

gain, but in one of the original States. We will suppose that in New Jersey, let us say, a theocratic sect has become very powerful politically, and that one of its rites is blood sacrifice—the murder of children, for instance, under ecclesiastical sanction and local legal permission. Such things have flourished (though not in New Jersey), just as ecclesiastical polygamy has; and as polygamy has revived, so might these child sacrifices.

What should Congress do in such a case? What could it do?

To assent to toleration of the horror nationally would be unthinkable. We could not content ourselves with repeating that we are not a nation responsible for the morality of our States, but a federation responsible only for certain specified kinds of public management, and that these horrors do not fall within our Federal jurisdiction. In spite of all such protests, the civilized world would think and we should feel that the blood of these little victims of superstition was on our hands.

We could not regard the matter as strictly local. We could not but shudder at the thought of admitting participants in these ecclesiastical orgies into our national Congress. We should insist, and be right in insisting, that the practice be brought under national control.

But how?

Surely not by invading a sovereign State arbitrarily. Nothing but harm, incalculable harm, could come in the end, from a precedent, even with so great provocation, under which Congress could usurp the reserved domestic rights of any State.

Surely not by excluding from Congress Representatives and Senators from New Jersey, who were possessed of all the Constitutional qualifications, on the ground that they lacked the non-Constitutional qualification of abstention from the practice of ecclesiastical blood-sacrifices.

Neither by expelling those Congressmen for disorderly conduct as members, because of their participation, sanctioned by their church and unrebuked by the State they represented, in this awful yet non-Federal crime.

If the people of the United

States were really opposed to blood-sacrifice, there is a way in which they could stamp it out more speedily than by any such acts of lawlessness on the part of Congress—a way which would possess the advantage of being lawful and orderly.

It is for such emergencies, among others, that the Federal Constitution provides for its own amendment. It was by taking advantage of this that we finally stamped out chattel slavery, another barbarian survival, with the iniquities of which, moral and political, the nation suffered long. So we could stamp out the horrible ecclesiastical practice we have imagined to have become prevalent and legal in one of our States.

Some difficulties would, indeed, be encountered in this course. Both Houses, by a two-thirds vote, would have to propose the amendment; or, on the application of two-thirds of the States, would have to call a convention for proposing and considering it; and the amendment would have to be ratified by three-fourths of the States. But these things could be quickly done if the emergency were great enough to have aroused the national conscience.

In that illustration is the answer to those who would attack Mormon polygamy by dangerously trifling with the Constitution instead of regularly amending it.

If there is not enough national sentiment against Mormon polygamy to carry through an amendment to the Federal Constitution, there is certainly not enough to justify the creation of precedents under which a bare majority in Congress may at any time find authority for overriding the Constitutional rights of weak minorities.

The only safe disposition of the Mormon question is through the amendment clause to the Constitution.

To expel Utah from the Union is out of the question. It would be revolutionary even if it were possible.

To exclude Representatives and Senators for any cause not applicable to Congressmen from every other State, is also revolutionary; and to exclude them for causes not specified in the Consti-

tution is to create a category of unwritten qualifications the ultimate magnitude and despotic effect of which no man could foretell.

To expel them after their admission, for causes not in the nature of disorder prejudicial to legislative procedure and which do not Constitutionally disqualify is to open up new avenues for shutting off popular representation in Congress.

Yet the evil, if the people of the United States so regard it—and if they do not it is not a proper subject for Congressional interference—can be speedily, safely, effectively and lawfully suppressed. Nothing is necessary but the adoption of a Constitutional amendment subjecting marriage and divorce to national regulation, along with the other matters of personal and local concern, such as bankruptcy, which have already been committed to national control.

Whether such an amendment ought to be adopted or not is beside the question. The point is that this is the only lawful manner of accomplishing the object sought to be accomplished by the dangerously arbitrary expedient of excluding Mormon Representatives and Senators from Congress.

#### EDITORIAL CORRESPONDENCE.

Washington, D. C., March 5.—Owing to press of other matters and because of sickness I did not keep track of the "Rosebud Reservation Bill" after its passage in the House on February 1st, and until this week I was under the impression that it had also passed the Senate and gone to the President. I was therefore gratified to learn from the Monday evening Washington papers that the President had expressed opposition to the bill in the form in which it passed the House and was said to favor putting the lands up at public auction.

While this was not a change of great moment, yet it was satisfactory to know that the President was considering any plan other than the present one. I therefore on Tuesday called upon him to urge that the leasing system be substituted for the old plan of outright sale at an up-set price.

When the subject was first broached, he was quite vigorous in asserting that he would not consider the leasing of farming land. I requested an opportunity to say something in favor of the leasing system before he determined his

attitude toward the several Indian reservation bills which were about to come before him; as the signing of them, particularly in their present form, would practically fix the policy of the United States on the subject for the next few years. Several bills providing for the sale of Indian reservation tracts amounting to some two million acres had already passed the House. He requested that I return in the afternoon, when he would listen to what I had to say on the subject.

At the second visit I was greeted with the query: "What is your interest in the matter?" with a strong accent upon the "your." Upon my reminding him that I was the lone single taxpayer in Congress, he expressed delight that one member at least was not after a post-office.

I insisted that whether he agreed with single taxers or not as to the cause of land monopoly and its remedy, he must at least agree that we were earnest and sincere in asserting it to be the correct solution of the problem. To this he assented, even saying that from an "academic" standpoint he was more largely in agreement with us than we might imagine. He, however, declared that while it was his intention to take the matter up in the near future, he did not think it could first be done with the Reservation lands, as he could not say to the Indians: "We are going to lease your lands, while continuing to sell the public lands."

Upon my inquiring whether his objection was due to his thinking that this was not "the line of least resistance," he said: "It is not the line of fair resistance!"—that it would not be fair to the Indians to commence with them.

It is a matter of regret that the signing of some 150 commissions of postmasters had just previously occupied so much of his time that he was unable to go into the discussion of the matter then at greater length, but he reiterated his intention of taking the matter up at an early date, and requested that I see the Land Commissioner, General Richards, and discuss the subject with him, stating to him the substance of our conversation. This I hope to do very soon.

In the meantime I request readers of The Public to peruse at the nearest public library the Congressional Record of this date,—Saturday, March 5th (page 3009-3012), as it contains some brief remarks of mine to-day on this subject to which I have attached the memorial of the Indian Rights Association, dated February 29th, opposing the Rosebud Reservation Bill (H. R. 10428), an article from the "Outlook" of February 27th, 1904, by George Kennan, the Siberian explorer, and considerable other testimony going to show that the price at which this bill directs that the 416,000 acres be sold, is so far below its real value that the Rosebud Indians will be defrauded out of nearly three-fourths

of even the present value of their lands. Brief letters, direct to the point, addressed to the President and to Senators, urging that the latter oppose and the former veto the Rosebud Reservation Bill on the ground that the nation is in duty bound to protect its wards—the Indians—from being thus defrauded, would probably be effective. To-night's Washington papers announce that the President has declared to Congressman Sherman, the chairman of the House Committee on Indian Affairs, that he is unalterably opposed to the terms of payment fixed by the bill as it passed the House, i. e., when mine was the only voice raised and the only vote recorded against it.

The other bills providing for the sale of Indian Reservation lands are very similar in their provisions. If the President persists in his present attitude toward them, they will undoubtedly be amended in the Senate and will therefore have to come back to the House for concurrence in the Senate amendments. Advantage can therefore be taken of this opportunity to point out the uniformly evil effects which have resulted from the policy of selling outright the public lands—where the Indians have not been the beneficiaries of the sale, as well as in such cases as this. That policy has enabled syndicates and individuals to corral immense tracts of land. One firm alone, that of Miller and Lux, of California, owns fourteen million acres. The letters should point out that the leasing plan would insure that whatever increment of value might in the future attach to the land because of increase of population, would go into the public treasury in increased rentals at the end of every—say, five-year—reappraisal, instead of as now, creating millionaires and multimillionaires.

As these bills are liable to be returned to the House and called up at any time without notice, it is desirable that Congressmen be also written to along similar lines. Resolutions of clubs and other organizations directed to the President, to Senators and to Representatives would also be of service.

ROBERT BAKER.

NEWS

Week ending Thursday, March 10.

The military censorship is still so strict on both sides in connection with the Russo-Japanese war (p. 757), that but little news of real value has reached the press. One of the American correspondents at London, Mr. I. N. Ford, advising his paper, the New York Tribune, on the subject, has fairly

described the conditions as follows:

The news agencies and newspapers are having great difficulty in getting dispatches from Corea. The managers, who have made most elaborate arrangements for covering field operations, admit that they are receiving meager returns for large expenditures, owing to the rigorous censorship. The experience of the Boer war is likely to be repeated, with one important exception, namely, that official bulletins are few and untrustworthy.

In all probability, however, there are yet no important war events to report. Naval demonstrations continue in the region of Port Arthur; one or two have occurred within a few days past at Vladivostok; and the concentration of land forces along the Yalu river, the boundary between Corea and Manchuria, is reported. These are the only facts regarding military operations that can be relied upon. Regarding the Yalu concentration Japanese troops are said to have advanced in force along the Korean railroad as far as Anju, Corea. The latest report describes them as having even crossed over the Yalu into Manchuria, and the Russians as having fallen back. The Russian headquarters are stated to be at Mukden, Manchuria, on the line of the Russian railroad. Skirmishes between outposts have probably occurred frequently; but there is no reason to believe that the rumors and reports of land battles have any other basis.

In the midst of the war Japan has held parliamentary elections, the result of which were reported on the 4th from Tokio as follows:

	Members.
Constitutionalists (ministerialists).....	130
Progressives .....	96
Imperialists .....	20
Liberals .....	26
Unclassified parties.....	107

It is estimated that the ministry will have 180 supporters, and that all important measures are assured a safe majority.

With reference to the Philippines, an active and influential agitation for their independence has begun in the United States. It is under the management of the following national committee, to be known as the "Philippine Independence Committee:"

Arkansas.—Hon. U. M. Rose, former president of American Bar Association.