

such as to make it reasonably probable that he intends to make criminal recommendations, he should be prevented by law from doing so.

How prevented—in what way, by what means? Certainly not by injunction, for nothing is more clearly established as a principle of civil liberty and law than that speech and writing cannot under any circumstances be constitutionally prohibited by injunction. How, then, shall speakers of criminal purpose be restrained from public speaking? Since the courts can have no constitutional jurisdiction over unuttered utterances, there is no other way than by the arbitrary action of the police. Who, then, shall decide as to the character of the speaker? The police, for the courts may not. Who shall decide as to his former utterances, whether they were criminal and whether he uttered them? The police, for the courts may not. And pray, what protection would the man of purest character, who had never uttered a criminal word or thought a criminal thought, and whose cause was innocent though unpopular at police headquarters—what protection would there be for him? The editors of *The Outlook* say that “any other position” than the one they propose is “anarchy, pure and simple.” But what they propose is worse than anarchy. They propose police despotism, and police despotism, with all its other evils, makes the only anarchy that any one need ever fear.

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Deport the Cause, Not an Effect.

There is no little wisdom in the words reported from Washington as having been said there by an anarchist with reference to the deportation of anarchists: “It is not anarchists but hunger that you should deport.” There does indeed seem to be a good deal less anxiety in the House of Luxury to rid us of the House of Want, than there is to suppress irreverent persons who try to make us understand that the House of Luxury and the House of Want are related as cause and effect.

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Arbitrary Arrests.

It is not many years since the summary arrest without process or warrant of any person upon a bare suspicion of crime would have aroused universal indignation. But police methods patterned upon the autocratic models of continental Europe have made great headway in recent years, not only in practice among the police but in the way of chloroforming public opinion. Last week a “drummer” thought he recognized in a fellow traveler on a railway train some resemblance to

the crude newspaper portraits of a woman murderer, who may or may not be alive. He mentioned the fact to a hotel clerk in Rochester, who reported it to the police, who were too late to board the train but telegraphed the police at Syracuse, who invaded the car at midnight, forced the woman out of her berth, and then forced her off the train at Utica, where they learned that their prisoner was not the murderer at all. This information could have been obtained by the police easily without subjecting their victim to the inconvenience of breaking her journey or even the indignity of an arrest. But “it’s Russian, you know!” and nobody complains—except the almost voiceless victims. Some of these days the Russian methods our police have adopted will have become firmly enough established to open the way wide for overturning American institutions of more general importance than the rights of the friendless—institutions upon which even large minorities must depend for protection from aggressive majorities—and then we may begin to ask ourselves how the “Sons” and the “Daughters” of the American Revolution came to lose these rights which their worshipful ancestors fought for. The price of liberty is eternal vigilance, but vigilance for liberty sometimes sleeps while the flag of liberty is adored.

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The New York Traction Fight.

New York is now in the throes of a traction war, and Governor Hughes must in a few days choose in this connection whom he will serve. He must sign or veto a traction monopoly bill. An explanation of some of the circumstances appeared in our Editorial Correspondence last week (p. 129) over the signature of ex-Congressman Baker.

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The bill to which objection is made, known as the Robinson bill, has passed both houses of the legislature and been approved by Mayor McClellan. It needs now only the signature of Governor Hughes to give it the force of law. This bill is a further play into the hands of the municipal utilities interests, which won a rich victory in Chicago a year ago and are now preparing to appropriate everything here that is not too hot to handle. Detailed information may be had of the Reform Club of New York which is systematically opposing the Robinson bill.

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One of the Reform Club documents is a con-

troversy between Mr. Allan Robinson, the father of the bill, and Mr. Calvin Tomkins, the president of the club. Mr. Tomkins contends that the right of referendum secured in 1894 shall not be annulled; Mr. Robinson contends that it should be annulled. Mr. Tomkins contends for continuous control by the city of traction grants, through continuous right of re-entry; Mr. Robinson insists that the right of re-entry by the city should be suspended for a term of years—he declares, in other words, for long term franchises. Mr. Tomkins demands that the city build and own its subways from their inception, arguing that private capital can meet subway requirements best by investing in municipal subway bonds instead of private corporation stocks and bonds; Mr. Robinson urges on the other hand that private capital directly invested in the stocks and bonds of surface, elevated and subway roads should be relied upon for construction for a long period yet to come. From this outline of the controversy it will be seen that the object of the supporters of the Robinson bill is to fasten private franchises for public service firmly upon the people of New York, and to do so without consulting them by referendum.

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And that is exactly the purpose which the Robinson bill would serve. The present, or Elsborg, law requires that the privilege of construction and operation shall be sold "at public auction," provided the people shall not have determined by referendum under the law of 1894 that construction shall be by the city. But the Robinson bill strikes out the referendum proviso, and changes "shall sell at public auction" to "may sell at public auction," thereby investing the public service commission with an absolute and dangerous discretion that it does not now possess. As the commission as now constituted favors the Robinson bill, it is not difficult to guess the use it would make of its discretion on the question of public or private ownership, should it get it.

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The advocates of the measure are taking a referendum of their own, peculiar even if characteristic. They call public meetings to approve the bill, intending to exploit them as evidence of public sentiment; and yet they forbid every expression of contrary opinion at these meetings. Here is an example as reported by the New York Herald of the 7th:

Disruption of a meeting amid shouting, hissing

and calls by the chairman for police interference resulted in Lyric Hall last night, when a greater part of the audience rose in rebellion against the chairman, Daniel Daly, presiding at a meeting of Ninth ward property holders to urge the immediate extension of Sixth and Seventh avenues, and the building of the Seventh avenue subway. . . . Robert Baker, former Representative in Congress from Brooklyn, was on the floor shouting defiance, with a policeman standing at his elbow, when the chairman and speakers left the building. C. C. Hickok, manager and organizer of the meeting, had ordered Mr. Baker out of the building and urged the policeman to arrest him, but finally had to slip away himself to escape the anger of the shouting men and women who threateningly surrounded him. . . . A resolution had been read demanding immediate action.

"Mr. Chairman, I wish to speak on the resolution," cried L. S. Bedford. "Do you wish to speak in favor of it?" the chairman demanded. "That makes no difference," Bedford cried; "this is a public meeting called to consider this project." "This is a meeting of those interested in its success," the chairman said, "and no one will be allowed to speak in opposition." Bedford said he did favor the project, but he no sooner got on the platform than he cried: "I favor building the Seventh avenue subway, but I do not agree with Senator Cantor, who seems to favor the Robinson bill." "You are out of order. Take your seat. I shall not let you talk," Daly said. Daly called a policeman to the platform but Bedford continued to talk and began to read his resolution as the policeman walked down the aisle. Once on the platform the policeman did not obey Daly's order to take Bedford away, but stood holding him while the speaker continued reading. "Is this a public meeting?" Representative Baker demanded, rising in his seat in the rear of the room. "I rise to a point of order." "Take your seat," Chairman Daly shouted; "you are out of order. I will not hear you." "I insist on a categorical answer," Baker demanded; "you have had your day and now we are going to have ours." "I will not listen to you," said Daly; "get out of here or I shall have you put out." "You can't and you won't," Baker defied him. "Put that man out," cried C. C. Hickok, leaving the stage and pointing out Baker to a policeman as he walked down the aisle. The policeman went to Baker's side, but made no attempt to arrest him. A crowd of two hundred men and a dozen women pressed about Hickok with threatening demonstrations and he walked away, while Baker and Bedford walked out with a cheering crowd surging around them. Mr. Daly put some motion, but it was lost in the noise. He and the men with him on the stage put on their coats and left.

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The Robinson bill is clearly reactionary. It recedes from the referendum, and would turn the city wholly back to private ownership and its methods of plunder, speculation and corruption. Governor Hughes' decision on the question of vetoing this bill will be more indicative of the man than any other of his public acts,