available.

Were American laborers in their desperation to demand legal limitations upon the native birth rate, we would not support them. Were they to demand the suppression of labor-saving inventions, we would not support them. Were they to demand the exclusion of European immigrants, we would not support them. Neither, therefore, do we support them in their demand for laws excluding Chinese immigrants. We do not support them in this, that is, in so far as it is distinctly a labor question—in so far as it is for the purpose of preventing the Chinese from seeking work in this country.

If increasing population, including European and Chinese immigrants, if labor-saving inventions—if these and other things that go to increase the wealth of the country, produce instead the astonishing effect of reducing the relative wages fund of the country, then there must be a cause that Chinese exclusion can neither remove nor modify. Evidently there is such a cause. It is one of our own institutions, unnatural and unjust, which tends to divert wages from earners to non-earners. So long as the land of this country is monopolized by a fraction of its inhabitants, that inequitable tendency will go on, Chinese or no Chinese. We are eager to reverse the evil tendency by any rational method. But we are not disposed to encourage men who draw red herrings across the trail, especially when the scent of the herring leads on to a further invasion of human rights. If American workingmen will not demand the natural rights that are denied them, they have no claim upon sympathizers for support when they demand that other workingmen be divested of other natural rights.

So far as the question of preventing voluntary Chinese immigration is merely a labor question, its settlement against Chinese immigration would injure migratory Chinese workingmen without benefiting American workingmen. To the latter we say, in all sympathy and friendliness, what John Boyle O'Reilly, that true poet of the people, put into the mouth of Liberty when he wrote:

Hither, ye blind, from your futile banding! Know the rights and the rights are won.
Wrong shall die with the understanding. One truth clear, and the work is done.
Nature is higher than Progress or Knowledge whose need is ninety enslaved for ten.
My word shall stand against mart and college: The planet belongs to its living men.

But the Chinese question is more than a labor question. Although the exclusion is limited now to Chinese laborers and certain morally objectionable classes, the evident trend, both of legislation and anti-Chinese opinion, is toward the exclusion of all Chinese immigrants and the deportation of all Chinese residents. And not only the exclusion of Chinese but of Japanese also, and even of our own recently acquired national subjects—the Filipinos and the Porto Ricans. The question broadens out, therefore, into a race question. Let it be considered, then, in that more comprehensive aspect.

Perhaps this point might be fairly dismissed with one general observation based upon the theory of evolutionary progress. If Chinamen are not adaptable to our civilization, they either are or are not better fitted than Americans to survive in the environment of American institutions. If they are not, then they cannot flourish here and would soon cease to come. If they are, then it is not Chinese exclusion that Americans need, but institutions more in harmony with their own civilization.

But without resting the issue there, we are prepared to concede that circumstances are possible which would justify the exclusion from a country settled and occupied by one race, of immigrants from another and unassimilative race. Whenever immigration takes on the character of invasion, it may be treated as invasion. That is to say, communities like individuals have inherent rights of self-defense, and when immigration without arms menaces the civilization of any community toward which it flows, the right of communal self-defense may be invoked upon principles analogous to those which apply to invasions with arms. The Orient has a right to resist revolutionary immigration from the Occident, and the Occident has a right to resist reactionary immigration from the Orient. This does not amount to a denial of natural rights to the earth. It is an assertion of natural social rights. The earth is wide enough for all its inhabitants, without the assumption by any of rights of invasion. Neither does it amount to a denial of rights of asylum for those who flee from oppression to free communities. People who seek free institutions are not invaders of the free countries to which they migrate. No one who seeks freedom is an enemy to the freedom he seeks. The right, then, to resist invasion, even though peaceable in method if hostile in purpose or effect, is a conceded right. But it is like the right to make war. As no wars but defensive ones are justifiable, so no exclusion of immigrants, though of another race, is justifiable unless defensive. And to justify exclusion, as to justify war, the defensive necessity must be apparent.

Applying that principle to the Chinese question we find no justification for Chinese exclusion. The defensive necessity is not apparent.

Some reasons urged for exclusion relate to the interests of American labor. We have already considered these on labor grounds and found them invalid. On the broader grounds of national invasion by a hostile race they are equally so. There is no evidence of Chinese invasion which menaces any natural, national, or race rights of American workingmen. If these rights are in jeopardy, it is from the operation of unjust American laws subtly inimical to them, and not from immigration of any kind.

Other reasons relate to the indisposition of the Chinese to remain in this country and become part of its citizenship. This reason is disingenuous. If Chinamen go home after a period here, taking their earnings with them, they do us no harm thereby. Have they not left behind, in some form of wealth which is the product of their labor, as much as they take away in other forms of wealth? And if they do not become citizens how can they revolutionize our institutions? Or, if their citizenship would make their immigration desirable or bearable, why do we by our laws forbid their being naturalized, as we have done for 20 years?

Do they colonize clannishly in the midst of American cities? In that they are not different from European immigrants. New York city is full of distinctive colonies, European as well as Asiatic; Chicago has her colonies—European, Asiatic and Negro; and in New York and Chicago as to their "inferior race" colonies, or in San Francisco with respect to Chinatown, who shall say that the cause is any more the unassimilative and hostile clannishness of the "inferior" colonizers than the inhospitable and oppressive behavior, both individually and collectively, of the "superior" inhabitants?

In the Chinese colonies there is vice and crime. That is true. But the vice and crime of great cities are not confined to such spots. Vice and crime are by no means Chinese peculiarities.

The foregoing considerations include, either by statement or allusion, substantially all the objections to Chinese immigration. And none of these objections are sound.

With all the effort that self-interest and race antipathy can engender and promote, no case has yet been made for excluding Chinese on the ground that their voluntary immigration peculiarly menaces American wages or in any way endangers the rights of American labor, the stability of free American institutions, or the development of what is good in Occidental civilization.

That coolie importation should be prohibited we presume everyone will agree. That could probably be done effectually by simply outlawing labor contracts and making all immigrants understand that they have the freedom of the country as soon as they touch its shores. If this is not sufficient, criminal laws can and ought to be framed against the importation of slaves, whether slaves by purchase or slaves by contract, and whether from China or elsewhere. But there is nothing thus far to justify a further extension of the law excluding voluntary immigrants of any race.

It is as indefensible as aggressive war would be. It is at variance with our best national ideals. It cannot become a fixed policy with reference to the Chinese without being extended in time to other peoples. Even religious toleration might easily be restricted on the basis of this precedent. In a fanatical outburst of "A. P. A." excitement, for instance, the Chinese

law and the reasons for it could be effectively quoted in support of measures for prohibiting the immigration of Catholics of every nation and race, on the ground that they acknowledge spiritual allegiance to a foreign potentate. The fact that they deny him political allegiance would count for little at such a time. An established national policy of wantonly prohibiting immigration for the ostensible reason that in some way it might possibly become inimical to the dominance in the United States of the American polity, would give a powerful leverage to fanatical anti-Catholics. And with all the rest, such laws as it is now proposed to extend with reference to the Chinese, and which would inevitably be followed by their extension to other nationalities, races, and religions, would react, like imperialism, of which they are part, upon our liberties at home. The policy of free government is incompatible with a policy of restricting immigration for any reason short of its being manifestly a hostile invasion. If the latter policy prevails, the former cannot persist.

Some of the reasons which we have here stated or suggested for opposing the Chinese exclusion law may be sentimental, and we are told that sentiment has no place in this discussion. But they are not all sentimental. As to those that are, let us admonish him to beware who would "pluck the eyes of sentiment" when moral questions are at issue. The time may not be far off when his own rights will depend upon the keen vision of the same sentiment of justice to which we now appeal in behalf of Chinese workingmen.

NEWS

The isthmian canal treaty between the United States and Great Britain, referred to and briefly described by President Roosevelt in his message (p. 553), and pending before the senate in its committee on foreign relations, has now been published in full. If ratified, as is likely, this treaty will terminate a series of international complications with reference to a water route across the American continent which have a history of nearly four centuries.

As early as 1513, when it had been demonstrated that there was no natural waterway through the continent, propositions were made to pierce the isthmus of Panama with a canal. By 1550, four different routes had been suggested, one of which was across Panama and the other across Nicaragua. The dispute over these two routes has continued ever since and is not yet settled. The Panama route now considered is from Colon to Panama, across a low and narrow strip. This would be a sea level canal. The Nicaraguan route is from Greytown to San Juan del Sur, across a wider strip and through a mountainous country where locks are necessary, but where Lake Nicaragua at the summit offers natural advantages. Early in the seventeenth century an English company made an actual attempt to cut through the isthmus of Panama, but Spain interfered, and nothing more was done until 1827, when Simon Bolivar, president of New Granada (now Colombia), revived the subject. Eleven years afterward New Granada granted rights to a French company, but the company went no further than to make a survey. Along the line of this survey, however, Gen. Aspinwall built the isthmian railway, at the time of the gold excitement of 1849, to facilitate travel between the Atlantic coast and California. A second canal concession was granted by New Granada to a French company in the early 80's. This company was under the management of Ferdinand de Lesseps, of Suez canal fame. He was overwhelmed and ruined by financial scandals connected with the enterprise and partly due to American opposition, the French government refusing aid because the United States objected that French control of the canal would contravene the Monroe doctrine. Under a reorganization, the French company now claims the advantage of concessions and a partly finished canal. While the Panama projects were passing through this history, plans were on foot also with reference to the Nicaraguan route. In 1825 an American company, acting under concessions from the Central American Republic (of which Nicaragua was then a part), made surveys for a Nicaraguan canal. But it did nothing more, and the subject lapsed until after the Clayton-Bulwer treaty of 1850 between the United States and Great Britain. Great Britain had taken possession of Greytown, the natural eastern terminus of the Nicaraguan route, as protector of the Mosquito Indians; and the United States, believing that Great Britain contemplated controlling the canal, and acting pursuant to the Monroe doctrine, had protested. The Clayton-Bulwer treaty resulted. By one of the provisions of that treaty, both Great Britain and the United States were prohibited from obtaining control over or special commercial advantages in any ship canal between the two oceans. After a generation, during which nothing effective had been done with reference to the Nicaraguan route, American statesmen began to refer to the Clayton-Bulwer treaty as obsolete in so far as it interfered with American control of the prospective canal; and in 1899 (vol. i, No. 43, p. 9) the senate passed a bill which provided in effect for a canal under control of the American government. Though this bill went no farther, it stimulated diplomatic efforts for a modification of the Clayton-Bulwer treaty. About a year later, February 5, 1900 (vol. ii, No. 97, p. 9), such a treaty was laid before the senate. This was the first Hay-Pauncefote treaty. Great Britain relinquished by it to the United States all rights of control of the canal under seven rules for preserving its neutralization. But the senate amended the treaty in points regarding which Great Britain declined to concur (vol. iii, pp. 601, 775). The amendments objected to were: (1) The one striking out a clause inviting other powers to agree to the neutrality of the canal; (2) the one specifically abrogating the Clayton-Bulwer treaty; and, (3) the one inserting a clause giving to the United States military control for police purposes. Great Britain having rejected the treaty as thus amended, the second Hay-Pauncefote treaty was drafted and submitted to Great Britain last Spring (p. 106) and was signed (p. 521) at Washington by Lord Pauncefote for Great Britain and Secretary Hay for the United States, November 18, 1901. This is the treaty now before the senate, the text of which has just been made public.

There are five articles to the pending treaty. In substance they are as follows:

I. This treaty supersedes the Clayton-Bulwer treaty.

II. The canal may be constructed under the auspices of the United States, either directly or through corporations or individuals; and, subject to this treaty, the United States "shall have and enjoy all the rights