

The Presidents Message

PACE, after all; the return of world peace, must precede peace prices, and the stabilization of industry and commerce, according to Pres' Wilson's address to the congress—which reminds us that peace is not yet, nor can it be until the affairs of the world are settled upon a foundation upon which all nations can build, and maintain an equilibrium.

One might almost wonder, if, realizing this, certain opponents of the Paris treaty, and the League to enforce it and to stabilize international affairs, are not more representative of the profiteers than of the people, and are accordingly holding back somewhat in their interest.

Accordingly the president has recommended, in effect, that we return to a war basis, at least in degree, in dealing with the cost of living issue; meaning, perhaps, the revival of the food and fuel administrations, with their powers extended over other commodities, and involving extended powers of regulation. It is one of the most comprehensive messages ever sent to congress dealing with an economic problem. We are inferentially pointed out as having been so anxious for peace that following the signing of the armistice, we forgot about the Kaiser all too anxiously, and threw ourselves open to the ravages of the profiteer, an enemy scarcely less implacable in his greed than was the Boche.

Now we must get down to business, begin retracing our steps somewhat, back to the days of the armistice. We have learned that we can depend even less upon the patriotism of the American profiteer, in time of peace than we could in time of war; that, quite in fact, in times of peace he has no patriotism at all—wherefore the peace that we have cannot in reality be considered such, in economic sense, at least.

Accordingly, the best we can do, pending a return of peace, "must be a makeshift." Hoarding can be halted, wheat shipments controlled, surplus stocks forced upon the market, cold storage plants regulated, and profiteers punished, but these are only anesthetics, incident to the world operation which can be performed only, or at least most quickly, by the nations rendering the Paris treaty effective, and setting its machinery in motion.

The president's message will, of course, not meet the approval of the profiteers, nor will it meet the approval of their political representatives, either in the house or the senate, and they may be depended upon to do all they can to block progress in accord with the recommendations, but the people are getting pretty well up in arms, and it may be that this will force some kind of action.

Still, along with the rest, the president has recommended a number of things that promise permanent advantage. His suggested cold storage act, similar to the New Jersey statute, requiring that all goods be marked with their price at the time of storage, and that periods of storage be limited, would strike the profiteer in food products a serious blow, since naturally the publicity that would go with such a process, would keep the people informed.

Likewise the licensing of all corporations engaged in interstate commerce would keep them pretty well under the federal thumb—more centralized government, to be sure, but a thing which the very people who are now kicking about it, are driving us to.

It is a sad state of affairs, that a nation like ours, should be in need of regulation after this order, but it seems necessary just the same. We are coming to realize more and more, that the masses of people, long-suffering as they are, can be run over about so long and then they revolt, which is the very thing that the government is undertaking to avoid.

And so it is now, again up to congress; up to congress again, but with more explicitness than at the time of the convening of the present extra session—it being plain enough, after 10 weeks, that the congress was without the disposition, and perhaps without the brains, to tackle the issue, until somewhat forced and being told how to go about it. We must now wait and see what the congress will do.

THE RAILROAD SITUATION A WARNING TO AMERICAN PROFITEERS.

PREST WILSON's advise to the railroad men, that the railroads being under federal administration, strikes of the order recently invoked, contrary even to the directions of their own organization leaders, "puts a stop" to all negotiations for a wage increase until they have returned to work, may not set so very well with the men but it will meet the major approval of the people of the country.

The order given by the president to Director Gen. Hines of the railroad administration, is as much as to say that Uncle Sam does not brook coercion from anyone, and the settlement of the wage question, and as well the problem of the high cost of living, must be pursued decently, and in good order, or, so far the wage question is concerned, it comes distinctly to a standstill.

Meanwhile, however, there is a lesson in it for the country—and the profiteers in food, clothing and other necessities, in particular. The railroad men may, no doubt will, heed the president's admonition and return to work—they have always been more patriotic, even during the war, than the profiteers ever were—but their "walkout" has served as a protest, setting the wheels of price reduction in motion, and it has done more.

It serves as a notice, not only to the profiteers themselves, but to the country as well, that we are being hurled headlong into a semi-soviet system, at least of industry and distribution—and that such is where we will eventually land, if a lower cost of living does not check it. It is a warning to America, following the truth as it has been told to us from Europe, that the soviet—bolshevism, as it is called here,—thrives upon hunger; hunger without the wages, or other means to satisfy it.

Our profiteering "fools" may not believe it, or maybe lack the patriotic sense to care, assuming that the righting being over, they are at liberty to fleece the public as much as they please, but it looks very much in the more or less immediate distance, as though they were approaching the end

of their ropes. The threatened railroad strikes, regardless of whether they materialize or not, indicate the direction in which a great mass of American minds are tending, and it has been near enough to materialization to create apprehension of possible accomplishment.

While the railroad men might not be able to force government ownership of the roads in co-partnership with the railroad workers, their insistence upon it might easily throw the business of the country into an awful panic—and it is the high cost of living, quite without question, that has driven the men to their demands. They have acknowledged that their wages are already high, and higher than stable business demands, but still insist that they have not gone up in proportion to the cost of living, and that if everybody else is to insist upon "all the traffic will bear," "what is sauce for the goose is sauce for the gander."

As an alternative to their demand for an increase of wages, they demand a decrease in living costs, or else that the government take over the roads, with the workmen in partnership, rescuing the roads from the present system of stock-gambling and speculation in co-partnership with the government—in which case we would have a virtual soviet as applied to the railroads, just a start, but a fairly good one.

We can see no remedy for high prices in the proposed change of railroad ownership, except in the industrial depression, that would be sure to ensue, and as that would strike the workingmen first, it looks to us like the sheerest folly. However, those behind the movement believe it would eventually settle things, and the temporary depression would be worth the ultimate results. Profiteers are foolish if they cannot see the trend of such doctrine.

That living should have proceeded to jump, as to cost, from the moment the armistice was signed, and regulation by the food and fuel administrations was removed, is significant furthermore of the good that those administrations did in keeping down prices while they were in existence. Do the profiteers wish to bring them back, or would they prefer to be decent without it? Both the food and fuel administrations were a sort of soviet, economic though not political, introduced as an emergency in time of war, and given up as soon as possible thereafter. Must we take them back now in time of peace?

People had much to say in criticism of Food Administrator Hoover and Fuel Administrator Garfield, and we were all pretty glad to see them go, but the profiteers have seen to it that we paid for their going. They are seeking to make up now for what they assume they lost by being held down through these administrations during the war,—and with each boost in prices came demands from labor for a boost in wages, and with each boost in wages another boost in prices. The railroad men admit the endlessness of the circuit; but with every increase of their wages has come increased freight rates, and with every increase in freight rates has come not only an increase in the cost of the commodities carried, but collection by the profiteers from the consumer, of a good profit on the increased freight rates and so on. They say they want to create a jumping-off place somewhere on the circle.

Heaven knows nobody wants to see a railroad strike, tying up the business of the country, and we probably won't see it, but at that, the threat of it may still prove something of a blessing in disguise. It has forced the high cost of living issue. President, cabinet and congress, all of them, are getting busy and with a deal of earnestness which may bring some results—doing the work that the president called congress together to do, along with other things, away back in May. The congress seemed pleased, however, to let the matter slide until the president should return, with the problem of the peace treaty on his hands, and now both must lay aside temporarily the proper business of the hour, to accomplish that which should have been done and over with.

IMMIGRANT BUREAUS ABROAD.

THE place to handle the immigration problem is in the countries from which the immigrants come, thinks Rep. Nolen of California. "Immigrants should not be allowed to board ships to come to our shore until their fitness is proved," he says.

Certainly it seems a reasonable statement. The establishment of immigration bureaus abroad, to which persons desiring to come to this country could make application, should work for the benefit of the immigrant and the welfare of this country, too.

Such a bureau could investigate these prospective immigrants, finding out their moral and political status, and determining whether they would be likely to be disturbances or would give and receive benefit from coming to the United States. Requirements for admittance should not be so high as to prohibit any one from coming who sees in America a land of fair opportunity. That would be to eliminate one of the factors which have made America great.

On the other hand, persons who did desire to come could be given a better understanding of conditions and possibilities. Fewer of them would come blinded by false ideas of freedom and wealth waiting only their arrival on American soil. A check could be put upon the luring of them here by illicit employment agencies and conscienceless steamship agencies.

A stream which is foul at the source is a menace to humanity. The stream of immigration, like any other, must be clean to start with if it is not to breed disease.

Just as everybody has pronounced the question settled forever, the German government appoints a tribunal to find out who is responsible for the war.

Control of the wires has been returned to private ownership, but the users will need to exercise self-control as usual.

If the results of the food investigation are half as large as some of the headlines announcing them, nobody will need to complain.

Anyway, it must be admitted that the high cost of drink has gone down.

Judicial Divine-Rightism—By Max Fairfax

EDWARD T. LEECH, editor of the Memphis Press, is today languishing—not, not "languishing," but "lavishing"—in the Memphis, Tenn., jail, martyr to Tennessee's judicial Prussianism; victim of the only autocracy that remains anywhere—an established part and parcel of our American political system. Aside from this, America everywhere, with republican government guaranteed to the states, is a representative democracy. Only in the judicial department of our government has the "divine right" of the autocrat presumed to retain from the dark ages—an inherent right to pursue its cussedness unmolested by criticism or public protest.

We have a socalled aristocracy of wealth, yes; a veritable autocracy in spots, employing the reins of government with its "invisible" hands, and by manipulation of the social snobbery of the multitude, worshippers at its shrine, exercising occasional despotic power—but the aristocracy of wealth, even at its autocratic worst, has never presumed to publicly proclaim itself "God over all," with anything like the audacity of occasional American courts.

True, by the wave of its "magic wand," wealth has read into the statute books of the nations and the states, laws protective of it to the tune of eighty percent of the legislation since independence, and the courts have bestowed upon it approximately the same percentage of their time and decisions—generally in justice and righteousness—but only when it gets to the courts has it claimed the privilege of freedom from public criticism, or exposure, or comment, in the pursuance of its antics.

Of course, through its control of the major press of the country, and too often of the pulpits, and the schools, wealth has been able to stigmatize the critics of its processes and possessors; to ostracize them socially, and make their lives difficult to pursue—consigning them to the category of "anarchists," for their non-capitalistic non-conformity, or in the more later-day parlance, branding them "bolsheviks."

Still all this is a social, rather than a legalized autocracy—not even an aristocracy, but a snobbery; democracy socio-commercialized—while the courts, for their autocratic power, have set it up for themselves, and have maintained it in spite of law, government, or anything else, dominating over all,—claiming it as a right by inheritance.

Nothing in recent years, like the imprisonment of Editor Leech, brings it home to the people, not only of Memphis, but of all of America, that it is time that something be done to democratize the courts; make of them something like what the legislative and executive branches of our government are at least presumed to be—servants of the public weal rather than its untouchable masters.

—II—

EDITOR Leech is in jail because a judge of one of the Memphis courts considered himself criticised—and therefore treated with contempt. The Memphis Press, over the editorial column of which Mr. Leech presided, had been conducting a campaign for the improvement of the morals of the city, and their rescue from the hands, or reformation at the hands, of a gang of unscrupulous politicians in charge of the city government.

The situation inducted into the courts, presided over by a judge of much the same political creation, resulted in a whitewash so subversive of law, justice, and morality, that the Press in commenting further upon the condition, and the power and influence behind it, conceded that even the courts had fallen under its spell—which might have meant this particular court, or another court, in which a judge, for corruption in a previous case, had been impeached by the legislature.

Neither the particular judge, who considered himself offended, nor the particular court over which he presided, nor the particular decision which he considered had been criticised, were mentioned by the editorial, but the judge apparently knew he ought to be held in contempt whereupon his guilty conscience told him he had been. Peeved because of the publicity that he read into it for himself, he determined to employ the autocratic power which the bench and bar, overriding law, democracy, and everything else American, had placed at his command—and get even.

And the appellate courts of Tennessee declined to interfere; they too, mayhap, owing certain political allegiances to the crooks of Memphis, or it may be that there was law to justify the appellate lack of action. The real stigma belongs to the court that instituted the proceedings; whose feet were so well fitted by the shoes that the editor presented him, that they pinched when he put them on, causing him to scream. Get it! This was the language that hurt him so:

"Even courts have been brought into disrepute, and judges have abandoned the principles of loyalty and integrity, have made a farce of the laws they were to enforce, have dragged their own courts into the mire, have turned traitors to their friends and supporters, and enemies to the principles they professed because politicians have laid their hands on them and forced them to do their bidding."

The courts of Tennessee have turned the law of contempt back to the old days of the alien and sedition acts, which gave to Jay, Rutledge, Ellsworth and Marshall—and particularly Marshall—their excuses, contrary and out of keeping with every intent of the constitution, for asserting that over and above the people, and the legislative and executive branches of their government, the courts by inherent power, must reign supreme.

Insisting upon an inherent freedom to maintain their integrity, and exercise their judgment, compelling obedience and public respect, regardless of legislative, executive or popular interference or criticism—the power to punish for contempt was exercised as it had never before been exercised save by despots and kings.

—III—

EVEN the courts of England never dared go to such lengths as Chief Justice John Marshall went, back in the earlier days of the republic, in his federal decisions reading into American law inherent powers, founded out of a clear sky, the judicial despotism which autocratic-minded judges still, sometimes, feel it their privilege to assert.

Marshall was an aristocrat of the Alexander Hamilton school, and had the constitution been written his way, there would no doubt have been a king in it, or an emperor, or some other sort of dictator—with a congress more like the British parliament was then; the senate a house of lords, made up of the men of wealth, and having veto power over the house, resembling the commons, while the "king could do no wrong."

He belonged to that school that wanted to limit the electorate by property qualification; which doubted either the fitness for or the right of the masses to, self-government—and the colonial fathers having failed in these things in adopting the constitution, he set up a new constitutional convention all his own, and appropriated to the judicial department of the government that the fathers had set up, under claim of inheritance, those powers of supreme supervision, which in his judgment—belonged to somebody above the common herd.

And not only that, but he proposed to send to jail whomsoever dared question his authority, or that of his court, as the supreme head of the government of his time. Using the alien and sedition laws, enacted by congress as essential to the overthrow of the foreign propaganda then at work, due to European jealousy of the young republic, he challenged every criticism of himself, and his high-handed judicialism, as an attempt to overthrow what he conceded to be "one of the coordinate branches of the government,"—though he declined to coordinate when the acts of the other branches were not to his liking.

Although the constitution vested the veto power in the president, even then permitting congress to override it with a two-thirds vote, the chief justice arrogated to the courts the power, without authority from anywhere in history; without authority of the common law, or civil law, or Roman law, or constitutional law—save as he constituted the latter himself,—to exercise veto power over both the president and the congress, by the holding of their acts to be unconstitutional.

It is merely mentioned in passing as illustrative of the source of those "inherent powers"—not only being without, but defying their limitation by the representatives of the people,—which so many judges are prone to abuse when they feel themselves peeved, and because of which Editor Leech is a Memphis prisoner.

—IV—

MINISTERS sometimes claim to be supernaturally guided in what they say; assume that a criticism of themselves is an insult to the Creator; is sacrifice, and ought to be punished as heresy. Fool governments in days gone have succumbed to that dogmatic superstition and lent their power to the maintenance of such ecclesiastical egotism,—but in America the only dogmatists that remain to claim such "divine right" privileges, are the lawyers who have been elevated to the judiciary.

There is no reason under the sun why a judge should be any freer from criticism or comment, than a president, a governor, a mayor, a senator, a congressman, a state legislator, or an alderman. Disrespect or defiance of a court's orders, or the necessity of decorum in the transaction of its business, is one thing, but criticism or comment on the conduct of a judge, merely the presiding officer of the court, is quite another thing.

It should be read into the constitution of the United States, and into the constitution of every state of the union, that the courts must derive their powers from the people, not by inheritance from barbarians, as Chief Justice Marshall sought to logicalize it, nor from the whims of the judicial brain; and there should be no such thing as indirect or constructive contempt—born of public comment or criticism.

If a newspaper or an individual, lies about a judge, falsifies his conduct, and unjustly holds him up to the hatred, contempt or ridicule of the community, he has his remedy for libel in a suit at law, same as anyone else would have, and that is enough.

As long as the comment or criticism has a basis in fact, and is just and truthful in import, it should be regarded as tending to aid the administration of justice, rather than hinder it; and tending to uphold the dignity, and maintain the integrity of the court, rather than destroying them.

There is such a thing sometimes as the desirability of saving the judiciary from the judges; of protecting the courts against their ministers. Happily, the judiciary has in the main, been sensible to its responsibility, cognizant of a rising democracy with which it could not go too far, but the occasional exception, as in the case at Memphis, is enough to render it desirable that such sensibility and cognizance be legalized and required.

And one may anticipate, from the indications of the hour, that Tennessee will see to it that something of that kind is legalized and required. Not often that a man goes to jail, led by a brass band, with the citizenship of the town, escorting him in automobiles, and preceding him with a nice bed, an ice-box, and plenty to eat.

Ah yes, Editor Leech might have apologized and gotten out of it, but who save a yellow-backed whelp, would apologize for speaking the truth and having an injustice done him in consequence. Had men forever bowed to the whims and piques of the autocrat, we would still be living in chains—and paying our compliments to the Babylonian kings.

Thousands of the world's best reforms have drafted their most effective impetus through prison bars. It takes an awful jolt sometimes, to stir a people to determined action.

It is not that the fate of the editor of the Memphis Press, is of particular importance—he is but an atom,—but that a great principle of democracy has been flagrantly violated, and the people have seen in their midst, one of the most sacred of their rights abridged and threatened with destruction; their right, in freedom, to be kept truthfully informed!