

(Continued from Third page.)

mount authority at his own volition, is not the American system of government.

We hope that all students of the Constitution, and all admirers of the system which the Founders gave us, will devote some little attention to the question there raised. It is not pertinent to reply that Mr. Cleveland, as a reasonable man and a good citizen, can never be expected to carry the new theory of paramount authority to the extremes which we have indicated; that he would be the last person to abuse the novel and unlimited power which he has practically asserted in the case of Mr. Blount. That is very well; but the barriers which the Constitution sets up against Executive aggression were not intended for times of peace, and reasonableness, and good citizenship, in the White House. They were built for an emergency. The emergency will occur whenever the White House holds a strong-willed, self-opinionated man, whose ambition or love of power is stronger than his respect for existing institutions; and when the habit of foolish adulation, and easy-going indifference has weakened the public sensitiveness to aggression on his part. Against such an emergency, it is best that the constitutional safe-guards shall be preserved entire and intact, in their original strength.

More About Mr. Blount.

A New York paper contains the following editorial discussion headed "The Mystery About Mr. Blount's Functions in Hawaii."

There is no novelty in the employment of a special Commissioner to gather information for the Department of State, or to carry out definite instructions from the Executive. A good many newspapers are talking wildly on this subject. They seem to regard Commissioner Blount as an anomaly and a bold innovation in our diplomatic service, and to wonder how it can be that he, an inferior officer appointed by the President without the advice and consent of the Senate, can order down the flag which was raised by his superior in diplomatic rank, the Envoy Extraordinary and Minister Plenipotentiary to the Hawaiian Islands.

The Special Commissioner is simply a special agent, through whom the Administration acts directly in international affairs, or acquires information by another than the ordinary channel. Sometimes he is styled Special Agent, sometimes Special Commissioner.

An exact precedent and a striking parallel to what Mr. Blount has already done at Honolulu, are afforded by the act of Commissioner George H. Bates, sent to the Samoan Islands in 1886 by Secretary Bayard, during Mr. Cleveland's first term.

Greenbaum, our Consul at Apia, had declared an American protectorate over Samoa, proceeding on his own responsibility and without instructions from Washington. Mr. Bates was sent out to haul down the flag which Greenbaum had hoisted, to investigate the condition of affairs in Samoa, and to report his conclusions.

Mr. Bayard's letter of instructions to Special Commissioner Bates, dated July 22, 1886, informed Mr. Bates that he was employed as a special agent by direction of the President. "You are the representative of the United States," wrote Mr. Bayard. The Secretary recited briefly the history of the Samoan complication, and then specified the duties he was expected to perform:

"You are, in the first place, authorized to disavow the action of Consul Greenbaum in assuming a protectorate over Samoa in the name of the United States."

Name and place being changed, that is exactly what Commissioner Blount has done at Honolulu. We note two points of difference, however, between the cases of Commissioner Bates and Commissioner Blount.

Mr. Bates disavowed the act of his inferior. Section 1,674 of the Revised statutes provides that agents and commissioners shall rank as "diplomatic officers," while Consuls do not rank as such. Whether Commissioner Blount ranks as the diplomatic superior of Minister Stevens or not, is not determinable from the statutes. The only inference that can be drawn is from section 1,676, which fixes the salary of a Commissioner at seventy-five per cent. of that provided for the Minister regularly stationed in the country to which the Commissioner is accredited. A Chargé d'Affaires gets only fifty per cent. of the Minister's salary. According to the established compensation, therefore, a Commissioner's diplomatic rank would be midway between a Chargé d'Affaires and a Minister.

The other and more important point of difference is that while Mr. Bayard described Commissioner Bates as "the representative of the United States," and stated explicitly what he was authorized to do while in Samoa, Mr. Cleveland's letter of credentials to President Dole describes Mr. Blount as "my special Commissioner," and adds: "In all matters affecting relations with the government of the Hawaiian Islands, his authority is paramount."

Does Mr. Blount hold a general power of attorney from Cleveland? If so, is the power of attorney good? Can the President delegate his own powers, to the extent of conferring paramount authority upon an inferior officer?

"My Special Commissioner."

The New York Tribune addresses itself to Hawaiian matters as follows:

Our brilliant contemporary, the New York Sun, has anticipated a question relative to the authority of Mr. Blount which must certainly be raised when Congress meets again. In marked contrast with the policy of General Harrison, Mr. Cleveland's negotiations with Hawaii are being conducted secretly. The people are not permitted to know what is being done or what is aimed at. Mr. Blount was aboard ship before it was officially admitted that he was bound for Hawaii, and the only intelligence that has reached the public as to the nature of his instructions has been sup-

plied by the correspondents at Honolulu. It seems that Mr. Cleveland gave Mr. Blount a letter to the Provisional Government of Hawaii commending his intelligence and ability, accrediting him as "my special commissioner," and saying that "in all matters affecting relations with the Government of Hawaii his authority is paramount." Paramount to whose? Presumably to Minister Stevens. Such certainly is the construction which Mr. Blount himself places on this remarkable commission, and which he enforced upon the Government of Hawaii. He proceeded to inquire into Mr. Stevens's official conduct, to disavow its most important particulars, and to assume the direction, not of a specified negotiation to a specified end, but of the affairs of the American Embassy generally. He used the naval forces of the United States to haul down the flag which at Mr. Stevens's suggestion they had raised, and he sent them back to their vessels over the head of an American Admiral. This could not have been done without specific orders from the President or Secretary Herbert to Admiral Skerrett, for the officers of the Navy are not under the direction of any diplomatic agent of the Government, without such orders, no matter what his rank or by whom commissioned.

The Hon. John L. Stevens is the Envoy Extraordinary and Minister Plenipotentiary of the United States to Hawaii, appointed by the President by and with the advice and consent of the Senate, according to law, with duties determined by Congress. Mr. Blount, according to the President's letter, is "my special commissioner." Which, then, has paramount authority? We do not now question the power of the Executive to appoint, without consulting the Senate, special agents to obtain information or to conduct negotiations in their first stages, though that power is widely and plausibly disputed. But how can it be made out that of his sole authority he can appoint diplomatic officials with power paramount to that of Minister—officials who can act in the name of the Government "in all matters affecting relations" with a Power in whose capital a Minister Plenipotentiary resides? If he can do this he can as well send a man to London as the superior of the American Ambassador; he can have his "special commissioner" at every capital, before whom the regularly appointed and regularly confirmed diplomatic representatives of the Government must bow in submissive obedience. What is Mr. Blount doing in Hawaii, anyhow? If he is bigger than the Minister, how big is he? If he is bigger than an American Admiral, where is his growth to stop? What law defines his "paramount authority?" When has he acted, who has acted? The Government of Hawaii has offered to cede its dominion to somebody. Is it to the people of the United States or to "my special commissioner?"

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