

DANGER IN INQUISITIONS

Judge Foster Denounces Investigations Undertaken by Individuals Outside of the Usual Course

THE inquisitorial methods of certain investigating committees as differentiated from the usual legal procedure have come under the criticisms of Judge Warren W. Foster of the Court of General Sessions. The action of such committees in forcing men to reveal their private business is especially brought into question by him.

Judge Foster regards the methods of such committees as opposed to the legal procedure. He believes that they are apt to develop a class of men known as informers. Judge Foster describes the informer as a rascal, a man unequal to the test of the privileges of citizenship. He sees danger in these methods. He does not apply this criticism to political investigating committees.

"The authorized committees of investigation, such as have been in office in Washington recently, are entirely proper, in my mind, and highly enlightening," says Judge Foster. "Whatever objections may be raised against the political affiliations of these authorized committees in Washington, I regard the political character of the men who conduct them as greatly in favor of public welfare.

"A Democratic investigating committee may be suspected of seeking to uncover the rascality of the Republican party, just as a Republican investigating committee will obviously seek to discover the rascality of the Democratic party. No doubt there are rascals on both sides of the political conflict, so that politically investigating committees under political authority are perhaps the safest form of securing evidence for the people.

"A private citizens' committee acting more or less secretly in its system of securing information is somewhat contrary to the legal procedure of America. The position of the law as it is interpreted in the American courts is very different from that of the European. In Europe the methods of securing the truth are inquisitorial. In America they are disputational. I am not assuming to criticize the value of one system over the other but where we have found that the inquisitorial method of court procedure is not so effective as our own.

"In Europe, of course, the Judge seeks for the truth of the issue before him, and has a certain arbitrary authority vested in him which gives him an exceptional personal power over the cases which come before him. Judges are vulnerable to all human ambition, even to personal glory, and, like other citizens, may be overzealous in their judicial activity. In the American courts the Judge merely directs the course and procedure of law. He does not assume the prerogative of dissecting the human motives of the evidence before him, nor does he share the responsibility of securing evidence. Nor can he decide a case for the benefit of his own private satisfaction or personal glory, because all that is decided by the brilliancy of the competing lawyers. I mention all these obvious characters of legal procedure in the American courts because they have a direct bearing upon the methods of private citizens' committees appointed by private means to investigate suspicion of crime.

"The character of citizenship is maintained by the character of the citizen. The finest expression of the rights of citizens have been worked out for many years by the procedure of the American courts. When a citizen undertakes privately to pry into the secret affairs of another citizen, however idealistic his motives may be described, that citizen exposes himself to the criticism of being an intruder.

"There are men who like to spy upon their fellow men, but that sort of men are not always sustained by the community, because spying upon your neighbor is not an obligation of citizenship. It is quite possible to secure evidence of a damaging sort to the character of a citizen by getting into his confidence. This may be evidence against him, but it may be difficult evidence to present.

"If under the cloak of friendship I confide to you that I have stolen a watch, that information is given to you in confidence. If you betray my confidence by telling some one else for purposes of any sort you become an informer. Now the word informer is not a pleasant one, however valuable the information may be to the interest of public welfare. It has a disagreeable



From photo, copyright by Steinberg. JUDGE WARREN W. FOSTER.

penalty of American justice we have arrived at a way by which to turn the searchlight of criticism upon them by the authorized investigating committees in Washington who make their hearings public and whose sole purpose is not only to serve the political interest of the country but the industrial interest as well. No one has had the slightest impression that these big investigating committees in Washington have been seeking any private information for private purposes. They have conducted their business of hunting out the truth in the open without betraying the private confidence of any private citizen. The informer has had no opportunity to distinguish himself before this committee.

"The information with which they have supplied the people has been secured by the fair and just methods of the American courts. There has been no secrecy about their work, no complaints against them for violation of a citizen's rights. If we are inclined to suspect each other as citizens in the course of our business relations, and we feel that the remedy for wrong is sufficiently clear to us in the courts, the public investigating committees in Washington have supplied the missing link in the chain of evidence we were seeking against our neighbor. These committees have also clearly demonstrated to the people that there is only one safe way of securing proof of a suspected crime, and that is in some form of public debate in a public place.

"Evidence based upon secret information unknown and inaccessible to the public is not evidence. It is merely suspicion without proof. Even proof secured by the betrayal of an informer is contrary to the purposes of justice. Personally, I am not in favor of citizens' committees secretly investigating the weak spots in the lives of business

or private citizens. A crime must be committed before it is punishable, and it must remain hidden until it is discovered by the usual legal procedure for securing evidence and proof in the courts.

"I am not going to discuss the ideal motives upon which citizens' committees may act ostensibly for the good of the community. It may be assumed that every citizen who enjoys the privileges of the community in which he lives desires the highest reputation for it. It becomes part of his duty also, as a citizen, to protect the integrity and morality of himself and his associates. He may not always do this, but if he does not put himself in peril of prosecution, not by any secret information supplied against him by his neighbor, but by his violation of a law, by his arrest by the proper authority and by his trial in the courts.

"When we undertake to listen to the private opinion of a private citizen who may be inspired by unkindness, or spite, or unreasonable hatred to accuse us to the point of public injury to our reputation, then we are approaching the methods of the European courts, we are imperiling the freedom of the republican form of government. The system of inquisition which frequently forced injustice and horror upon the innocent is the menace of any citizens' committee acting in secret.

"When we wish to take legal proceedings for a wrong we believe has been done to us we go to a man who has been authorized by the law to tell us what to do. We do not act in secret, nor can we under the rules of republican citizenship decide the equity of our case for ourselves. That would be lawless. If a man steals money from your pocket you call a uniformed officer to arrest him for public trial, under the laws of public safety. If you attempt to

LEADS QUEER RUSSIAN SECT

Remarkable Man Heading the Doukhobors Brings Prosperity to Their New Canadian Home

OUT of a five volume official report emerges the figure of an empire builder in a small way — Peter Veregin leader of the Russian Doukhobors in British Columbia. The report has just been presented to the British Columbian Government by William Blakemore, appointed last August to inquire into the desirability of the Doukhobors as colonists. It has many interesting things to say of them, but its striking feature is the picture it sketches of their leader.

Back in Russia in the time of their persecution they were led by a woman, Lukerya Vasylyvna Kalmykova. On her death Veregin succeeded to the office. The sect split, Veregin's enemies had him exiled to Siberia, and he travelled 2,000 miles over the snow to maintain communication between him and his people. After the Doukhobors were enabled to migrate to Canada, largely through the efforts of Count Leo Tolstoy, the Society of Friends of England and the Quakers in Philadelphia, things went badly. Therefore the Russian Government was induced to liberate Veregin, and he has since been the actual ruler of the Doukhobors.

He is described as a benevolent despot, absolutely devoted to the interests of the Doukhobors, at all times plotting, planning and scheming to advance their cause, not enriching himself, ruling with a rod of iron, exacting implicit obedience and exercising rigid discipline. He is a big man in every sense of the word; the history and traditions of his people, his own sufferings, his contact with great men have been his education. He inherits the characteristics of his race, among which are strong reasoning capacity, diplomatic skill and subtlety. The greatest evidence of his ability is the manner in which he has for thirteen years been able with comparative success to hold together his people in an environment entirely alien to their ideas, their cherished beliefs and their ambitions. In the freest country in the world, where individual feeling is the keynote, says Mr. Blakemore, he still holds six-sevenths of the original settlement in the form of community life, with individuality extinguished except for his own personal control. He is in fact a theocratic czar; he possesses not only the genius but the capacity for governing.

His personality is both attractive and impressive. He is tall, broad, muscular, massive, with a fine head, great natural dignity of carriage and the atmosphere of strength. Yet, like many such men, he has a remarkably gentle m-manner. He speaks in a low voice. His every mood is marked by a natural courtesy and simple dignity which would single him out for notice anywhere.

His features are regular and his skin has an olive pallor. His hair and beard were jet black, but are now streaked with iron gray. His eyes are dark and thoughtful and in moments of excitement shine with hidden fire; his whole expression is that of a man who has suffered much and has triumphed over everything through the force of courage and confidence. His people yield him the utmost deference and obedience, due, perhaps, not altogether to his great personal endowments and magnetism, but partly to their religious belief, which invests him with almost supernatural attributes.

The final conclusion of the report is that the real problem is not the Doukhobors, but Peter Veregin, "for through it all the figure of Peter Veregin looms majestic and all powerful."

As for the Doukhobors themselves, the report speaks favorably of what they have accomplished. The chief ground of complaint against them is that they refuse to comply with certain laws, the school laws among others, and that they will not be naturalized. There were also questions raised as to their general morality and their community system, in the working out of which supplies are purchased at wholesale, and very little trade is enjoyed by local retail merchants.

The report finds that the Doukhobors are desirable settlers from the standpoint of their personal character, farming skill and general industry. Their refusal to comply with certain laws is based on their religious beliefs. The report recommends that the Government follow a policy of patience toward them and put pressure on the leaders to secure compliance with the laws, resorting in case of prosecution to the disposition of fines rather than imprisonment, which the Doukhobors regard

as persecution. It suggests appointing a Doukhobor agent on somewhat similar lines to the Indian agents and cancelling the order in council granting exemption from military service. It opposes the admittance of Doukhobors into Canada in future save on the clear understanding that no exceptions of any kind will be allowed in the matter of observance of laws.

The Doukhobors were brought to Canada thirteen years ago in consequence of the persecution to which they had been subjected in Russia for three centuries. They settled in Saskatchewan amid very unfavorable surroundings. They had no money, they arrived at a bad time of the year, for the winter lay just in front of them; they were unprepared for the rigorous weather of the prairies and they were without their leader. But they never lost heart. Lacking horses and teams, the women turned to and hauled the plough and scattered the seed, while their husbands and sons went to work on railway construction to earn a few needed dollars. A circumstance which has done much to bring the Doukhobors into disrepute and to create a wrong impression concerning them was the unfortunate "plague" near Yorkton in 1899. On this occasion several hundred Doukhobors were induced by a fanatic to abandon their homes and march on unclothed across the snowy prairies on a religious pilgrimage in quest of Christ. It was a purely fanatical proceeding indulged in by a very small number and condemned by the vast majority of the community, but it was taken as a representative act, which it was not, and has never since been repeated.

By this time the Canadian Government had begun to be afraid that there might be serious trouble with the Doukhobors. The vacancies in which they indulged were taken to indicate the possibility that the whole 7,000 might resort to similar practices. Consequently Veregin was brought from Siberia to Canada, and the subsequent conduct of the colonists is proof of his ability as a ruler. The Doukhobors settled seriously to the business of farming; they built houses, made their own furniture, poured all their wealth as fast as it accumulated, whether produced on the land or whether on the outside, into the community treasury, and became prosperous and contented.

Then trouble arose over their refusal to become naturalized British citizens. The law deprived such as refused of their homesteads, but allowed them to settle on fifteen acres of land for each member of a family. A serious split in the community resulted. Upward of 1,000 accepted the offer of the Government, took their homesteads of 16 acres, left the Doukhobor community and became naturalized British subjects.

This was a serious blow to the community and to its leader. It meant not only the breaking away from community life but the establishment of the idea of individual holdings, a thing unknown in Russia, and inconceivable to Doukhobor minds until it was demonstrated in Canada. From this moment may be said to date the determination of Peter Veregin to move the community to some other province where conditions would be more favorable for continuing the community life and less subject to the disintegrating influences which had now begun to operate in Saskatchewan.

This happened about five years ago and in a year and a half later Veregin had secured, by private purchase, his first land holdings in British Columbia and had moved the first instalments two thousand of his people. Thus a Doukhobor mind until it was demonstrated in Canada. From this moment may be said to date the determination of Peter Veregin to move the community to some other province where conditions would be more favorable for continuing the community life and less subject to the disintegrating influences which had now begun to operate in Saskatchewan.

The Doukhobors have now acquired 14,403 acres in British Columbia at a cost of \$446,017, and have established four large settlements at Brilliant, Glade, Pass Creek and Grand Fork. They have water works, electric light systems, sawmills, brick yards and a jam factory. The evidence goes to show that in all their business relations the Doukhobors have been found satisfactory. The total number in the Grand Forks district is upward of 7,000 and there are about 2,500 left in Saskatchewan.

During the year ended August 31, 1912, the total income of the community and was \$312,099 and the total expenditure for the year \$375,996.

PHOTOGRAPH OF NEW YORK'S LATEST SKY LINE FROM THE BROOKLYN SIDE AT NIGHT

