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Upon the occasion of the nomination of Seth Low for mayor of New York, we expressed our views (p. 385) of the impropriety, from the Democratic standpoint, of regarding a nomination such as his as nonpartisan.

Mr. Low is not a nonpartisan, either personally or as a candidate. Personally, he is a pronounced imperialist Republican. As a candidate he has not merely been indorsed by the local Republican machine (as corrupt an organization as Tammany Hall), but he was forced by the "boss" of that machine (as conscienceless a political huckster as Croker), upon the local nonpartisan movement which nominally first presented his name.

Were New York a Republican city, and Mr. Low in the field to oust from local office the corruptionists of his own party, Democrats might properly and vigorously support him. In such circumstances the fact that he is an imperialist Republican should not count against him; for whatever use in national politics he might make of his office would be in harmony with the political sentiments of the Republican city. The only question in that case, which Democrats need raise, would be whether he would make an honest and efficient administrator of local concerns; and to Mr. Low's qualities in this respect there is probably no objection.

But that is not the case. The case as it actually exists is the reverse of that. Instead of being a Republican city, New York is overwhelmingly Democratic. Instead of being a Dem-

ocrat, in the field to oust from local office the corruptionists of his own party, in a city where the principles of his own party are dominant, Mr. Low is an imperialist Republican, professedly in the field to oust from local office the corruptionists not of his own but of the opposite party, in a city where the principles of the opposite party are dominant. In this adventure he not only has behind him the corruptionists of his own party, but it was by them that he was forced upon the non-partisan movement, to the exclusion of Democrats, much as prestidigitators force particular cards upon the unsophisticated. Were he to make any use of the office of mayor in connection with national politics, this use, instead of being in harmony with the political sentiments of the Democratic city, would be flatly hostile. He would act as an imperialist Republican in the name and with the power of an anti-imperialist Democratic city. Even in itself, that situation would raise a serious question as to the propriety of giving to Mr. Low any Democratic support. Though he were opposed by a candidate of the objectionable Tammany type, Democratic voters might well hesitate about securing through him a good local administration at the expense of encouraging and promoting vicious national policies.

Fortunately, however, the situation raises no such embarrassing question. For, in the person of Edward M. Shepard, the regular Democrats of New York have nominated a Democrat whose democracy is more profound than that of a mere partisan, and a man whose qualities as an administrator, both moral and intellectual, are conceded to measure quite up to those of Mr. Low. The actual question, therefore, is not whether the

honest Democrats of the overwhelmingly Democratic city of New York shall vote for an imperialist Republican, as Hobson's choice, in order to get a good local administration. It is whether they shall choose as local administrator for their Democratic city a satisfactory mayor who is an imperialist Republican or a satisfactory mayor who is an anti-imperialist Democrat.

Edward M. Shepard is a Democrat by party affiliation, and a democrat from political conviction. He is a radical democrat—as radical, that is, as a man with the personal surroundings in which he as well as Mr. Low find themselves can be expected to be. If his business and social associations, together with a temperamental dislike for some of the characteristics of radicals, have made him shrink somewhat from identification with radical democracy, his voice has nevertheless rung true in public speech and letter whenever radical democratic principles have been clearly at issue. Though he opposed Bryan in 1896, that was because, in common with many other genuine democrats, he regarded the issue as purely economic, and Bryan as representing the wrong side of it. But when in 1900 the conflict which began in 1896 over a superficial economic issue had struck deeper, Shepard threw his professional interests to the winds and took his stand by Bryan's side. His opening speech in that campaign is pronounced by radical democrats who heard it to have been alive with the spirit of elemental democracy. Besides his political faith as so displayed, and his marked abilities in representing it, qualities which make Mr. Shepard an eminently fit candidate for the chief magistracy of a Democratic metropolis, it is admitted by his adversaries, as we have already

indicated, that he has the business aptitude, the intellectual qualifications, the experience in public affairs, and the disposition to administer the concerns of the city ably and faithfully. In the latter respect no one pretends to regard him as inferior to Low. To the nonpartisans he would have been as acceptable as Low on their ticket. Why, then, should any Democrats of New York vote for Low and against Shepard? Why should Democrats of a Democratic city cast aside such a Democratic candidate for an imperialist Republican?

But one reason is advanced, though that takes many forms. It is said that Mr. Shepard is Croker's nominee. This objection may be offset by the fact that Mr. Low is Platt's nominee. Another form of the same objection is that Mr. Shepard represents Tammany Hall. Without bothering to retort that Low as truly represents the Republican machine, Tammany Hall's side partner in municipal corruption, let us consider briefly what that objection by itself involves. Why do New York Democrats oppose Tammany Hall? Is it not because this Democratic organization has misrepresented and degraded the Democratic party by putting unfit men into nomination for local office? Why should any Democrat in New York vote, under any circumstances, for an imperialist Republican for mayor? Could there be any other reason than the unfitness of the Democratic candidate? Why should Democrats in New York join a non-partisan movement in local politics? Is it not for the purpose of forcing their own party either to put forward representative Democrats of personal and political integrity, or, in default of doing that, to suffer defeat by way of discipline? What other legitimate reason could there be? But if those are the reasons for Democratic hostility to Tammany Hall, then the reasons fail when Tammany Hall makes fit nominations, as in the case of Shepard for mayor. If other Tammany nominees are unfit, that may well

serve as a reason for voting against them, but not for voting against Shepard.

The very objection that Shepard is a Tammany nominee, he being the man his adversaries concede him to be, is an argument not against Tammany Hall, but for Tammany Hall. It is a marked indication of a tendency in that body, doubtless caused by the new and better and more radically democratic elements that have recently come into it, to raise the Democratic party of the metropolis to that higher plane in politics upon which the democracy of the country have a right to require it to stand. When Tammany Hall names a candidate for mayor who is admittedly in every respect the equal, as a local administrator, of his adversary, and who, moreover, is a Democrat of radical tendencies, it would be queer politics for Democrats to rebuke Tammany Hall for its other sins by voting against that candidate and in favor of an imperialist Republican.

Mr. Shepard is not the only candidate of Tammany whose irreproachable personality, eminent qualifications, and democratic radicalism testify to the beginning at least of a new departure in the Democratic politics of New York. Charles W. Dayton, one of the candidates for judge of the supreme court, was the candidate for comptroller in 1897 along with Henry George, who ran that year for mayor but died upon the eve of the election. Mr. Dayton is a lawyer of high standing. In Cleveland's administration he served, with credit and more than ordinary usefulness, as postmaster of New York. And for many years he has been known as a democrat of the Jeffersonian order. The other nominees, though creditable in the main, are of the Tammany or conventional party type. But with Dayton as candidate for a leading judicial office, and Shepard as the candidate for the highest administrative and most influential political office, the Tammany ticket affords no rea-

sonable excuse, to good government Democrats or to radical Democrats, either for voting against Dayton for the judgeship, or for supporting an imperialist Republican for the important political office of mayor.

Nor are we content to allow the selection by Tammany Hall of Mayor Van Wyck, for a supreme court judgeship, to be denounced as characteristically vicious, without a protest. Of Mayor Van Wyck's career as mayor we have no intention of speaking. His administration, for good or bad, is sufficiently familiar to New York Democrats. We recognize him, moreover, as a Tammany man, an organization man, a machine man. Perhaps his long and courageous but futile fight against Tammany Hall, without the support and against the strenuous opposition of some of the independent gentlemen who are now accustomed to attack him but who then had axes to grind at Tammany's stone, may have taught him a lesson in politics. However that may be, it is his record on the bench as a judge, and not his record at the city hall as mayor, that should determine his fitness for the judicial position for which he is now a candidate. Before becoming mayor, Van Wyck served several years as a judge. While on the bench he was industrious, expeditious and intelligent; and with his long and successful preliminary experience at the bar, he came to the bench exceptionally well equipped. No whisper was ever uttered against him as a judge, either for moral delinquency or mental incapacity. It is true that the Bar Association of the city of New York condemns him, basing its condemnation, however, upon his record in the political office of mayor and not upon that which he made as justice and as chief justice of the city court. This condemnation is misleading because the Bar Association of the city of New York is supposed to be the Association of the New York city bar, whereas it is merely an exclusive social club of lawyers, embracing in its membership but a fraction of the New York

city bar. Most of the lawyers who belong to it are members only for the sake of its library facilities. Some are there for the purpose of taking part in judicial politics and using the club for a weapon. Others are of the sycophant type. No lawyer can become a member if a few members dislike him enough—for personal, race or other reasons alien to lawyership—to blackball him; and many reputable members of the New York city bar refuse to allow their names to go through this blackball ordeal. Such an organization may be very useful, and its opinions very worthy of consideration; but it does not and cannot speak for the New York city bar. It speaks only for its own limited and exclusive membership. It does not speak even for the members. So perfunctorily are its manifestoes usually adopted, it can hardly be said to speak with authority for more than the little group of members who attend its meetings, ballot for members, elect its officers, and in political campaigns give the sanction of its pretentious name to their political and personal likes and dislikes with reference to candidates for the bench.

It is the Cleveland police who are now trying to make capital out of Emma Goldman, by preventing her speaking in public. This was done in Chicago by Mayor Harrison upon the flimsiest and most anarchistic of pretexts. There is not so much as the shadow of an excuse for denying to this woman the right to speak. Such denials are on the contrary flagrant breaches of the law, which policemen are sworn to enforce and not to defy. Miss Goldman has the same right as any other person to speak freely in public, subject to a lawful prosecution for abusing the right. It is the duty of the police to attend her meetings for the purpose of preserving the peace. It is their duty while there to preserve the peace by suppressing physical violence of all kinds. It is not their duty, but quite the contrary, to censor her utterances. If the prosecuting attorney of the locality has

reason to believe that she may say things calculated to promote crime, it may be his duty, it certainly is his right, to have her words authentically reported and either to prosecute her at once before a magistrate or refer the matter directly to the grand jury. This may also be the duty of the police. But no one can prevent her from speaking, no one can censor her utterances in advance, no one can interrupt her while she speaks, without thereby himself committing a breach of the peace, without thereby, if he be an officer of the law, violating his oath of office, and without thereby threatening the exercise by others of their guaranteed rights of free speech.

Whatever may be thought of the unjudicial manner of the special sessions judges of New York city who have sentenced John Most to a year's imprisonment for republishing an extract from an essay written half a century ago by Carl Heinzen, a distinguished German patriot and American abolitionist, the proceedings appear at any rate to have been legitimate under the law. Most was held criminally responsible for what he had printed; not by way of censorship in advance, but in a prosecution for crime. Of the question of the criminality of the extract we need not speak at this time. The tribunal of petty justices which tried Most has decided that it was criminal, and he himself must have accepted that tribunal or his trial would have been by jury. He probably believed that a jury would have convicted him upon the same facts, and in this he was doubtless right. In the present disordered state of the public mind a jury would be as likely as a mob to punish a man suspected of systematically advocating assassination. And when juries or mobs are in a state of mind to punish even legitimate and lawful acts, there is no recourse under any possible system of government or no-government, except as government may possibly afford it through reviewing tribunals. It is to

be borne in mind, also, that John Most is not a peaceable agitator of opinions. He is what is known as a physical force anarchist. He makes a practice of advocating assassination. This affords no excuse for convicting him as for crime upon facts which do not constitute a crime, if that has been done; but it does raise a reasonable presumption in the minds of men who believe in law and order—not merely those who use these words as cant, but those who believe in law and believe in order—that he has not been unlawfully or improperly dealt with.

How ridiculously demoralized the public press, if not the public itself, has been by the recent anarchy hysterics, is illustrated by the way in which a sermon by Heber Newton is reported. Mr. Newton delivered this sermon last Sunday from the pulpit of All Souls Protestant Episcopal church, New York city, of which he is rector. According to the report which came over the wires to Chicago, it "amazed his congregation" by its "radical utterances on the subject of anarchism." Mr. Newton's views, the report proceeds, "came as a surprise to many, while some, who knew the trend of his mind, were astonished at the rector's bluntness." After that introduction one should be prepared for an explosion of rhetorical dynamite. Less than a hair-raising, blood-curdling, law-defying incitement to assassination would hardly fill the bill. Yet the worst extract the reporter was able to cull was this:

Anarchism is in reality the ideal of political and social science, and also the ideal of religion. It is the ideal to which Jesus Christ looked forward. Christ founded no church, established no state, gave practically no laws, organized no government and set up no external authority, but he did seek to write on the hearts of men God's law, and make them self-legislating.

If that utterance were capable of "amazing" church people by its "bluntness" as a plea for anarchy, the fact only goes to show that the revengeful pulpit utterances of recent days have benumbed their religious