

# The Public

A National Journal of Fundamental Democracy &  
A Weekly Narrative of History in the Making

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## EDITORIAL

### CONTENTS.

#### EDITORIAL:

Optimism .....	625
"The Third Degree" .....	625
What About the Trade Balance? .....	627
The Power of "Pork" .....	628
A Nervy Senator—No! .....	628
Another Kind of Police Lawlessness .....	628
Judicial Contempt of Court .....	628
The Waterway to the Gulf .....	629
Cheap Courage .....	629
Paganistic Queasiness .....	629
Thriftiness of the Wealthy .....	630
Standard Oil Publicity .....	630
Carrying the Flag (W. G. Eggleston) .....	630
Should We Tax Men or Things? (John Gregson) .....	631

#### INCIDENTAL SUGGESTIONS:

Back to the Land (Western Starr) .....	632
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#### NEWS NARRATIVE:

The Cleveland Traction Fight .....	632
Bomb-throwing in Chicago .....	633
The Tariff in Congress .....	634
The President's Corporation Tax .....	635
The British Finance Bill .....	635
Fiscal Crisis in Germany .....	636
Nationalization of the St. Gothard Tunnel .....	636
A British Protest Against Russian Despotism .....	637
South African Federation .....	637
News Notes .....	637
Press Opinions .....	638

#### RELATED THINGS:

The Cry of the Human (Obras y Trabajo) .....	641
A Berlin Interview With Henry George, Jr. .....	641
Remarks by Old Man Harder (Geo. V. Wells) .....	642
How Protection Protects Labor (Senator Robert L. Owen) .....	643

#### BOOKS:

Christian Science .....	645
The Mechanics of Piano Playing .....	645
Compulsory Insurance .....	645
Books Received .....	645
Pamphlets .....	645

### Optimism.

Chicago officials report that over 5,000,000 pounds of diseased meat goes into the stock yards annually. This dissemination of—But, no! To comment with the indignation we ought to feel would be pessimistic. It would be to scold, to weary the contented reader with fault finding, to bring Chicago into bad repute, to look on the dark side of life. It would be as if one saw no good at all in meat. We shall resist the temptation, and look on the bright side. For there is a bright side to this diseased meat question. Most of the meat that goes into the markets from the stock yards is not diseased; and, anyhow, nobody knows who eats the meat that is diseased. So let us slip rose-colored spectacles across our noses—clothes pins, too, if necessary—and be cheerful.

\* \*

### "The Third Degree."

Would that Klein's play of this name (p. 598) might be seen by everyone with mind enough to realize the reactionary dangers of the police methods which it portrays. But the play might not be necessary if everyone could read the newspaper reports of a typical administration of the police "third degree" to a certain Chinaman recently arrested upon accusation of helping to murder a young woman in New York.

\*

Under American law, it was the duty of the

police upon arresting this Chinaman to take him to the nearest magistrate, whose duty it would then have been, under American law, to advise the prisoner that he need not answer any questions and to caution him that whatever he might say could be used as evidence against him at his trial. After this preliminary, it would have been the duty of the magistrate, under American law, to interrogate the prisoner and others in open court, with a lawyer to advise him if he desired, and then, if probable reason for suspecting him were developed, to commit him to jail for safe custody—and only for safe custody—until his indictment by a grand jury. It may be that this procedure should yield to something more modern, for it is indeed very old, having grown out of ancient revolts of the English people against oppressions by their rulers; but if it ought to be changed, the change should be made by the law-making power, openly and above board, and not by the police in secret conclave. A change has in fact been made. It has been made without lawful authority, and by the police, and the new proceeding is called the "third degree."

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Under the "third degree" the prisoner is usually taken, not to a magistrate but to police headquarters. He is examined, not in open court, but at a secret inquisition. He is not cautioned that he need answer no questions, but is authoritatively told that he must answer all questions; and lest he may not answer as foreordained by the police, he is repeatedly told what he must say. Nor is he held for safe custody merely. But in all manner of ingenious ways, from starvation and deprivation of sleep to "doping," he is nerve-racked into an irresponsible state of mind. And then the police get a "confession," which may possibly turn out to be true, but which, unless confirmed in every vital particular by other proof, is as valueless for the legitimate ends of justice as the ravings of a lunatic.

✦

The newspaper reports of administering the "third degree" to the Chinaman accused of participating in the murder of Miss Sigel in New York, give a mild impression of this novelty in American criminal jurisprudence. We therefore weave together the reports in the Chicago Tribune, the Chicago Record-Herald, and the Kansas City Star, of the 23d, based apparently upon eavesdropping and police "leaks." Here is the nerve-grinding result:

"Chung Sin, roommate of William Leon, or Leon

Ling, the Chinese sweetheart of the murdered girl, in whose room the body was found, collapsed in the district attorney's office and told his inquisitors that he had witnessed the details of the killing." . . . "Browbeaten, worn and exhausted by thirty hours of constant opposing of his Oriental mind against the trained minds of the most astute students of criminals in the Occident, Chung Sin finally yielded with Mongolian stoicism and made his ghastly admissions with an immobile face." . . . "The prisoner, however, would not admit he helped Leon Ling strangle Elsie. He snarled like a cornered animal when Police Captain Carey shook his fist in his face and charged him with twisting the cord around her neck." . . . "Like a wild animal at bay, the Chinese was placed in a chair where he had to face the combined enemy. All the preparations were carried out with a methodical quietness and deliberation most calculated to wear on the nerves of a man who knows he is suspected and does not know what is in the minds of the men who are planning a combined move against him." . . . "The little Chinaman, his eyes bloodshot from exhaustion and lost sleep, was planted in a big chair while big Carey, captain of detectives, and Assistant District Attorney Theodore H. Ward stood in front of him driving their questions home." . . . "Attorney Ward, without a moment of warning, turned on the Celestial, and standing above him and pointing an accusing finger in his face, almost shouted: 'You killed Elsie Sigel.'" . . . "You could hear the roar of Carey's voice as he bellowed some emphatic charge, the quieter monotone of Ward's as he prodded the Chinaman persistently, determinedly, and the falsetto squeak of Chung Sin when they stung him, as they did every now and then, to hysterical rage." . . . "Chung Sin had been against the police grindstone all day, but you couldn't have told it to look at him except maybe for his red eyes and the nervousness that showed despite his wooden pose. Police official after police official had been pecking at him all day since 6 o'clock in the morning, when Lieut. Forbes brought him down from Amsterdam, where he had been caught on Monday." . . . "It was not permitted to Chung Sin to sleep on Monday night. As soon as Forbes got the Chinese away from the chief at Amsterdam he began to shoot questions at him. He grilled him while they waited for the train, while they made the long ride to this city, while they were on their way to police headquarters, and where Forbes left off Capt. Carey took it up. For twenty-four hours they racked him with questions." . . . "An all day's experience with the third degree at police headquarters did not shake the nerve of the Chinese." . . . At one "point, he began to show his annoyance at the continued questioning. He became surly and peevish. Evidently believing a psychological moment had arrived, Captain Carey suddenly jumped up and shouted: 'You helped put the cord around the girl's neck!' Chung also jumped up, and dropped back into his chair, wheeling completely about. But it was not from fear. He had merely been startled by the noise and suddenness of the question. He insisted that he had not seen the cord around the girl's neck, and did not see the crime committed." . . . "He flashed anger when Assistant District Attorney Ward and Capt. Carey tried to break him down with the constant question: 'You

did tie the rope around Elsie's neck, didn't you? Hour after hour they pounded him with that question, turning it and twisting it, but the Chinaman squirmed free every time." . . . "It is thought by the police that a continuation of the examination of the witness will result in his giving more valuable information."

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We make no protest for the sake of the "grilled" Chinaman. If he is guilty, he deserves no sympathy; if he is innocent—well, he's only a Chinaman anyhow, and only an ignorant cook at that—a mere menial. (These reservations are in deference to public opinion, and not an expression of our own views; for, in editorial confidence, we may say that we loathe them.) But here is lawlessness, and what has "law and order" opinion to say to that? Not only is it lawless, but the laws it contravenes were made for the protection of the presumably innocent against oppression by those in power; and are we to go meekly back to the days when torture was a lawful method of securing confessions? Perhaps this is too sentimental for a practical age. It may be that in order to be practical and sane in public estimation we must concede not only that the unconvicted guilty have no rights the police must respect, and that Chinamen have none which white men must respect, and that the friendless have none which the powerful must respect; but also that neither the law nor the history of its ameliorated condition may be appealed to against the eminently practical methods of the most brutal and irresponsible type of public servant known to our time—the police detective. But is it not practical to demand that the safeguards of innocence be observed? Is it not practical to regard the protection of the innocent as quite as important a function of criminal procedure, as the conviction of the guilty? And if men so tortured are innocent, what can be said in palliation of the police—no, not of the police, but of the community that permits this lawless torture? Is it not clear, has it not indeed been demonstrated, that confessions even of capital crimes, made under the influence of hope or fear—especially if made under a tense nervous strain, or as the climax to a nervous breakdown—are worthless? Simply as a practical matter, then—putting all sentimental considerations of cruelty aside—is it not high time to shut up these lawless police inquisitions? If the fact that they are lawless is not a practical consideration in communities that boast of regard for law and order, then let the appeal be to the fact that they are antiquated, misleading, dangerous to the innocent, and useful for no

other purpose under heaven than to enable incompetent police detectives to make spurious records.

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And where is the legal profession, while this tearing up of American law at its roots goes on? Why do no protests arise from that source? It would have boiled with indignation a generation ago, had the police of that day dared to hold the vital elements of American criminal law in such shameless contempt in the case of even the humblest or the most despised of mankind. Where! Ask W. P. Williams, the retiring president of the Illinois Bar Association. His farewell address last week explained the pusillanimity of this once courageous profession. Boiled down to a few words, his answer would be that the legal profession is no longer a profession, but has become a trade union of subservient corporation clerks. What he actually said was this:

The rights of the people are seriously in danger by reason of the unprecedented accumulation of wealth in the hands of the few. Our mines, our manufactures of every sort and kind, our transportation facilities, whether by land or sea, are practically all under control of corporations, chartered under the laws drawn by lawyers—paid counsel of the promoters—engineered through the several legislatures of the States—aye, more—through Congress, as well, by paid lobbyists. All this is in furtherance of plans of crafty and designing combinations and conspiracies to the detriment of the general public. In the preparation and completion of this work the services of eminent counsel are readily procurable for a moneyed compensation; and if an inquiry be instituted into the legality of the corporation there is no lack of eminent counsel ready and willing, by means of every possible legal artifice, to bar legitimate inquiry into the merits of the matter, with a view to defeating the ends of justice. In short, it is said that lawyers as a class, instead of being mindful of their oath of office, are ever ready upon occasion to prostitute their powers to the support of any cause no matter how unworthy, at the behest of wealthy corporations or combinations.

From a body of men of whom one of their recognized leaders could formulate such an indictment without in the same breath denying it, what could be expected? When the liberties of a people are assailed by ruthless official invasions of the rights of persons in custody upon accusations of crime, lawyers besotted with spoils of privilege cannot be expected to protest. The law! What is the law to a legal profession so degraded? What are old clothes to a junkman?

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#### What About the Trade Balance?

If the Republican party be not in error in asserting that an excess of exports over imports