8-13-1913

[Statement from John Muir.]

John Muir
a spontaneous letter to Senior Judge Warren W. Foster, of the Court of General Sessions, whose fourteen-year period of office expires at the end of the year, from the entire staff of probation officers, chaplains, and benevolent workers in the criminal courts. They ask him to serve another term in “the high position in which he has shown such conspicuous fitness.” The letter is enforced by a resolution from the Barrows League (an adjunct of the Prison Association of New York which takes its name from the late Samuel J. Barrows, one of America’s foremost penologists, and concerns itself with the welfare of discharged convicts), reciting the eminent qualifications of the same judge and asking that his name be placed on the Fusion ticket. That the benevolent workers in the General Sessions Court, “‘behind the scenes’ in the theater of criminal jurisprudence,” as they describe themselves, and “so situated as to be able more closely than other observers to watch the administration of justice,” believe that for Judge Foster to retire from the bench at the close of his term would mean a distinct sociological loss to the community, is higher evidence as to his usefulness than could come from any other possible source. These people are more familiar with all the circumstances surrounding a prisoner and the commission of his crime than counsel or jury, and are aware of every influence that moves a judge in the pronouncing of sentence. The opinion as to Judge Foster of the clergymen and lay workers in the cause of humanity in the criminal courts, as set forth in their letter in part, is as follows:

While the fact that during fourteen years’ service on the bench only thirteen out of many thousands of your decisions have been reversed (several of these reversals invited by your determination to have certain points of law clearly defined) is in itself proof of the possession on your part of the legal erudition that is one of the most essential qualifications of a jurist, it is to certain attributes of your character that we, in our capacity as special pleaders for unfortunate, innocent and guilty, who fall under the ban of the law, attach as high importance.

We appreciate the moral courage on your part that was required in taking the initiative in the administration of the indeterminate sentence law, which, with the parole and suspended sentence, also wisely and justly administered by you, constitute the new penalogy that heals and saves.

The signatures to this letter are in themselves a sign of the times. There are those of the four chaplains to the Tombs, or City Prison, Jew, Protestant, and Catholic respectively—the Rev. Jacob Goldstein, the Rev. F. Halstead Watkins, and the Revs. L. J. Evers and Anthony J. Paoli, the latter’s work being among the Italian prisoners. The other signatures are those of Daniel E. Kimball and Samuel B. Ornitz, of the Prison Association of New York; Alexander H. Kaminsky and Irving W. Halpern, of the Jewish Protective and Aid Society; Grace E. Campbell, who looks after the colored prisoners; and the Rev. James B. Curry, pastor of the Catholic Church of St. James, who does special work among the wayward boys of his communion.

Such a letter from such a group represents a working brotherhood of a remarkable kind. It constitutes a nomination that can hardly be ignored.

Another Plea for Hetch Hetchy

Mr. John Muir has done more than any other man to make the striking landscape of California known to the world. He is not a land “boomer,” of which class the country has become very weary, nor is he an exploiter of natural resources for commercial purposes; he is the prophet of the noble scenery of the Sierra Nevadas, and some day he will be honored as one of the great guardians of the wealth of the people of the country; for a large part of that wealth is natural beauty. One of the most impressively beautiful features of California scenery is the Hetch Hetchy Valley, which Mr. Muir describes as “almost an exact counterpart of the great Yosemite, not only in its sublime cliffs and waterfalls and its peaceful river, but in the gardens, groves, meadows, and camp grounds on its flowery, park-like floor.” Mr. Muir recalls the attempts of the city of San Francisco to get the use of this sublime valley as a reservoir. There was such a determined opposition to the scheme that the oil was not brought to vote in Congress. A similar bill has, however, been brought before the Congress now in session, and the endeavor is being made to rush it through as an emergency measure. Mr. Muir says:

San Francisco may be in immediate need of an increased supply of water, but her own engineers admit that the present supply can be more than doubled by adding to near-by sources, and this plan in any case will have to be followed, for years will be required to bring water to the city from any of the Sierra sources.

The Advisory Board of Army Engineers is of the opinion that there are several sources of water supply that could be obtained and used by the city of San Francisco and adjacent communities to supplement the near-by supplies as
the necessity develops. From any one of these sources the water is sufficient in quantity, and is or can be made suitable in quality."

We are preparing data, based on the reports of the army engineers, which will demonstrate that San Francisco can obtain abundance of pure water from other sources than the Hetch Hetchy. So important a bill should not be rushed through Congress without mature consideration and time allowed for its opponents to be heard. Anything less would be unjust to the American people.

And Mr. Muir quotes the argument of the Secretary of the Interior, written more than ten years ago, when the first attack on the integrity of the Yosemite National Park was made:

Presumably the Yosemite National Park was created such by law because of the natural objects, of varying degrees of scenic importance, located within its boundaries, inclusive alike of its beautiful small lakes, like Eleanor, and its majestic wonders, like Hetch Hetchy and Yosemite Valley. It is the aggregation of such natural scenic features that makes the Yosemite Park a wonderland which the Congress of the United States sought by law to preserve for all coming time, as nearly as practicable in the condition fashioned by the hand of the Creator, a worthy object of National pride, and a source of healthful pleasure and rest for the thousands of people who may annually sojourn there in the heated months.

In behalf of all of the people of the Nation Mr. Muir asks aid in putting an end to these assaults on our National parks, and to prevent this measure from being rushed through before it can be brought to the attention of all the millions of people who own this park.

Regulating Express Companies

One of the most important actions ever taken by the Inter-State Commerce Commission was that of last week when it made its official order relating to the rates and methods of the express companies. An investigation has been going on for over three years, and partial orders and requests have previously been made, and have, we believe, been complied with by the companies. The present order involves a large reduction of rates—the companies estimate it at sixteen per cent of their gross revenue, or $26,000,000. On the other hand, it is a reasonable theory, and one held by the Commission, that the reduction of rates will lead to an increase of business which will very largely offset the apparent loss; while it may also be contended that the express companies have been receiving excessive profits in proportion to the amount of capital actually invested in their business, and in proportion to the service rendered to the community. More important, perhaps, than actual reductions of rates are the requirements of the Commission establishing a reasonable and scientific method of making rates. The old methods were both intricate and unfair. It is said that the reform will reduce the number of possible different rates from nine hundred million to about six hundred and fifty thousand. The reforms apply with special force to small packages. Interesting questions are involved as to the competition which will ensue between the express companies and the parcel post as regards this class of business. The rates under the new tariff are in many instances lower for distances from two hundred to three thousand miles than are the parcel post rates for those distances, while beyond the latter limit the rates are about even. For near-by business the parcel post has the advantage under the new rules which were lately established by the Postmaster-General. These rules have already been outlined in The Outlook. The threatened opposition in Congress seems to have evaporated and the orders have been positively promulgated. The new parcel post rates include an increase of the maximum weight of parcels up to twenty pounds and a reduction in rate for the first two zones. The shipper of small packages will at once compare the new express rates with the new parcel post rates, and will test the question as to which is the more advantageous. The Inter-State Commerce Commission’s report points out as to the relations of the railway to the carrying business that it should not be of consequence to the railways whether they carry packages for the express companies or for the Government, and that railway earnings ought not, therefore, to be affected. The present order of the Commission is for two years only, and thus an opportunity for testing the new rules is afforded. Among other provisions are those forbidding the franking privilege, by which, it is said, the express companies last year lost over two million dollars; the adoption of uniform classification in the schedule; the adoption of a bulk system for making rates; a new form of express bills and of labels which show whether matter is prepaid or collect. Some of these and other reforms have already been put into practice by the companies. They protest vigorously on the ground that this is the largest reduction in rates ever