

identical with the two in the days of Jefferson and Adams, they have performed the same feat as the two drunken men.

Following that parallel we of to-day may explain the different ways in which the Republican and the Democratic parties now celebrate Lincoln—the former as a fetish and the latter for his Jeffersonian principles. We may paraphrase Lincoln and say: "If the two leading parties of this day are identical with the two in the days of" Lincoln they must have changed overcoats again. The Democratic party (its Bourbons and "reorganizers" excepted) has returned to the axioms of Thomas Jefferson which Lincoln loved; while the Republican party (its deluded members excepted) have returned to the federalism and imperialism and state socialism and class privilege ideals of Alexander Hamilton.

So different is Lincoln's party of to-day from Lincoln himself, that Miss Ida M. Tarbell actually created a sensation by truthfully describing his character to the Chicago Society of New York when it was perfunctorily celebrating his memory at a dinner on the 12th. Being a guest, she was urged to say a few words at the close of the dinner and reluctantly consented. This was her speech as reported in the press dispatches:

I have never made an impromptu speech in my life, but when you speak of Lincoln you speak of a character with which I have spent five years' hard study looking up his life in Kentucky, Missouri, Indiana and at Washington, and in all that time I must say I never knew what boredom was. I think I can say Abraham Lincoln is the only man, living or dead, with whom I could have spent five years and not known boredom. Lincoln was a man who never pretended to be anything he really was not. He never found time to conform to the usages of society; he did not understand or care for its amenities; he never learned to wear his clothes properly; his trousers bagged; his coats did not fit. You may remember the eminent Massachusetts statesman who spent an hour with Lincoln and the only entry he made in his journal after their discussion of great national affairs was that Lincoln wore yarn socks. Lincoln always was

anxious to get things just right. Sometimes, in consequence, he seemed slow to the country, but he always insisted with himself that his acts must conform to moral law. You cannot conceive of Lincoln trifling with his conscience or breaking an international law even for the sake of an international canal. He wanted to be sure always that his decisions should ever stand as just in the annals of the world and the history of human endeavor. There are several instances to prove this. He was told by his supporters he would lose the election by taking a certain stand. He did lose, but he said: "We are right; the people will recognize it by and by," and they did, and four years later he was in the White House. Lincoln had real goodness; not the kind of goodness that preaches only on Sunday, but the kind of goodness that reaches out and embraces all one's fellow men. He was the tenderest man that ever lived. No one suffered more than he did during that awful civil strife. Lincoln was the best man American institutions ever produced. It would be indeed a sad thing if our institutions failed at any future great crisis to produce such as Lincoln.

How manifestly impossible it would have been under the Lincoln regime to maintain such a law as that under which John Turner is imprisoned at Ellis Island, in New York harbor. As has been already explained in these columns (p. 713), Turner is an Englishman who came to this country to perfect an international trade union of retail clerks. He was arrested upon a warrant issued by a cabinet officer. The object of his arrest was to secure his deportation to England. The charge against him is that he "disbelieves in all organized government." For this disbelief he calls himself an anarchist, a word which describes his doctrine merely because "archy" means government and "an" means without—"anarchy," without government. But because Turner therefore calls himself an anarchist, the opportunity is afforded to people who dread free opinion and free speech, to appeal to the ignorant and bigoted with flamboyant descriptions of Turner as a fiendish assassin. He is in fact a disciple of Tolstoy, also an anarchist—that is, one who "disbelieves in all organized government,"—and so far from being an assassin is devoted to a philosophy which re-

quires its devotees to face death peaceably themselves rather than cause death violently to others. Turner's appeal to the lower courts has been fruitless and his case has been carried to the Supreme Court. Meanwhile he is held in a barred cage under the surveillance of guards, night and day, without intermission, and is allowed no confidential intercourse with anybody, not even with his counsel.

The law which thus attempts to shackle free opinion, was enacted under the insane excitement of the panic following McKinley's assassination. As enforced it violates long established American ideas of liberty in many ways. By denying to a prisoner confidential intercourse with his counsel, it overrides one of the simplest of established rights. By authorizing arrest upon the warrant of a cabinet secretary—an administrative officer—it destroys the wholesome and long established American distinction between judicial process and administrative process, and suggests the future possibility in this country of something like the old lettres de cachet of French despotism. By authorizing an arrest at all for "disbelieving in all organized government," it abridges the fundamental American guarantee of freedom of opinion. To this latter objection the answer is made that our government guarantees freedom of opinion only to its own inhabitants, and that it may properly exclude aliens to whose opinions it objects, even though it may not suppress the same opinions at home. Could the subtleties of despotism go farther into the mystical realm of the absurd? In fact, however, this law coerces not only aliens, but citizens also. While it only requires the deportation of aliens for "disbelieving in all organized government," it makes it an indictable crime for citizens to invite such aliens into the country. If, for illustration, William J. Bryan were to return Tolstoy's hospitality to him by inviting that distinguished Russian to visit his home in Nebraska, and

Tolstoy were to accept the invitation, not only could Tolstoy be stopped in New York harbor, under the darkened torch of the statue of "Liberty Enlightening the World," and be shipped back as a "disbeliever in all organized government," but Mr. Bryan could be sentenced to a long term of degrading imprisonment for having invited this peace-loving anarchist to our shores.

To bring about the repeal of this utterly un-American law was one of the objects of a delegate meeting called by the Chicago Federation of Labor on the 14th. At that meeting steps were taken to raise a fund to carry Turner's case through the Supreme Court, and a petition for the repeal of the law was adopted, and ordered to be circulated for signatures. The petition is as follows:

To the Senate and House of Representatives of the United States: It having come to our knowledge:

1. That John Turner, a British subject, is imprisoned in a Federal prison at Ellis island, N. Y.;
2. That he was arrested while in this country upon a warrant issued by the United States Secretary of Commerce and Labor, a member of the President's Cabinet, and not a judicial officer;
3. That he is held under said warrant for deportation from the United States upon conviction of "disbelieving in organized government;"
4. That upon habeas corpus proceedings a Federal judge has sustained the constitutionality of the act of Congress authorizing arrest and deportation for such cause, and has remanded the prisoner.

And inasmuch as, in our opinion, any law which interferes with mere opinion, or authorizes restraints upon personal liberty for opinion's sake, is at variance with the principles upon which this government is founded, while any law that authorizes administrative process or executive warrants in time of peace for the arrest of persons is hostile to American polity and condemned by our political history;

Therefore we hereby petition the Congress of the United States to repeal so much of the immigration law:

1. As vests in any administrative officer the power to issue warrants of arrest for the apprehension of any person within the United States in time of peace.
2. As authorizes any interference with the personal liberty of any person, citi-

zen or alien, on account of mere opinions on any subject whatever.

This petition has been already signed by several leading Chicago men. Their names are Edgar B. Tolman, the corporation counsel of Chicago; Thomas M. Hoyne, a prominent lawyer of Chicago recently elected to a judicial position; Thomas S. Windes, one of the judges of the Appellate Court at Chicago; and Edward F. Dunne, Edward Osgood Brown, and Murray F. Tuley, all judges of the Circuit Court of Illinois for Cook county. Judge Tuley is also justly the most distinguished jurist of the West.

When these signatures to this petition were made public, an attempt was begun through the local Republican press to discredit the non-partisanship of the petition, by calling attention to the fact that all the signers are Democrats. It may be proper, therefore, to explain that a prominent Republican judge was asked to sign the petition before any of the signatures were made public, and he declined. His reason was that he did not know the facts of the case. This naturally discouraged any further efforts to get the signatures of Republican judges. Since the one approached pleaded ignorance of the merits of the Turner case as an excuse for refusing to petition for the repeal of a law of which—as a citizen if not as lawyer and judge—he is presumed not to be ignorant, the possibility of getting other Republican judges to sign seemed unpromising. It was altogether too suggestive of the widening suspicion that Republican office holders are not at present strenuously interested in preserving the old American doctrine of liberty of opinion. However, if this suspicion be ill-founded, the petition in question is open to all. No Republican who wishes to sign it, be he judge or lawyer, will be debarred.

When Congressman Baker, of New York, recently introduced a bill for the regulation by governmental bureaus of pretty much

everything under the sun, doing so expressly at the request of a constituent, the press of the country threw at him shafts of sarcasm heavy-weighted and sharp-barbed. They were probably trying to earn the railroad favors which they secretly accept and Baker openly refuses. But Mr. Baker comes out of the affair not only unscathed but justified.

It is a common custom in Congress for members to introduce bills "by request." This they do though they wholly disbelieve in the bills, as was the case with Mr. Baker in this instance. And Mr. Baker makes a defense of that custom and his compliance with it which it is not so easy to answer. Writing to one of his journalistic critics, the *Brooklyn Eagle*, he said:

I recognize that in introducing this bill I have laid myself open to such editorials as that of the *Eagle* of yesterday, but holding as I do the theory that every citizen has a right to present his views on governmental affairs, even when presented in the form contained in this bill, I did not feel justified in refusing to introduce it, especially as its author, a Mr. Cowdon, of Washington, consented that I should mark it as being introduced "by request." To my mind, Mr. Cowdon is as much entitled to a hearing in Congress as the American Protective Tariff League; the only difference being that Mr. Cowdon voices the opinions of many honest, well-meaning, if, from my standpoint, misguided people, as to what constitutes the proper functions of government, but who do not expect that their ideas will be adopted until a majority of the American people formally indorse them; while with such people as the American Protective Tariff League, the ship subsidy "beggars" and others who are trying to raid the Treasury, they care nothing about a formal indorsement by the people.

Inasmuch as a great deal of the criticism of Mr. Baker in the matter has assumed that he was a socialist, Mr. Baker retorts in a way which ought to make his critics think and do them some good. He writes:

Permit me to say I am, if anything, less of a socialist than the editor of the *Eagle*, as I would draw the line very sharp and very distinct between those things which are essentially governmental functions and those which indi-