

ly candid, isn't there something demagogic in all the talk about making the flag "stay put?"

President Roosevelt writes to the Episcopal Bishop of Massachusetts an open letter regarding the Philippine atrocities in which he says—

I hope it is unnecessary to say that no one in the country can be more anxious than I am—save perhaps Secretary Root—to discover and punish every instance of barbarity by our troops in the Philippines. . . . Long before any statements had been made public, and before any action had been taken by Congress, the war department had ordered a rigid investigation of certain of the charges, including the charges of Maj. Gardner, the orders of investigation as regards these particular charges having gone out over three months ago.

Mr. Roosevelt's memory does not cherish his consistency. If he and Mr. Root were as anxious to discover and punish instances of barbarity before the exposure through Congress had made them active, it is rather remarkable that he and Root should have joined in the Miles correspondence. In their celebrated rebuke to Gen. Miles for alluding to these barbarities, they denied his statement that the war had been prosecuted with severity, and asserted that it had been prosecuted with marked humanity; and they gave a color to the whole correspondence well calculated to create a public impression that there had been no barbarities. How does that accord with Mr. Roosevelt's present assurances that he and Root were already on the trail of the perpetrators?

If it is an honorable policy to withdraw from Cuba and leave the island to the government of its own people, why would it be a "scuttle" policy to withdraw from the Philippines archipelago and leave those islands to the government of their own people?

Last week Lewis J. Toombs, convicted recently of a brutal murder, was sentenced by one of the Chicago judges to be hanged on the 13th of June. In passing sentence the judge said that the prisoner had been fairly

and lawfully tried. Judges always say something like that. Presumably they believe it; otherwise they could not in conscience impose the sentence that only a fair and lawful trial justifies. Nevertheless, men whose convictions are so approved are often granted new trials by higher courts because they have not been fairly and lawfully tried. And if ever there was a case in which a convict did not have a fair trial, the case of this man Toombs is one. Of his guilt we know nothing. But that is beside the question. The question is one of safe government. Innocent men may be hanged through miscarriages of justice. It is unfortunate, but if the trial has been as fair as good faith and good sense can make it, only the immediate victims of the error suffer. It is something to be grievously deplored, but it does not strike the administration of justice at the roots. It does not imperil social order. Very different is it when convictions, even of guilty men, are secured by official fraud, coercion or intimidation. So far as society is concerned, it is better that an innocent man be convicted and punished through an unavoidable miscarriage of justice, than that a guilty one be convicted and punished by a perversion of the machinery of justice. For this reason, whether Toombs be guilty or not, a greater crime against society than the one charged to him, atrocious as that was, will be perpetrated if he is hanged. For he did not have a fair trial. Two juries sat in his case. The first one disagreed. Two members whom no one accuses of bad faith refused to convict. They did not believe the evidence against him. The prosecuting official thereupon denounced them publicly as unfit jurors, for no other reason than that they had done their duty as jurors by forming and standing by their own conclusions. And by bringing the case immediately to trial again he thereby in effect warned the next jury that if any of their number should refuse to convict they might expect to be similarly denounced. Under those circumstances, any

juror at the second trial who had been disposed to acquit must have been a moral hero to stand out for acquittal. A jury so menaced could not give the friendless prisoner a fair trial. Yet upon their verdict he is to be hanged. Is there no longer any professional spirit at the bar, that lawyers remain silent under such circumstances? Have judges lost their regard for the due administration of justice, that they tolerate such an instance of unfairness in a capital case without a protest? The time was in this country when bench and bar would with one voice have demanded that even the most friendless prisoner, though he were in fact the vilest criminal, should not suffer the penalty for his crime without a fair trial before an impartial and unintimidated jury. Has all sense of professional and judicial responsibility to the community been displaced by the struggle for money and the itch for success?

In the issue of the Chicago Chronicle of March 23 last, that journalistic representative of bourbon Democracy clearly described the test of party regularity, applying it to Mr. Bryan. It said, having reference to the Democratic party:

The thing for the party to do is to have a definite, affirmative policy and stand out for it boldly. If Mr. Bryan supports the policy it constitutes him a Democrat. Not otherwise.

Now, for nearly six years the Democratic party has had a definite affirmative policy. It has stood out for it boldly. The policy is as yet unrepealed by any authoritative act of the party, but is its policy still. Mr. Bryan has all along supported and does yet support that policy. Therefore, according to the Chronicle's test, he is a Democrat. His fidelity to the party policy constitutes him one. But the so-called Democrats whom the Chronicle represents have not supported that policy. They are, therefore, according to its own test, not Democrats, but "otherwise." And as Grover Cleveland is conspicuous among the men who have not and do

not support the party policy, he is, by the same test, conspicuously not a Democrat.

It is not for the Chronicle, then, to criticize Bryan for proving that Cleveland does not come up to its own standard for a Democrat. It is rather for it, and for that matter for all other Cleveland papers, to stop making faces at Bryan and calling him names, long enough to explain away the following indictment which Bryan made against Cleveland as a Democrat, in one of the March issues of the Commoner, and to which there has been as yet no answer.

For four years he stood between the people and reform; for four years he made the White House the rendezvous of cunning and crafty representatives of predatory wealth; for four years the corporations and syndicates controlled his administration and forced him to veto Democratic measures and sign Republican measures. He refused to give sanction to the most important measure supported by the Democrats and bent all his energies toward securing legislation desired by the Republicans, even when he knew that he would divide his party by doing so.

He loaded tariff reform down with the blame that should have been borne by the gold standard, and not only did nothing for the country himself, but left a record that has hung like a millstone about the neck of the party ever since.

WHAT MIGHT HAVE BEEN.

The rejoicings over the recognition at last of the Republic of Cuba are not altogether unmixed with regret.

On the part of a certain class, whose reactionary purposes have ingloriously dominated American policies for the past four years, it is regretted that Cuba has not been made a colonial dependency of the United States.

Some of these acknowledge that this could not have been done with any semblance or even a pretense of honor, in the face of the altruistic resolutions with which Congress declared the intentions of the American people in making war upon Spain, resolutions which they now choose to denounce as sentimental folly. Others, better equipped with the courage of their satanic convictions, would have had the American government throw

honor to the winds by ignoring those resolutions altogether. In imitation of the imperialist policy of Great Britain, they would have had us make of Cuba what the British call a "crown colony," as we have done with Porto Rico, and as, with cruelty so revolting that it shocks the humane sensibilities of mankind, we are trying to do with the Philippine islands.

The regrets of another class spring out of a different spirit.

They regret that our public servants have not been sufficiently sensitive to national honor, saying nothing of the simplest principles of morality, to execute the mandate of those congressional resolutions without modification, crooked interpretation or other manner of evasion.

The resolutions having declared that the people of Cuba then were and of right ought to be "free and independent;" that the United States, in expelling Spain from the island of Cuba, had no "disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof;" and that it was the determination of the United States, when pacification should be accomplished, "to leave the government and control of the island to its people"—such having been the guarantees of good faith and the altruistic aims which this government pledged in making war upon Spain, this class of persons would have had those guarantees observed with all honorable fidelity.

The island having been pacified they would have had the independence of Cuba recognized by their own country as fully as that of their own country is recognized by the rest of the world. Pacification in Cuba having been accomplished, as it long since has been, they would have had the United States make good its pledge "to leave the government and control of the island to its people," by wholly relinquishing, in form and in fact, all "sovereignty, jurisdiction and control" over it. They would not have imposed as conditions precedent to doing what they were already pledged to do, such limitations upon Cuban independence as Congress did impose a year ago.

But regrets of either kind no long-

er avail; and those of the better kind are likely to prove practically unimportant, so far as Cuba is concerned.

In the hearts of Americans who love their country, who cherish its honor, and who are devoted to its great ideals, there must always be a rankle of regret and a tingle of shame when they reflect upon this perfidious episode in its history. They must be conscious, also, of a resulting weakness of the nation in dealing with moral problems in the future. For they cannot but feel that whenever it may again assume to lead in a righteous cause, however sincerely, it must incur not only unfounded suspicions, but also sneering and deserved allusions to its "disinterested" intervention in behalf of Cuba. Notwithstanding this perfidy, however, Cuba's independence is virtually assured.

Though the conditions wrongly imposed by duress upon her constitutional convention remain of record, the circumstances now attending her recognition as a republic are of such a character that those conditions, insofar as they degrade her sovereignty, must gradually fall into innocuous desuetude. Whether President Roosevelt has deliberately designed the release of Cuba from the suzerainty in which the McKinley policy and the resolutions of a year ago placed her, as is to be earnestly hoped, or has blundered, as some of his party organs say, makes no difference to the result. By causing an American minister to be sent to Cuba, and arranging to recognize a Cuban minister at Washington, he has placed this country in the position of acknowledging the essential sovereignty of that republic. A suzerain nation does not station ministers at the capital of its dependencies, nor receive ministers from them. By her example, therefore, the United States does acknowledge the complete independence and sovereignty of Cuba. This example, whether a blunder or by design, will of course be followed by other nations. Great Britain has already acted. She was even represented by a minister at the inauguration of the Republic, while we had no diplomatic representation there at all. President Roosevelt had appointed a minister, but he was not yet confirmed. In time, all the nations will be