

one at Omaha, there is a manifest disposition on the part of the press to rebuke judicial usurpation in this respect. The Chicago Record-Herald, for instance, while properly condemning lawlessness by strikers, does not fail, as the papers of its class formerly did, to condemn lawless judges with at least equal vigor. In its issue of the 8th, in commenting upon the Omaha injunction it said:

. . . judicial usurpation is a menace, not only to labor unions, but to the whole people, and . . . the men who are guilty of it are unfit for their office, either through prejudice or defects of character.

The rebuke is mild enough, to be sure, but the true principle is correctly stated. The flagrant abuse known as "government by injunction" does not raise a question between judges and trade unions. The question it raises is between judges and all the people. It is a usurpation, a crime against all the people, for any judge to assume criminal jurisdiction—without juries, at that—on pretense of administering equity; and Federal judges add to this usurpation when they go the length of using the powers of the Federal courts to preserve the local peace.

#### OF THE LEGAL RIGHTS OF THE AMERICAN NEGRO IN PRINCIPLE.

In considering this subject the conclusions of a previous editorial (p. 36) must not be ignored. We must remember that individual democrats are by no means expected to soar above a hostile and temporarily irresistible public opinion in the midst of which their lot may happen to have been cast, and yet that good conscience and good citizenship demand of them not to allow their democratic principles to be held down to the low levels to which their conduct in public affairs may of necessity be temporarily anchored. This understood we may more profitably than otherwise consider what ought to be the status in America of the American Negro.

Let it be at all points remembered that what we are now considering is not what the Negro's status is, nor

what it can presently be made, but what it ought to be. Practical considerations may come later; questions of abstract principle must be determined first.

For it is only by settling upon principle in the abstract, that anyone can divest his mind of those selfish prejudices of race and caste that tradition or unpleasant personal experiences have generated, and which so readily usurp the judicial function. The same remark is applicable to altruistic prejudices as well as to those that are selfish. Prejudices of either type may be excused in matters of personal conduct, but they are intolerable in the forum of abstract principle.

To what inordinate length of absurdity mere prejudice will carry even well balanced and well intentioned men, is illustrated by an incident in the old abolition agitation.

Before the Civil War had set the American Negro free, there lived in Delaware three loyal Democrats, one of them of the Jeffersonian school. He believed from the bottom of his heart in the eternal verity of Jefferson's declaration that all men are created with equal rights, yet was a pro-slavery man of strong convictions.

One day he fell under the spell of an abolitionist's persuasive oratory. Seeing then the incongruity between chattel slavery and Jeffersonian democracy, he became a pronounced abolitionist; whereupon his brother John, who was the first to discover this revolutionary event in the family, forthwith hurried away to confer with their stalwart brother Jim.

Into Jim's astonished ear John poured his tale of woe, of how a Northern abolitionist had taken advantage of Sam's Jeffersonian democracy to convince him that on democratic principle white men have no right to hold Negroes in slavery. After long and vexatious consultation the alarmed brothers agreed that somehow the erring one must be reconverted. But they agreed also that on the one hand he could not be weaned from his Jeffersonianism, and that on the other his native common sense, now awakened, would never tolerate a suggestion of any distinction as to the legal rights of different races of men, when Jefferson

had so unequivocally attributed equal rights to all. Finally Jim exclaimed:

"John, I'll tell you what we've got to do. We've got to go over to Sam's and prove to him that the nigger ain't a man."

So by filling up Sam with a rude assortment of what in these later days of "scientific" pretense and credulity would be called "facts," his cunning brothers convinced him that "the nigger ain't a man," and left his own logical mind to do the rest. Since "the nigger wasn't a man," why, of course, there was nothing undemocratic in treating him as a chattel, and Sam became a pro-slavery Democrat again.

This wretchedly cruel delusion—more or less definitely conceived, more or less candidly uttered—that "the nigger ain't a man," is the keel and bulwark of all undemocratic discriminations against the Negro. Only men are entitled to equal enjoyment of legal rights, even upon the broadest interpretation of Jefferson, and "the nigger ain't a man."

It is not, however, with this brutal candor, that the delusion is usually expressed. Such revolting publications as "The Black Beast" are scarce. Even "The Leopard's Spots" has shamed thoughtful white men more than it has harmed the Negro. Those books are crude, and American sensibilities in matters of taste have become delicate since the more primitive days of the three Delaware Democrats. We are not now so brutal in speech, but we are intensely "scientific." Whatever the "best thought" may think, it no longer says that "the nigger ain't a man." It only suggests that he has not yet undergone the long and weary process of race development, through a multiplicity of "natural selections" and ages of uplifting environment, which has civilized the white race. But in spirit, method, purpose and effect, this is the same old trick that Delaware Jim played upon Delaware Sam. Though the phrase is different and the thought more involved, though the air of brutal indifference is gone and an air of "scientific" fatalism has been assumed, the plain meaning of it all, now as then, is that "the nigger ain't a man."

With the ethnological "scientists" who stand with reference to their more or less willing dupes in much the same relation that the ingenious Jim stood to his brother Sam when he set out to convert him back to the good old Democratic doctrine of the righteousness of Negro slavery, we may have a word hereafter. At present we shall adopt the more humane as well as more reasonable and demonstrable assumption with reference to the American Negro that he is as truly a man as his American fellow citizen of whiter hue.

As a man, every Negro has certain natural rights; rights that is, which are phenomena of human nature—essentially and distinctively so.

The Negro has thus a right to life. This he may forfeit by his conduct, precisely as white men may; but unless so forfeited, it is irrevocably his sacred prerogative regardless of the color of his skin or the history of his race.

The Negro has also a natural right to personal liberty, limited only by the proviso that his liberty must not infringe upon the equal liberty of others.

The Negro has furthermore a natural right—really a corollary of the other two—to pursue happiness. That is, he has the natural right to live his own life in his own way. The only limitation is that he shall not prevent others from living their own lives in their own ways.

Whoever disputes those propositions regarding the Negro must deny one or both of two more comprehensive ones. He must deny either (1) that the Negro is a man; or, (2) that any men at all have natural rights of any kind with reference to other men, except such whims as they can gratify by force or fraud.

Consideration of the first possible denial we have already deferred. We shall also defer a direct consideration of the second, our present purpose not necessitating the establishment of these fundamental doctrines. We have now in view no broader contention than that the legal rights of the Negro—not his natural rights, if you please, but his legal ones—must be the same in abstract principle as

those that are accorded to other men. We are simply insisting that municipal law can neither fairly nor safely make any distinction between Negroes and white men with reference either to the benefits it offers or the protection it affords.

For the purposes of that contention it is immaterial whether the principle of equality of legal rights is regarded as coming from our religion, from intuitional morality, or from utilitarian ethics. It is enough that it stands the test of all three.

Under the Christian religion in its purity, the life, the liberty, and all opportunities for living one's own life and enjoying his just property are incontestably as sacred in the case of Negroes as in the case of white men. If not, oh, ye white worshipers of the despised and crucified Jew, what becomes of the God who "is no respecter of persons"? or of the Messiah who in teaching you to love your fellow man as yourself, admonishes you to do unto others as you would have them do to you? Christians, at any rate, cannot escape the obligation to regard Negroes as entitled to the same legal rights of life, liberty, pursuits and property that white men have.

Neither can moralists. From the recognized laws of intuitional morality there is the same absence as from Christianity of all indications of distinction between the white man and the Negro. Whatever rights of moral obligation American whites of European descent may claim for themselves, they are bound by every moral consideration to afford to their fellow Americans of African descent. If not, oh moralist, how can you generalize such reasons for the exception as will save your face?

The same rules hold in utilitarian ethics. Although John Stuart Mill declared in his essay "On Liberty" that he regarded utility—"utility in the largest sense, grounded in the permanent interest of a man as a progressive being"—as "the ultimate appeal on all ethical questions," he did not venture to suggest that distinctions as to legal rights between classes or races could be justified by considerations of utility. So far from

regarding such distinctions as valid on the now popular supposition that they are necessary on utilitarian grounds for the preservation of civilization, he scorned the very thought. Writing in his "Liberty" essay of a proposed "civilizade" against the polygamy of Mormonism, he gives utterance to this significant sentiment:

If civilization has got the better of barbarism, when barbarism had the world to itself, it is too much to profess to be afraid lest barbarism, after having been fairly got under, should revive and conquer civilization. A civilization that can thus succumb to its vanquished enemy, must first have become so degenerate that neither its appointed priests and teachers, nor anybody else, has the capacity, or will take the trouble to stand up for it. If this be so, the sooner such a civilization receives notice to quit, the better. It can only go on from bad to worse until destroyed and regenerated (like the Western Empire) by energetic barbarians.

By no utilitarian principle or doctrine can any legal discrimination as to life, liberty and the pursuit of happiness among fellow citizens of different races be sustained. Experience has amply demonstrated that such discriminations retard human progress by breeding antagonisms prejudicial to both races and usually destructive of the weaker. Not only are some of the most effective forces that make for progress thus frittered away in race conflicts, but many of the actual gains for civilization are lost. For, let it be carefully noted, the weaker race that succumbs in race struggles is not always the "inferior" race. Regardless, then, of religion or morality, but simply upon the basis of utilitarian ethics, the legal rights of American white men and American Negroes must be the same.

Bare as is this outline of ours it is enough to show that equality of legal rights among men is, in abstract principle, a social law. The more completely the outline is filled in the clearer will that truth appear. No matter what one's philosophy may be, it will lead him on, if he follows it loyally, to the axiom which Thomas Jefferson perceived and adopted as the corner stone of American liberties.

Deep down in the well of all philosophies, lies that precious truth. It is ancient beyond the records of man, but is ever youthful. Elusive of the "scientific" probings of the wise, yet it reveals its splendors to babes. The sport of the powerful and their satellites of every epoch, it has nevertheless been the cherished day star of the unsophisticated in all ages. Torn from its exalted place and crushed to earth (often by its professed friends) with every novel appeal to its standards, yet this truth invariably justifies the faith of the unsophisticated while it confounds the wisdom of the wise and laughs at the "science" of the scientific. It rises again and again, as truth crushed to earth will always rise, and makes of each occasion a new land mark along that pathway of human progress which its fires mark out and its light illumines.

This truth knows no distinction of race or color. All men look alike to it. Equality before the law is a universal principle. With reference to legal rights to life, to legal rights to liberty, to legal rights to pursuits and to the enjoyment of property, it admits, as a principle, of no discrimination. The precepts of religion and the axioms of morality make the recognition of this equality an indisputable obligation upon conscience, while the ethics of experience inculcate it as an unavoidable necessity of civilization. As matter of abstract principle, then, the legal rights of the American Negro in respect of his life, his liberty, his pursuits and his property, ought to be precisely the same as those of the American white man.

**EDITORIAL CORRESPONDENCE.**

Let us swear an oath, and keep it with an equal mind,  
In the hollow Lotos-land to live and lie reclined  
On the hills like gods together, careless of mankind.

—The Lotos Eaters.

Pittsburg, May 10.—In these valleys and upon these clustered hills of Allegheny live the lotos eaters of the Occident. They do not, however, have the nepenthe which comes from "that enchanted branch" of the minstrel's song; but from the swinging censers of the high priests of a ruling party the incense of Protec-

tion has been inhaled so deeply, so constantly, that, like those dwellers of "the purple hills," the average dweller here "lies beside his nectar" and "the bolts are hurl'd against any that would dare to quench the flames from whence it came."

While the nation's Chief Magistrate is "swinging the circle" and here and there delivering an incoherent defense of Protection, a brief glance upon Pittsburg, "the workshop of the world," may not be untimely but truly apropos. For it is here as in no other part of the Union that the blessings of Protection are most manifest; nowhere else could be found the incarnation of the doctrine so exemplified in "giving employment" to the tens of thousands of workers in steel and allied industries and the vast army of men, women and children engaged in other fields of toil. Enthroned, indeed, is the fetich of Protection, and it is to reside in this atmosphere to truly understand how the workingman would battle for this system which "gives him work," gives him bread and meat—even as the work horse is rewarded with its hay and oats.

To the stranger this busy city is one of striking contrasts. No other American city furnishes the same conditions, and probably in no other district in the world is the display of human energy so manifest. "Work, work, for every one wishing it," as the newspapers say. To this city and district, because of such extraordinary industrial activity, there has come a tide of humanity representative of every nation, and, overflowing from the city, it is peopling the hills and valleys for many miles beyond. In the past three years building of dwellings has been carried on upon a scale unprecedented in the history of the city, but it has been the rule that these structures have been rented from the very beginning of erection, and hundreds of houses have been occupied at a stage of two-thirds of completion. The present year promises to maintain if not eclipse the record of building, so great and urgent is the demand. This one feature alone is pointed to by newspaper and magazine writers as the strongest evidence of the marvelous prosperity that now floods our great Republic with a golden glow, and also that these happy conditions could never have obtained but for the maintenance of the sacred schedules of the tariff.

From the beginning of that period of industrial depression in 1893 to the year of Mr. McKinley's first election to the Presidency, this district was among the first to feel and the

last to recover from those stringent times.

Great mills were closed and idle thousands sought in vain for employment at anything and at almost any wage. Temporary relief was afforded by the city authorities in giving work on street and park improvements at a wage of a dollar a day, and among these workers were men who at their legitimate calling could have commanded treble and more of that amount.

Those were dark days for these valleys, and men made desperate by pressing needs were nerved to desperate deeds. And now that for a comparatively brief period employment has been continuous, the wage workers have but renewed their fealty to the fetich which "gives them work," and they read with unconcern that owing to business depression, a result of American competition, 5,000 shoe operatives in a German city have been thrown out of employment, or that thousands of weavers and spinners in New England are idle and fighting again the battle for existence against corporate greed on the same field where their fellows were led by the gallant Howard, nearly 20 years ago. No longer is the legend emblazoned out: "An injury to one is the concern of all," and yet that same great primary cause of every industrial paroxysm will sooner or later cast its baleful shadow over these valleys where the wageworker is nepenthenized by the drug of Protection, and he cares not for his fellow man.

In view of all the manifold blessings of Protection the relations of the tin workers in this district (employees of the American Tin Plate company, a subsidiary company of the United States Steel Corporation) with their employers is at once extraordinary and astonishing. Strangely silent have Republican newspaper editorial comments been regarding a compact entered into by the tin workers with their employers. Early last fall representations were made by the company to the workers that unless a reduction in wages was accepted the tin plate mills in different sections would be shut down for an indefinite period, but if the men consented to a reduction of wages the company could accept a very heavy order from the Standard Oil company and thus keep the men employed. Otherwise Mr. Rockefeller would send his order abroad, and later idle tin workers would pay a higher price for the oil they burned.

What a club to hold over American protected workingmen, does the indignant reader say? No, not a coarse club but an instrument representing the refined diablerie of an