Occasional Papers, No. 11.

The American Megro Academy. THE NEGRO AND THE ..ELECTIVE FRANCHISE..

A SERIES OF PAPERS AND A SERMON BY Archibald H. Grimke, & Charles C. Cook, John Hope, & John L. Love, & Kelly Miller and Rev. Frank J. Grimke.

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THE MEANING AND NEED OF THE MOVEMENT TO REDUCE SOUTHERN REPRESENTATION.

In 1787 when the founders of the American Republic were framing the Constitution they encountered many difficulties in the work of construction, but none greater than the bringing together on terms of equality under one general government of the slave-holding and the non-slave-holding states. The South was willing to enter the Union provided always that its peculiar labor and institutions received adequate protection in that instrument. And this the North had finally to consent to incorporate into the organic law of the new nation. One of these concessions was known as the Slave Representation Clause of the Constitution, which gave to the Slave section the right to count five slaves as three freemen in the apportionment of representatives. This concession did not probably seem at the time like an exorbitant or ruinous price for the North to pay for the Union, but subsequent events proved it to be both exorbitant and ruinous in the political burden which it imposed upon that section, and in the political perils which grew naturally out of the situation, and which were produced by it.

Everybody now-a-days seems to forget, or makes believe to have forgotten, this lamentable chapter in our history, and its application to present day evils—everybody but a few far-seeing Negroes, and a few far-seeing white men at the North. It is well not to forget this chapter ourselves, or to let the country make believe to have forgotten it, as it contains a lesson which it is dangerous to forget.

History repeats itself and will continue to do so just as long as men are men, and the passion for power and the struggle for domination lasts among them. Such a struggle set in between the two sections almost immediately after the adoption of the Con-With industrial and political ideas, interests, and institution. stitutions directly opposed to each other, rivalry and strife between them became from the beginning unavoidable. Any one not totally blinded by the then emergent needs of the moment could not fail to foresee something of the consequences which were sure to follow such a union of irreconcilable forces and passions under one general government. Each set of antagonistic ideas and interests was compelled by the great law of self preservation to try to get possession of the government in its battle with the other set. And in this conflict of moral and economic forces and ideas the three-fifths slave representation clause of the Constitution gave to the South a distinct advantage, an advantage which told immediately and powerfully in its favor. For the right to count five slaves as three freemen in the apportionment

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of representatives among the several states placed the political power of the Southern states in the hands not of all the whites but of a small and highly trained and organized minority only, namely: the master class. This circumstance solidified the South, and gave to its action a unity and energy of purpose which the industrial democracy of the North always lacked. As a consequence, Southern men obtained speedy possession of the National Government, and shaped National Legislation and policy to advance best the peculiar ideas and interests of their section. The big endof the National Government lay plainly enough well to the south of Mason and Dixon's line during the first twenty-five years of the existence of the Union. The course of events during this period revealed this bitter fact to New England. For she was outwitted. out-voted and over-matched again and again in national legislation and administrative measures by the slave oligarchy, which ruled the South and dominated in national affairs.

For instance, New England opposed the embargo and the retaliatory measures of Mr. Jefferson's administration, which destroyed her splendid carrying trade, and bore distress to hundreds of thousands of her people. She opposed the War of 1812 because it seemed to her inimical to her interests, but regardless of protests and cries the embargo was laid on her ports and shipping, the War against Great Britain was declared. She was forced to dance, volens-nolens, to the rag-time music of her Southern rival. She danced in both instances while discontent grew apace in her hot, surcharged heart. She did not disguise the ugly fact that she was sick of her bargain under the Constitution-was discontented almost to disaffection with Southern domination in the Un-Out of this widespread discontent and incipient disaffection ion. sprang the Hartford Convention to voice this growing Anti-Southern sentiment, and to cast about for a remedy for what was rightly deemed bad political conditions. The great question with which this celebrated convention grappled was, in fact, the undue and disproportionate power wielded by the slave oligarchy in national affairs, and how best to impose a check upon its further It could think apparently of but one remedial measure growth. to relieve the situation, and that was the imposition of a check on any further increase in the then existing number of states. But while the resolution which embodied this rather doubtful remedy referred to states in general, it was intended when read between the lines, to refer to slave states in particular.

That was the first blow aimed by the industrial democracy of the North at this aristocratic feature of the National Constitution, namely: the right to count five slaves as three freemen in the apportionment of representatives among the states. It was felt at

the time and much more strongly and generally afterward, that this three-fifths slave representation clause which enabled a small minority of the people of the South to wield the political power of that section, and in any controverted question between the sections to neutralize the free-will of every three freemen by the dummy-will of every five slaves, was an unjust and dangerous advantage possessed by the slave oligarchy over its sectional rival, the free democracy of the North.

The consciousness of this political wrong and danger was at the bottom of the bitter opposition on the part of the North to the admission of Missouri as a slave state, to the annexation of Texas. and to the Mexican War. It was at the bottom of the fierce cry which rose all over that section at the close of that war, "No more slave territory, no more slave states." It was the soul of the great movement which beat back the slave tide from Kansas and saved that state to freedom. It was, in fact, this struggle of the free states to reduce to a minimum the peril to its industrial democracy which grew out of the slave representation clause of the Constitution, and the resistance of the slave states to such a movement, which produced the war between the sections. This war ended in the destruction of slavery and as the North supposed and intended, in the total destruction of this right of the South to count five slaves as three freemen in the apportionment of representatives among the several states in the newly restored Union.

But wrong does not die under a single stroke. It has a strange power of metamorphosis, i. e. ability to change its form without losing its identity. The slave power, which everybody at the North imagined to be dead, re-appeared almost at once as the Southern serf power, in consequence of legislation enacted in the then lately rebellious states by the old slave masters. They had lost their slaves, to be sure, and the political power incident under the Constitution to such ownership, but they had not lost the political cunning and determination to create a similar power out of the social forces and material which lay in disorder about them.

The reconstruction of the South by the old slave oligarchy resulted in the threatened rise in national affairs of an African serf power more formidable to the North than was the old slave power than five is greater than three in federal numbers. This threatened rise in national politics of an African serf power aroused the North to the danger which girt afresh the supremacy of its industrial democracy in the Union. It thereupon set about the work of removing this peril forever. In doing this work it unfortunately limited itself exclusively to the use of political agencies. But there is no doubt that what it did in reconstructing the old slave states was meant to be thorough. It meant to extirpate

root and branch, from the Constitution the right of the South to count five slaves as three freemen, or five serfs as five freemen in the apportionment of representatives among the states. This was the plain purpose of the whole body of congressional legislation looking to southern reconstruction. It is the plain purpose likewise of the 14th and 15th amendments to the Constitution.

All of these great acts were intended to destroy utterly the basis on which rested the old slave power, and on which would rest the new serf power, namely: inequality and race subjection. The 13th amendment abolished slavery, the 14th raised the former slaves to citizenship, and the 15th conferred on them the right to vote. The whole scheme for removing forever this evil seemed on paper complete enough, and in practice it would undoubtedly have proven effective had not an unexpected difficulty arisen when it was put into operation. This unexpected difficulty was the attitude of the Supreme Court in interpreting the laws made in pursuance thereof. The effect of the decisions of this tribunal has almost invariably been against the Negro's claim to equality, and in favor of the Southern contention of the existence of two races in the south, one permanently dominant and the other permanently servile, and that the maintenance of this state of race superiority on the one side, and of race inferiority on the other furnished the only working plan of their living in peace together or of their making any further progress in civilization. Owing to this deplorable attitude the Supreme Court has been a hindrance rather than a help in the settlement No relief need be looked for from it, therefore, of this question. under the circumstances. Relief, if it comes at all, must come from another quarter of the political system under which we live. And for such relief fortunately, the 14th amendment has adequately provided. All that is necessary to render the provision of this amendment, which is applicable to the present situation, effective are courage and common sense. But alas, courage and common sense in respect to this subject seem to be sadly lacking to-day both at the North and among the Negroes as well.

The provision of the 14th amendment just referred to reads as follows: "Representatives shall be apportioned among the several states according to their respective numbers counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the Legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged ex-

cept for participation in rebellion or other crime, the basis of rcpresentation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

Every Southern state has virtually by one device or another, since the adoption of the 14th and 15th amendments, denied to its colored citizens the right to vote. This was first done by the shotgun method, which gave place in time to fraudulent manipulations of electoral returns, and this in turn to "grandfather" and understanding clauses" administered by prejudiced registration boards in those states which have revised their constitutions. Says Professor Dunning in an article on "The Undoing of Reconstruction" in the Atlantic Monthly for October, 1901: "With the enactment of these constitutional amendments by the various states, the political equality of the Negro is becoming extinct in law as it has long been in fact, and the undoing of reconstruction is nearing completion." Now this statement is exactly true. The South has everywhere nullified in practice the 14th and 15th amendments to the Constitution. It denies to black men the right to vote, but it counts at the same time those same black men in the apportionment of its representatives. The present serf power therefore, enjoys to-day a right far greater than that enjoyed by the old slave power, for it counts five of its disfranchised black citizens not as three but as five free men. It has achieved the extraordinary feat of eating its political cake and keeping it at the same time.

In South Carolina, for example, where the blacks outnumber the whites by 224,326, and in Mississippi where the colored population is in excess of the white by 263,640, "the influence of the Negroes in political affairs," as put by Prof. Dunning, "is nil." And this is substantially true of almost everyone of the old slave states whether they have or have not revised their constitutions. Says Prof. DuBois: "To-day the black man of the South has almost nothing to say as to how much he shall be taxed, or how those taxes shall be expended, as to who shall make the laws and how they shall be made. It is pitiable that frantic efforts must be made at critical times to get law-makers in some states even to listen to the respectful presentation of the black side of a current controversy."

Entrenched in the South to-day is an aristocracy based on race. The whole tendency of things down there is to de-citizenise the blacks, to reduce them to a state of permanent political and industrial subordination to the whites. This is aristocratizing the republic with a vengeance. For with the right to vote, the right to a voice in making the laws, denied to any class of people in an in-

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dustrial republic like ours, such class must go from bad to worse in the struggle for bread, for existence, in competition with more favored classes. It does more: it reduces the efficiency of such a class as a producer of wealth not alone in respect to itself, but in respect to the section in which it lives as well. For whatever degrades and wrongs such a class degrades and wrongs the community and the country of which it forms a part. And there is no help for it, for such is the natural law of retribution which no "understanding" and "grandfather clauses" and registration boards, however adroitly devised, can in the long run possibly evade or nullify. This then is the deplorable economic situation with regard to whites and blacks alike in the Southern states, as a direct consequence of the undoing of the 14th and the 15th amendments to the Constitution by those States. The degradation of their black labor will ultimate in the degradation of their white In fact, the disfranchisement of the blacks operates labor also. practically everywhere down there as a disfranchisement of the great body of the whites likewise. For disuse of a power, whether physical or political, begets in time disinclination and then incapacity for exercising the same. The right to vote, under present political conditions which prevail throughout that section, is, as a matter of fact, exercised but by a small minority of the whites only. The total vote, for example, cast for representatives in Southern congressional districts is surprisingly slight in comparison with that cast in Northern congressional districts. The same is true of the vote for presidential electors, and for the executive, legislative and judicial officers of the various southern A handful of ruling whites, and that not states for that matter. of the best class as in antebellum times, casts to-day the entire vote of that section as represented by all of its black and a large majority of its white citizens, at national and state elections.,

For instance, the average vote cast for Congressmen by Northern congressional districts during the election of 1898 was over 35,000. while that cast by Arkansas, Georgia, Louisiana, Mississippi and South Carolina, which are operated in effect on the Mississippi plan, was less than 5,000. The total vote cast for 37 congressmen by those five Southern states was only 184,602, while the total vote polled by the state of New York for 34 congressmen was 1,250,000, i. e. 184,602 electors in those five Mississippi-ized states had actually a larger congressional representation by three than had the 1,250,000 voters of the Empire state. Again, take the case of Kansas, which though casting 100,000 more votes at its congressional election in 1898, than were cast by these same five Southern states combined, yet Kansas had but seven representatives in Congress to guard and promote her peculiar inter-

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ests against the 37 who sat in the House to guard and promote the peculiar interests of the ruling oligarchy of those five de-republicanized Southern states.

But let us look more closely into this matter. Alabama with a population of 1,828,697, and nine representatives in Congress polled at the Congressional election, in 1902 a total vote of 90,105 for the nine districts, while the new state of Washington with a population of 518,103 and three representatives polled at the same election a total vote of 03.681, i. e., there were 3.000 more votes polled to elect three congressmen in Washington than Alabama polled to elect nine. Again, Mississippi with a population of I. 531,270 and eight representatives in Congress polled at the same election a total vote of 18,058 for the eight congressional districts, while little Idaho with a population of 161,772 and one representative polled at the same time a vote of 57,712, which exceeded more than three times the vote polled by Mississippi for eight representatives. Or let us take Louisiana with a population of I. 381,625 and seven representatives in Congress, and her total vote of 26,265 during the same election for seven districts and contrast these figures with those of Rhode Island with a population of 428,556 and two representatives. The Rhode Island figures are 56,064, or nearly double the vote of Louisiana for seven congressional districts. Or again, let us glance in passing at South Carolina with a population of 1,340,316 and seven representatives in Congress, and New Hampshire with a population of 411,588 and two representatives. The first polled in 1902 at the election of her seven congressmen 32,085 votes, and the second at the election of her two representatives polled at the same time 74,833. In other words, there were nearly 43,000 less votes polled in South Carolina to elect seven Congressmen than were polled in New Hampshire to elect two. To sum up: Alabama, Louisiana, Mississippi, and South Carolina with an aggregate population of 6,106,008 and 31 representatives in Congress cast in 1902 a total vote of 166.576 in 31 congressional districts, while Idaho, New Hampshire, Rhode Island and Washington with an aggregate population of 1,500,000, and eight representatives polled at the same general elections a total vote of 282,294 in their eight congressional districts. The average vote for each of the 31 Southern congressional districts was 5,530; while that for each of the eight Northern districts was 35,287. Why Massachusetts alone with a population of 2,805,346 and 14 representatives rolled up a vote to elect these 14 congressmen more than double that which the four Southern states with a population of over 6,000,000 polled to elect their 31 representatives!

Again: At the presidential election last November the combined vote of Alabama, Louisiana, Mississippi and South Carolina, for 39 electors was less than 200,000 or to be exact was just 186,253, while the vote of Massachusetts for 16 electors was 442.732. In other words, the vote of Massachusetts for her 16 representatives in the electoral college, exceeded that of the four Southern states for their 39 in the same body by more than 250.000 polls. Once more: Is it not immensely ominous and significant the marked shrinkage in 1904 of the popular vote for electors in Alabama, North Carolina, and Virginia, states which had but recently revised their constitutions, as compared with the popular vote of the same states for electors in 1000? There was for example a shrinkage of the popular vote in Alabama of nearly 50,000 polls; in North Carolina the shrinkage amounted to nearly 85,000, and in Virginia it ran up to more than 135,000. These figures are eloquent of great wrongs They are not less eloquent of great dangers done the Negro. which now threaten to subvert free institutions in the Republic.

Since the elections of 1898 things in the South went rapidly in respect to this subject from bad to worse. Alabama, North Carolina and Virginia followed the example of Mississippi and This reactionary movement of the revised their constitutions. Southern oligarchy has reached as far north as Maryland, and the work of aristocratizing her constitution and of Jim-Crowing her laws is now nearing completion. Where is this movement to stop? Will it halt south of Mason and Dixon's line unless drastic measures are speedily adopted by the National Government to arrest it? No, this aristocratic revolution will certainly, unless checked, invade the North, attacking and overthrowing first the political rights of black men in that section, and later those of other classes of citizens industrially and politically feebler than the rest until one after another of the states now free shall have succumbed to the rule of class and plutocratic power. Then indeed will the undoing of the 14th and the 15th amendments, and of democratic institutions in America, be complete. Not until then will the movement, which is fast aristocratizing the Republic, stop its steady advance. I am no alarmist, but am telling the sober truth. Those who have eyes to see, let them look around at the ominous signs of this advancing evil. Those who have ears to hear, may hear everywhere about them the foreboding sounds of this rising flood of wrong and inequality, this growing disregard for law, this denial to the people of a voice in government, whether state, colonial or national, which characterize the present period of our national history.

It will not be impertinent for me to add by way of concluding

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this article, a few words regarding some of the policical consequences, which would be sure to follow a reduction of Southern representation in Congress and the electoral college. It would, in the first place, reduce the political strength of the South as a factor in national legislation, diminish its relative importance as an element in national politics. That section is insolent, exacting and aggressive to-day on the Negro question because it has so much numerical strength in Congress and the electoral college by reason of its suppressed Negro vote. Reduce that strength by a judicious blood-letting to the number of twentyfive or thirty-five representatives and there will follow in due time a corresponding reduction of its arrogance and aggressiveness on the race question. For as it declines in relative strength in Congress and the electoral college it will decline in relative importance in management and leadership of the democratic party also. It will gradually lose its controlling influence over that party, cease ultimately to dominate it on the Negro question. The relative decline of the South in Congress and the electoral col lege means, of course, the relative increase of the North in the same branch—means that in time the North will pay less heed to the claims of the South, to its threats, and more to the claims, to the case of the Negro. It means more. The relative decline of the South as a factor in national politics means the relative increase of the northern wing of the Democratic party in the control of that party, in the shaping for that party of a more liberal policy on the Negro question. For as the northern wing of this party gains in relative strength, in numerical importance over that of the South, it will be tempted more and more to solicit the support of the Negro vote of the North. In close elections and in pivotal states the Democrats of the North will thereupon make liberal declarations and positive bids in order to win this vote from the Republican party.

This consideration brings me to a second consequence, which would follow a reduction of southern representation. And that is this: It will put an end to the present period of good will and peace between the sections, so disastrous to the rights of the Negro. Such a measure will usher in a period of bitter difference and strife between the two sections again. These differences will not arise merely between the Republicans of the North and the white South, but between democrats of the North and democrats of the South on the Negro question as well. For the northern wing of the Democratic party cannot bid for the colored vote of its section without offending the South and therefore sowing seeds of alienation and strife between them on the question of the rights and wrongs of the Negro, as a citizen. There will follow

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such differences and strife between the sections, a reaction at the North in favor of the Negro. Public sentiment for juster treatment of the race will gain thereafter steadily in strength. It will influence the Republican party to give to the question a more radical treatment than it now gives it, to take steps to enforce by appropriate legislation the 15th amendment of the Constitution. Such growing public sentiment in favor of according the Negro fairer treatment may do more, it may be able to reach even that pro-Southern tribunal, the Supreme Court, and put like the bees of the Bible honey for the race in its hitherto cold and unresponsive body. Even it may be influenced in time to twist the law in favor of human liberty, not against it, as now. And lastly, it will give the silent South a chance to be heard on the Negro question. It will give it a chance to appeal from those states drunk on the race question, to their sober second thought, a chance to show them the folly and madness of their disfranchisement and consequent degradation of their Negro labor as an economic factor in their development and civilization. And so liberal sentiment towards the Negro may be awakened in the South and be made thus to spread slowly downward as a leavening influence.

And in the third place, reducing Southern representation in Congress and the electoral college will not hurt the Negro. It will not take away from him any right which he now enjoys down there. The doing so cannot in any way change his actual status either in law or in fact. He is now disfranchised; Congress will still have power to enforce the 15th amendment by appropriate legislation and it will do so whenever it can screw its courage to the sticking point. The reduction of Southern representation will certainly break up the present apathetic state of the country in respect to the Negro. With this breaking up there will follow a reaction in favor of freedom, and there will arise in due time a public sentiment which will bring legislation to enforce the right of the Colored people of the South to the ballot well within the range of the possible, yea of the probable, if the South persists after reduction,-but it will not long persist,-in its present purpose to nullify the 15th amendment, and to reduce its Colored people to a condition of a permanently subordinate and servile class, without rights as men or as citizens which southern white people are bound to respect. Let southern representation in Congress be therefore reduced. The sooner the better it will be for the Negro and the Nation.

The law department of the United States Government has at last moved effectively against the meat trust. And I see that the Interstate Commerce Gommission is looking into the charge that certain railroads are practicing by a system of rebates dis-

crimination against shippers of live stock, and in favor of packing house products and dressed meats. But alas, how different has been the attitude of the national government toward investigating that greatest of all discriminations in the Republic, namely: the wholesale disfranchisement of Negroes in the South because they are Negroes. A few years ago one of the bravest and most far-seeing of the representatives of Massachusetts in either branch of Congress offered a resolution to investigate the subject merely. The administration, which was then, and they say is now opposed to meddling in this particular manner with the Southern question, was found equal to the occasion. When it failed to silence the voice of Congressman Moody regarding the matter, it lifted him with masterly state craft from the floor of the House, and landed him safely in the Cabinet where he is still, and where his silence might the better be secured. Thus passed the Moody resolution to dusty death, and the place which knew it once in Congress hath known it no more, and will know it no more forever.

But there is another Congressman who for years has watched keenly the growth of this threatening evil, the growth of this wrong so subversive of the rights of the blacks at the South, and so harmful to the interests of our industrial democracy at the North. Five years ago he thought it was high time for the general government to address itself to that subject, and accordingly proposed from his place in Congress suitable measures for that purpose. Unfortunately for Congressman Crumpacker's proposition the presidential election of 1900 was at the time approaching and which, in the opinion of the McKinley administration, called loudly then for silence and oblivion on this vexed question. In obedience to this loud call of the Moloch of party success at the polls, Mr. Crumpacker's bill suffered death by asphyxiation in committee.

The matter was, however, revived by Mr. Crumpacker in a subsequent Congress in the form of a resolution which provided for the appointment by the Speaker of a select committee of thirteen "whose duty it shall be, and who shall have full and ample power to investigate and inquire into the validity of the election laws of the several states and the manner of their enforcement, and whether the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of any of the states or the members of the legislature thereof, is denied to any of the male inhabitants of any of the states, being twenty-one years of age and citizens of the United States, or in any way abridged, except for crime." This resolution so reasonable, moderate, and

just, fell a victim, so it was reported at the time, to a shrewd bargain struck between the Southern oligarchy on the one hand and the Republican managers of Cuban reciprocity on the other. The Crumpacker resolution was put to sleep amidst the dust heaps of old congressional documents, where it has slept without waking until the present session of Congress, when its profound slumber has been disturbed by renewed attempts made in both branches of the National legislature to revive the subject, and to do what the Republican national platform of 1904 pledged that party to do in the event of its triumph at the polls, according to the plain meaning and purpose of the following plank in that platform.

"We favor such Congressional action as shall determine whether, by special discrimination, the elective franchise in any state has been unconstitutionally limited: and if such is the case we demand that representation in Congress and in the electoral college shall be proportionally reduced as directed by the Constitution of the United States."

And while the Republican party hesitates to redeem its solemn pledge made to the people before the elections last November, the tide of intolerable wrong, of imminent peril:--of intolerable wrong to the blacks and of imminent peril to the Republic, is advancing nearer and rising higher and higher toward the point where to ignore it much longer will mean widespread and farreaching disaster to our industrial democracy, to Republican institutions in America. On its crest I see approaching forces strong enough to subvert the Constitution, not only in the South but in the North—forces strong enough to uprear on its ruins the vast fabric of plutocratic empire and despotism.

The warning is sounding in our ears, it is sounding in the ears of the people all over the land. Do we heed it, will they?

ARCHIBALD H. GRIMKE.