

what might well be deemed the incredible theory that not only ordinary policemen, but even police captains are appointed to the police force in the city of New York without any instruction or examination whatever in respect to the rights of individuals, and the limitations on the power of the police to make arrests, or enter houses or private places, or meddle in any way with others; or else on still another theory, namely, that in the past those in official control of the police force have not only sanctioned such acts of police lawlessness, but often required them to be committed, until they grew to be deemed lawful. The law knows of no greater folly than the notion that the police are the custodians or conservers of the private morals of the community, or could be made such with any safety whatever or with any possibility of uplifting morals instead of debasing them. The moral growth of a community depends on its churches, schools and teachers and the influence of a healthy and comfortable home life, and not on the police. It was said on the argument that the floor above the plaintiff's store is occupied by a club of men, and that this captain suspects they play cards for money or do some kind of gaming there and wants to stop them. But that gives no right to the police to enter or stay in the complainant's store. If they had any warrant, whether to arrest any one or search the club premises, it was their duty to execute it and go away. If they had no warrant, then their presence was unlawful, whether in the complainant's store or in the club rooms.

It is to be regretted that Chicago has no Gaynor on the bench to protect men charged with crime from lawless oppression by the police. At this very time there is a prisoner in police custody in Chicago who is repeatedly subjected to what is called the "sweat box" experience—a process unknown to the law and in violation of one at least of the plainest dictates of the law, namely, that no one charged with crime shall be compelled to give evidence against himself. Over and over again has this outrage upon prisoners been committed, and over and over have the newspapers told about it. It is matter of general notoriety. Yet no judge has yet charged the grand jury to investigate the "sweat box" crime and indict police officers whom they find guilty of indulging in it. If po-

licemen are allowed to violate the law, why should ordinary criminals be punished for not obeying it?

#### THE NEGRO PROBLEM.

To the Negro there is no Negro problem. Keenly conscious though he may be of a white-man problem of the most serious kind, no Negro problem ever bothers him. The very name, "Negro problem," suggests a white man's dilemma.\*

The Negro is, of course, involved in this dilemma. It concerns both races. But it concerns them in different ways. The phrase "Negro problem" indicates the way in which it is supposed to concern the white race alone. An attitude of mind is thus disclosed somewhat analogous to that of the farmer when he speaks of the "potato bug pest." Whoever speaks of the "Negro problem" betrays his race partisanship. He approaches the subject from the white man's point of view.

It is with deliberate purpose, therefore, that we adopt this term for the overshadowing race problem now pressing upon the American people for solution. We intend to approach its discussion from the white man's point of view. We expect to be influenced by the white man's race prejudices. We are trying to reach a white man's solution. Yet we shall hope to be no more than just to the white race, nor less than just to the Negro.

From the point of view of the white man, there is, indeed, a Negro problem.

In some parts of the country it is of no importance. Negroes there are relatively few.

In other parts it is irritating. With restricted opportunities for labor, colored laborers take work away from white laborers and are cordially and not unnaturally hated for doing so. It seems like taking bread out of their mouths, and no superior will tolerate that aggression by an inferior. In consequence, labor riots may now and then be the result. But there is nothing portentous about these disturbances. A policeman's club or a militiaman's

\*See DuBois's "The Souls of Black Folk," published by McClurg, Chicago.

rifle, or, failing these, a rope and a lamppost, can be relied upon to restore peace and order.

It is in the Southern States that the Negro problem is a menace. There the Negro population is in many places overbalancing, and in the estimation of the whites the blacks must be kept in subjection or they will govern the whites. As Senator Tillman, of South Carolina, said in his speech before the New York Press club, February 14, 1903, referring to the Negro, "we have given him the right of suffrage, and as a result we of South Carolina have been obliged to use the shot gun and the tissue ballot to prevent his domination," there being "thirty thousand more Negro voters in the State than there are white voters." This means a race war.

There are many other indications of such a war. Black men commit heinous crimes against white women, and white men summarily burn the culprits at the stake. Sometimes mistakes are made in these summary executions, for it is impracticable to give the accused a legal trial, and these mistakes, to say nothing of the appalling character of the executions even of guilty victims, cannot fail in time to bring the race war on to its crisis. They are intended to terrorize, but from terror to murderous frenzy is only a degree. A country laid waste with fire, and its inhabitants, black and white, slaughtered without mercy, is quite within the possibilities for the South, if terror, with its consequent frenzy, once takes the place in the Negro mind of wonder and awe at the outrages upon his race.

Those were fateful words of John S. Wise, of Virginia, son of a once famous governor of that State, when in a speech in Boston only two days before Senator Tillman's speech in New York, he predicted that some day the people of Boston will read in their morning papers "of a great organized outbreak of blacks, murdering white men and women, and how the infuriated whites are slaughtering in retaliation." This climax is inevitable, if the Negro problem be not rightly solved, because, as Mr. Wise also said, "the white race is proud" and the black race, though

gentle, "is not below the worm."

Here, then, is a community in which two races are divided into two distinct classes. Although there are individual instances of affection across the dividing line between these classes, yet, as races, each hates the other; and that race hatred is blazing into a flame.

Never mind the reason for it. Never mind which race has caused it or perpetuates it. What we have to confront at the outset is nothing but the fact. Two hostile classes, as plainly distinguished by race color as are hostile armies by uniforms, are coming into deadly combat with each other in a large section of their common country. This is the fact to be dealt with. This is the core of the problem to be solved.

When a community, partly of one race and partly of another, both native to the place and each large in numbers, is divided into two hostile classes by such plainly distinguishable signs as black skins and white skins, the resulting problem is susceptible of but eight possible modes of solution—(1) reduction of the blacks to slavery, (2) reduction of the whites to slavery, (3) reduction of the blacks to servitude in nominal freedom, (4) reduction of the whites to servitude in nominal freedom, (5) organization of black States and white States, (6) extinction of the whites, (7) extinction of the blacks, or (8) creation of mutual interests between the races through the establishment of equality of legal rights.

The first solution is out of the question in the United States. In this country, the Negro cannot again be reduced to slavery. Public sentiment, South as well as North and among whites as well as blacks, would not tolerate that reaction. Even if this were otherwise, private interests would stand in the way; for in a country where land is so completely monopolized as in ours, slavery wouldn't pay. It is cheaper to hire common labor than to own it. Few workingmen, white or black, would sell for as much to-day, were they slaves, as Negro slaves brought upon the auction block in the South half a century ago.

Of the second solution, nothing need be said. No one supposes that the white race could be reduced to slavery.

On the point of servitude, however, it is entirely within the possibilities that either race in the South might reduce the other to servitude, for that status depends upon ownership of the soil. The blacks at the South are now, as a race, in servitude to the whites as a race, because the whites as a race own the soil of the South. A large proportion of the whites, North and South, are in like servitude to others of their own race, which goes to show that whites as well as blacks may be reduced to servitude in nominal freedom. The possibility may therefore be assumed of a reduction of the white race of the South to a state of servitude to the blacks. It all depends upon possession of the land. Should the technical education which Booker T. Washington and other acute Negro leaders are promoting among their race of the South bear its probable fruit, the land of the South will gradually but rapidly pass from whites who don't know how to use it profitably to blacks who will know how to use it profitably. Blacks would then become landlords and whites would become landless, which would give us a black South.

But serfdom is not a permanent solution of race problems. Its pacifying effects last no longer than the serf is submissive; and it is by no means probable that either blacks or whites in the South would remain submissive in a state of nominal freedom but actual servitude. The whites certainly would not; and the blacks, though already in servitude as a race, are fast giving evidence of a disposition to submit only a little longer. As Mr. Wise says, they are "not below the worm"—which turns.

But if neither race can enslave the other, and neither would submit in perpetuity to the servitude which land monopoly creates and fosters, nothing remains, if the race hostility continues, but for each race to establish itself in States of its own (which our form of government would not permit), or for one race to destroy the other. This is the inev-

itable alternative that confronts the South.

Endless race hatred means the extinction, then, of one race or the other. Let race war once flame up, and the Negro regions of the South would become a charred waste, all white or all black. Not through tissue ballots nor through shotguns alone would this come about; but through fagot and flame and midnight murder as well.

The only escape from this catastrophe, since slavery is impracticable and servitude could be but temporary, is the eighth possible mode of solving the Negro problem. Race war must be prevented by a just peace. Race antagonism must be allayed by race friendship. Race hostility must be overcome by mutual interests between the races. And this can be secured only by an effective recognition of equal legal rights, regardless of race and irrespective of color.

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## NEWS

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Week ending Thursday, Apr. 16.

Interest in the possibility of suppressing trusts under the Sherman anti-trust law has been revived by an affirmative decision rendered on the 9th by the Federal Circuit Court of Appeals of the Eighth circuit, sitting at Minneapolis. This decision was made in a suit instituted by Attorney General Knox against the Northern Securities Co., of New Jersey.

The Northern Securities company is a "holding" company, chartered under the laws of New Jersey in the fall of 1901, (vol. iv. p 505) for the purpose of controlling and disposing of the bonds and stock of other companies; and its board of directors is empowered by the charter to act in secrecy, even with reference to its stockholders. The particular object of creating this corporation was to centralize in one control the interests and management of certain competing railway systems west of the Mississippi river. As soon as that object leaked out, the northwestern States that had made grants to the competing roads now to be in this indirect manner consolidated, and had made those grants with a view to perpetuating railroad competition, took steps to check the consolidating movement.