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For the Chicago street car strikers or any of their friends to condemn Mayor Harrison for his use of the police force to preserve the public peace and protect private property is folly and worse than folly.

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It is worse than folly, because the public peace must be preserved and private property must be protected. This is Mayor Harrison's first duty, no matter how much he might be inclined to shrink from it nor whom he may offend. The question is not even debatable, except with men who deny the utility of government altogether. Whoever believes in government at all, must believe in utilizing its powers to the fullest for the preservation of the peace and the protection of property. Peace and security are the primary conditions of prosperity and progress, and without these conditions personal rights of all kinds would be frequently destroyed and perpetually in jeopardy.

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This does not imply that the use of policemen as servants of the street car company should be tolerated. If it is true that policemen have collected fares, adjusted trolleys, or otherwise taken the places of the strikers, both they and their superiors who have ordered or permitted it, are culpable. The city authorities have no right to furnish "strike breakers," in the guise of policemen, to employers who cannot or will not come to terms amicably with their men. Peace and protection, not "strike-breaking," are what the police are bound to secure. But this they must secure at all hazards and at all costs.

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Even if it were not worse than folly to condemn Mayor Harrison for using the police to preserve the peace and protect property, such condemnation would be nothing short of folly. By condemning him for this performance of his manifest duty, a weak attack upon the street car company is substituted for a strong one. The Chicago City Railway company has a right to call upon the authorities for police protection when its property is assailed by mobs. The public have a right to call upon the authorities to preserve the peace when riot threatens. No condemnation of the authorities for responding to those demands can appeal with any force to a sane public opinion. But what shall be thought of a public service corporation which provokes the necessity for such action on the part of the authorities, as the Chicago City Railway company has wantonly done?

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In a great street car strike ill temper is inevitable on both sides. On the side of the corporation it finds vent in subtle ways. Professional "strike breakers," the hired thugs of detective agencies, are imported to play in the role of "honest workingmen" seeking "honest work for an honest living" and being denied this natural right by "vicious strikers,"—a trick of corporations which furnishes material for platitudinous editorials in plutocratic papers. Other tricks even less excusable and more subtle may be played by that party to a strike which fights with money instead of numbers. On the other side, strikers or their friends are apt to vent their temper with bricks and cobblestones. That these violent attacks are expressions of momentary temper and not of malice or deliberate lawlessness, is evident enough. If the strikers were deliberately lawless, they could wreck car lines beyond possibility of restoration for weeks. That they confine their disorders to personal assaults and petty obstructions makes it clear that they are irritated rather than malicious. But the real point is that disorders of this kind are inevitable in a great strike, while human nature is as it is, and that public service corporations which permit strikes that they can prevent, betray such reckless defiance of public rights as to be unworthy of any favorable consideration from public opinion.

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The only possible excuse for permitting a strike, which can be pleaded by any public service corporation, is that the strike could not be prevented without concessions that would be unjust or unreasonable. But that is an excuse which the Chicago City Railway company cannot plead with reference to the strike of its employes now in progress. Of the merits of the controversy between this company and its employes, the general public cannot judge. But of one thing the general public can judge. The fact is undisputed that the men offered to submit the controversy to arbitrators. That offer the company rejected. The offer still stands, and the company still rejects it. In no other way can the public ascertain the merits of the controversy than by the decision of arbitrators. Yet the company has persistently refused to arbitrate. Had it agreed to arbitrate, there would have been no strike, no violence, no rioting, no calling of the police from their ordinary duties of holding the criminal classes in check, no discommoding of the public. But the

company refused to avert the inconveniences and dangers that are inevitable in a strike, though it could have done so by the reasonable and fair expedient of submitting its controversy with the men to arbitration.

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The employer who refuses to arbitrate differences with his men must be presumed by public opinion to be conscious of having the weaker side of the controversy. If his business is a private one, the fact that he prefers to fall back upon the strength of his position as employer rather than the merits of his controversy as a man, is none of the public's affair. It may have its own opinion of him and there an end. But if his business is charged with public obligations in return for special privileges, the case is different. He has no right to involve the community he has contracted to serve, in the inconvenience, the disorders, and the dangerous disarrangements of a strike, merely to gratify his own pride of power. He must either be in the right and ready to prove it before arbitrators, or he must bear the odium of having wantonly caused the strike.

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That is the position of the Chicage City Railway company. As the matter now stands, public opinion must hold this corporation responsible to the public for its strike and for all that the strike has naturally involved or may involve. By refusing to arbitrate, this company has been recklessly indifferent to the rights of the public, and under no circumstances should the public ever trust it again. It should be trusted with a new franchise no more than an exposed "grafter" should be trusted with a new office. The alderman or other public official, from Mayor down, who even negotiates voluntarily with a public service corporation so indifferent to its public obligations, for an extension of its privileges, may be justly suspected of disloyalty to the public interests. Wholly irrespective of all other considerations, the action of the Chicago City Railway company with reference to arbitrating the controversy with its employes should be considered as a sufficient reason for discharging it from the public service at the earliest possible moment.

The Turner case (p. 498) is revealing the anti-anarchist law which Congress enacted last Winter as a menace to personal liberty of the most extraordinary character. The old "alien and sedition laws," which have been a hissing and a by-word for a century, were very pearls of liberty in comparison with this so-called anti-anarchist law. To doubters we commend a perusal of the procedure in the Turner case, which we quote in another column from the New York Daily News. It is doubtful if even in Turkey, much less in Russia, the material for a story so significant of absolutism could be gathered.

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But the worst is not told there. Besides what is told there and what we described last week, we find this law a complete reversal of the American theory of arrests. Except in time of war, or when the writ of habeas corpus is suspended, the executive department of the general government is supposed to have no power of arrest. Think of the anomaly of a Presidential order of arrest in time of peace! Orders of arrest are judicial writs, issued upon proof duly made, and subject to judicial investigation. But under this law the order of arrest is issued by a member of the President's cabinet. It may be issued by him against any alien who has not lived in this country more than three years. The person arrested can be immediately taken from any part of the country to Ellis Island; be there examined privately without witnesses or counsel, by three men who are appointed and can be dismissed by the cabinet officer issuing the warrant; and if two of them report to this cabinet officer that they believe the arrested man "disbelieves in all organized government," the cabinet officer can send him back to the country of his birth without allowing him to see friends or family or to settle his business affairs. From this decision there is no appeal to any court or jury. The practical result will be to put every alien who may take part in political or trade union agitation against the policy of the Administration, at the mercy of the Secretary of the Department of Commerce and Labor for three years after arrival, and open a door to blackmail by Federal officers.

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We have called this cabinet officer's order of arrest a "lettre de cachet," something the use of which helped mightily to bring on the French Revolution. Is it badly named? When the President can arbitrarily arrest and deport any alien of not more than three years' residence, seizing him anywhere in the country and depriving him of every legal right except a habeas corpus hearing before a judge whose hopes of promotion depend upon the President's good will, how long before he will be able arbitrarily to arrest citizens, and deport or incarcerate them at his own pleasure? Since Destiny began to determine Duty in this country, we have traveled far and fast toward the Gehenna of popular liberties. Each stage has made the next one easier to reach, for Gehenna lies at the bottom of a hill.

A brief and very clear statement of the present extraordinary attitude of the United States toward Panama has been made by Charles Francis Adams, the eminent publicist of Boston. We reprint it in the Miscellany department. All that Mr. Adams says is true and sound. But he needs to make a further explanation. He states that the action of our government "is avowedly exceptional—that is, something that this nation will not justify by any of the rules of law, of international usage." This implies not only that the case is admitted by