

THE BEE

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BY THEIR FRUITS.

The National Negro League, with headquarters in New York, and of which Prof. DuBoise is the paid, if not the titular, head, has issued a word-burdened address "to the People of Great Britain," just as if Great Britain was cognizant of American infinitesimals. As might have been expected, the address is an attack upon Dr. Booker T. Washington, whose shoes many of the members are unworthy to unlatch.

It is a pity for Prof. DuBoise that he is so consumed by jealousy and so hedged about with envy that he cannot move out on the broad field of human endeavor and race uplift unfettered. He accouterments are too cumbersome for a long march and a successful battle. Every movement that he fathers appears to have for its one object the pulling down of Dr. Washington from the high pedestal he occupies, and upon which the people placed him. Every utterance of Dr. DuBoise is poisoned with the venom of jealousy for the builder of Tuskegee.

But Dr. Washington, bent to one purpose, and determined upon one aim—the uplift of the masses,—ignores the petty, jealous attacks of his narrow-minded assailants, and continues on, uninterrupted and unswerving, with his grand and good work of uplift.

The address of the National Negro League, as sent "to the people of Great Britain," is signed by a few men who, like Prof. DuBoise, are actuated by jealousy and envy, and some of them have failed signally to carve a small niche in life's rotunda for themselves. In looking over the list we find names of some barristers without clients, some physicians whose books earn no royalties, some ministers whose religion has not the impress of Christian tolerance, some editors whose newspapers are but sheets of billingsgate and columns of defamation, and a few human jokes who are but impecunious camp-followers—the whole lot forming a limited few iconoclasts who are impaled upon their own jealousy, imprisoned within their own conceit, and halted by their own enviousness.

Dr. Washington is not infallible, but he is honest and sincere. He has never claimed infallibility. He may have made mistakes, but the mistakes, if made, were in an honest effort to build up and not in tearing down. Dr. Washington has the ear of the people of the world—of all races. He has the confidence and applause of his own race. His leadership cannot be disputed or disturbed by narrow-minded, self-opinionated men who, instead of spending their energies in building up, are wasting their energies in base attempts to tear down.

Brilliant, deep, finished scholar that Prof. DuBoise is, in the end his epitaph, because of his narrow, jealous spirit, cannot fail to be:

"He lived in the narrow hut of envy,
And fed upon filthy husks of jealousy."

Dr. Washington maintains his home and does his greatest labor of love down in the black belt, where his beloved people live in greatest numbers, and most need the service of real, honest, sincere, unselfish leaders. Prof. DuBoise left the real scene of needed action and betook himself to New York to fire envy-tipped paper bullets at long range. One is a

patriot at the head of an army of patriots; the other is a guerrilla, who hangs on that army's rear. One is wedded to breadth; the other is married to narrowness. One is faithful; the other is the antithesis of faithfulness.

When Prof. DuBoise designs with his own hands a monument out from which go annually hundreds of ambitious, determined, energetic, prepared negro boys and girls to better their, our and posterity's condition, and a monument upon which not only America, but the civilized world proudly gazes—when Prof. DuBoise shall have done this, then will addresses inspired by him be given respectful consideration.

"By their fruits shall ye know them." The fruits of Dr. Washington's labors are the sweet, life-giving fruit of noble effort and beneficent uplift. Prof. DuBoise's fruits are the bitter apples of jealousy and the sour grapes of envy. We repeat: "By their fruits shall ye know them."

HOWARD THEATER.

Last Sunday evening the Howard Theater passed from the control of colored management to that of white. Messrs. Benedict and Rosenthal, the owners, are of the opinion that a white manager can do more and better business than a colored manager. Such a move, no doubt, would succeed in some other city, except this one. Mr. W. H. Smith, who steps down and out, no doubt devoted his entire time and energy to the theater. If he failed to bring the crowd, certainly it was no fault of his. The citizens of this city had just begun to know and appreciate him. He had certainly organized a first-class stock company, of which any city would be proud. This stock company was under the direction of Mr. J. Lubrie Hill, and all who saw him in "Our Friend From Dixie" must admit that he was an actor. Mr. Smith spared neither pains nor expense to give the people of this city what they have been asking for ever since the establishment of "Jim Crowism" in all the theaters in this city—a theater of their own. Messrs. Rosenthal and Benedict made it possible for the colored people to realize their fond hopes. Every officer and every employee were colored. Every show, with a few exceptions, was colored. Now the manager is white who succeeds Mr. Smith; and the treasurer is white, and he succeeds Mr. Myers. All the shows hereafter will be white. Are the colored people appreciative? We have several moving picture shows—Ford Dabney, especially—but the colored people prefer to attend Happy Land, where they are compelled to go into a separate entrance and occupy separate seats. Instead of attending the Howard Theater, where they are permitted to breathe the air of freedom and independence, they prefer to go to the Academy and pay 25 cents for the peanut gallery, where the white people only pay 15 cents for the same seats. Is it a fact that the colored people prefer to be "Jim Crowed" to enable them to inhale the air of the white people? There is something radically wrong with the colored brother. If the Howard management fails under the new movement The Bee is unable to say what the next move will be.

3—EDITORIAL

WHY NOT REMOVE THEM?

To the chagrin of the people of Southeast Washington, the government of this city has permitted a local real estate firm to build several sporting houses near the colored school-house and respectable colored citizens in the vicinity of these houses. Since it is claimed that these houses are moral necessities and are permitted to exist, why not place the white houses in white communities and the colored houses in colored communities? Or place them all in one section of the city. It is the duty of the Commissioners of the District of Columbia to order the closing of these houses in the vicinity of the colored school. The Bee feels confident that the white people in the community would not permit one of these houses to remain in the vicinity of one of their schools. Why should the colored people be imposed upon? Some action should be taken at once to remove these evils. The colored children can look out of their school windows at any time and see the inmates of these sporting houses. The Bee feels confident the Commissioners can break them up. Here is a case where our chief of police can order Captain Williams in No. 4 to raid these houses. Our chief of police doesn't have to wait for orders from the

Commissioners. He will do the colored citizens of the city a favor if he will order his Captain to close up these houses. He can do it. Now, Major Sylvester, show your nerve. You have it; now execute it.

HENRY GASSAWAY DAVIS.

Since a Democrat is to succeed our good friend, Senator Scott, we don't know of a better man to succeed him than Senator H. G. Davis, the father-in-law of Senator Elkins. Ex-Senator Davis, it can be said, is the poor man's friend, and a friend of colored people, who love and respect him. He employs thousands of colored citizens in his West Virginia mines, and to-day, if it were possible for these colored men to vote for him, Mr. Davis would come to the Senate. The Bee has always had high esteem for this distinguished citizen of West Virginia. He doesn't belong to that vicious class of Democrats who want all colored men exterminated. The Legislature of West Virginia would do honor to the State if it elected the ex-Senator the successor of Senator Scott.

PRESIDENT ROOSEVELT.

It cannot be denied that ex-President Roosevelt is to-day the greatest American upon this continent. Whatever may be his faults, the American people respect him. The defeat of the Republican party in the last campaign was attributed to Mr. Roosevelt. If the charge is true, The Bee is of the opinion that he will be a political factor in 1912. President Taft, if he wants the colored vote, must do something at once to bring that vote back into the Republican party. The colored voter is no longer the serf of any political party. Mr. Roosevelt must do his duty in restoring the party to power. Will ex-President Roosevelt be able to return in 1912?

ONE vs. TWENTY.

Dr. Booker T. Washington made a tour of Europe some few weeks ago, and briefly spoke of the condition of the colored people in this country. What he said set up a howl throughout America. A self-constituted committee of colored men met somewhere in New York and sent out a signed denial of what Dr. Washington had said. The American colored man is a peculiar genius. He does nothing himself; and if one should happen to say or do something, a cry goes out that is a detriment to the person who is doing something.

The Democratic party will reward the colored independents by introducing a "Jim Crow" bill in the House of Representatives.

If Dr. Shepard and Dr. Washington could consistently pool their issues, no doubt the educational world could be united.

The Bee would advise the President to change his Southern policy and unite the Republican party.

Mr. Sinclair doesn't believe in divorces. His reasons are very poor. Perhaps if he had a bump upon his head several times, he would change his mind.

Capers, of South Carolina, was always the colored Americans' great political father before he was put out of office.

Business at the Police Court is getting slow. There are more lawyers than there are clients among a few of them.

Why do colored Odd Fellows and Masons fail to keep their obligations with one another?

The Lincoln Amusement Company will attempt to build a theater. The Bee has every reason to believe that it will succeed.

Grandfathers' Clause

Continued from page 1.

one citizen of the United States over another on account of race, color or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guaranty against the discrimination; now there is. It follows that the amendment has invested the citizen of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color or previous condition of servitude. This, under the express provisions of the second section of

the amendment, Congress may enforce by "appropriate legislation."

In Ex parte Yarbrough, 110 U. S., 651, Mr. Justice Miller, speaking for the court, said (p. 664):

"The Fifteenth Amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the National Government, and was not intended to be left within the exclusive control of the States."

And again:

"While it is true, as was said by this court in United States vs. Reese, 92 U. S., 214, that this article gives no affirmative right to the colored man to vote, and is designed primarily to prevent discrimination against him whenever the right to vote may be granted to others, it is easy to see that, under some circumstances, it may operate as the immediate source of a right to vote. In all cases where the former slave-holding States had not removed from their constitutions the words 'white man' as a qualification for voting, this provision did, in effect, confer on him the right to vote, because, being paramount to the State law, it annulled the discriminating word 'white,' and thus left him in the enjoyment of the same right as white persons. And such would be the effect of any future constitutional provision of a State which should give the right of voting exclusively to white people."

Neale vs. Delaware, 103 U. S., 370. "In such cases the Fifteenth Article of Amendment does, proprii vigore, substantially confer on the Negro the right to vote, and Congress has the power to protect and enforce that right."

That the Fifteenth Amendment has proprio vigore the effect of eliminating the qualifying adjective "white" from all State constitutions and laws in fixing the qualifications of voters has been fully recognized by the Court of Appeals of Maryland in numerous cases. Schaffer vs. Gilbert, 73 Md., 66; Southerland vs. Norris, 73 Md., 326; Hanna vs. Young, 84 Md., 179; Pope vs. Williams, 98 Md., 59.

It is therefore apparent that in enforcing the discriminating provisions of the State statute, the registers were doing and intended to do an act forbidden by the supreme law of the land, and for doing which the State statutes could afford them no protection.

It is suggested in argument that if the clause in question of the Maryland statute is by the Fifteenth Amendment rendered invalid, the whole statute falls with it, and the registers had no power to register anyone under it.

This was held in Giles vs. Harris, 189 U. S., 475, where the complainant alleged that the whole registration scheme of the Alabama Constitution was a fraud on the Constitution of the United States and void, and asked the court in an equity suit to so declare; at the same time, asking the court to decree that the complainant be registered. The court held that if the complainant's contention was sustained and the whole scheme declared void, there was no warrant of law for registering him at all.

The plaintiffs make no such allegation or contention in this case. The law is recognized as valid in all its provisions except the one which discriminates; and the plaintiffs allege that but for that discriminating clause they would have been entitled to register.

We are now to consider whether it was a requisite of good pleading that the declaration should allege that the defendants acted wilfully, maliciously, fraudulently or corruptly, in order to render them legally liable in these suits which are brought to enforce the statutory remedy given by Section 2004 and Section 1979.

It is to be observed that there can be no right of action under the Fifteenth Amendment and these sections of the Revised Statutes unless the discrimination and denial was in pursuance of a State law.

Therefore, if the defendants' contention could be upheld, the defendant in such a suit could always plead that he did not act maliciously or willfully or in bad faith, because he was acting in obedience to the laws of the State.

The purpose of Congress in these sections is distinctly stated to be to give a right of action and an effective safeguard against deprivation of a right by the enforcing of a statute of the State; and when it says (Section 1979) that "every person who, under color of any statute of any State, subjects or causes to be subjected any citizen of the United States to the deprivation of any right, privilege or immunity secured by the Constitution and laws, shall be liable to the party injured in an action at law," what can it mean but that the enforcement of the State law is of itself the wrong which gives rise to the cause of action? How could it be made to appear that the officer appointed to enforce a State law was guilty of malice in doing what the State law commanded him?

The common sense of the situation would seem to be that the law forbidding the deprivation or abridgment of the right to vote on account of race or color being the supreme law, any State law commanding such deprivation or abridgment is nugatory and not to be obeyed by anyone; and anyone who does enforce it does so at his known peril, and is made liable to an action for damages by the simple act of enforcing a void law to the injury of the plaintiff in the suit, and no allegation of malice need be alleged or proved.

There are restrictions of the right of voting which might, in fact, operate to exclude all colored men, which would not be open to the objection of discriminating on account of race or color. As, for instance, it is supposable that a property qualification might, in fact, result, in some localities, in all colored men being excluded; and the same might be the result, in some localities, from an

educational test; and it could not be said, although that was the result intended, that it was a discrimination on account of race or color; but would be referable to a different test.

But looking at the constitution and laws of Maryland, prior to Jan. 1, 1868, how can it be said, with any show of reason, that any but white men could vote then—and how can the court close its eyes to the obvious fact that it is for that reason solely that the test is inserted in the Maryland Act of 1908, and is not the court to take notice of the fact that during all the 40 years since the adoption of the Fifteenth Amendment, colored men have been allowed to register and vote in Maryland until the enactment of the Maryland Statute of 1908?

It was primarily the right of suffrage which was to be protected against any restrictive legislation of the States which was the subject matter dealt with by the Fifteenth Amendment and the Revised Statutes; and, considering the purpose of the law, it does not seem that any other construction can be defensible.

United States vs. Reese, 92 U. S., 214-218.

It is urged by the defendants that the inhibitions of the Fifteenth Amendment against the denial of the right to vote of citizens of the United States on account of race or color, must be held to apply only to the right to vote at Congressional elections derived from the United States, and does not apply to the right to vote at State or Municipal elections given by the State.

The Fifteenth Amendment was proclaimed March 30, 1870, and by the Act of May 31, 1870, Congress undertook to exercise the powers it understood were granted by the Amendment and passed the Act, now Section 2004, providing expressly that all citizens of the United States otherwise qualified should be entitled and allowed to vote at all elections in any State, Territory, county, city, without distinction of race or color, any constitution, law, custom, usage or regulation of any State or Territory to the contrary notwithstanding.

Nothing in the way of interpretation by the legislative body which itself had framed the amendment, could be more significant than this enactment passed by Congress immediately upon its adoption. I do not find in the cases cited from the Supreme Court anything opposed to that interpretation.

It seems clear that, when, by the Fifteenth Amendment, it is declared that the right of citizens of the United States to vote shall not be denied or abridged by any State on account of race or color, it means what Congress understood it to mean, namely: The right to vote at all public elections.

It is further agreed by the defendants that if the Fifteenth Amendment be construed as forbidding discriminations at State municipal elections, it is beyond the power of the States to so amend it, and therefore it should not receive that construction.

I do not appreciate the force of this contention.

That the Amendment declaring all persons born in the United States to be citizens of the United States, and of the State wherein they reside, without discrimination on account of race or color, is beyond the amending power is not suggested; and if so, it cannot be reasonably maintained that to declare that such citizens shall not be deprived of the privilege of suffrage because of race or color, is beyond the amending power. One follows from the other.

It is my judgment that each of the declarations states a case in which the right of action is validly given by the construction and laws of the United States and that the demurrers should be overruled.

NOTES ON RACIAL PROGRESS

As Reported by National Negro Business League.

New Negro Bank.

The Peoples' Home Savings Bank, at Shaw, Miss., capitalized at \$15,000, is one of the latest entries in the domain of financial organizations. The incorporators are said to be substantial and well known business men of the community whose individual successes have been so marked as to inspire the confidence of those who patronize the institution. The town of Shaw is one of the most progressive in the Delta, and draws on a marvellously rich territory. For this reason the bank ought to succeed.

Negro Fairs.

There are an unusual number of Negro fairs being held this autumn. The Bolivar County Negro Fair has just closed its first successful meeting at Mound Bayou, Miss. There was an unusual display of cotton, corn, hogs, cattle, mules and sheep. In the poultry exhibit were shown fowls bred especially for egg production and for table use. Household productions were also well represented.

At Greenville, Miss., the Negroes have just held a successful fair, and also at Jackson, where they participated in the State Fair.

The Negro exhibits at the Alabama State Fair were exceptionally good. The corn, cotton, live stock, women's work, etc., compared favorably with what was exhibited by the whites.

The Macon County Farmers' Institute Fair, which was held at Tuskegee Institute, Alabama, on the 28th and 29th of October, showed in many ways the remarkable progress that the Negroes in the Black Belt are making in agriculture. There was once a time when the Negro carried his produce to the fair on his back or in a broken-down ox-wagon, but at this fair the farmers brought their products by the two-horse wagonload. The same farmer would bring a large amount of cotton, corn, oats, wheat, barley, peanuts, potatoes, canned and preserved fruits from the home, and fancy and plain sewing belonging to his wife.

Among the State Fairs that are being held are those at Macon, Ga., Augusta, Ga., and Columbia, S. C. The Giles County (Tenn.) Negro

Fair has just closed at Pulaski. It is not generally known that a Negro fair has been held at Pulaski for the past several years, and that it compares favorably with many county fairs held in counties of the Northern States. This fair is composed entirely of Negro farmers and business men of Giles County.

Negro fairs are of incalculable benefit to the race. What the Negro fair in South Carolina has done for that State the Negro fair is doing throughout the South. Of the Negro fair in South Carolina it is said: "The Negroes of South Carolina should feel proud that they have a fair of their own. It furnishes great inspiration for racial progress, and begets a love of race enterprise. It is here that all men and women have the opportunity to show what they have accomplished in any special line. Farmers can show their best products. Mechanics can show their skill, and literary men their best productions. The State Fair has done more than any other thing in bringing the Negroes of South Carolina together. It has proved a common interest and has begotten a spirit of progress."

The last statement of the Bank at Mound Bayou, Miss., shows that the bank has resources amounting to \$126,113.83, and that individual deposits, subject to check, amount to \$33,934.93.

It is estimated by a writer in the Banker and Investor Magazine that the Negroes of the United States have not less than \$30,000,000 on deposit in the United States. In one bank in Washington, D. C., alone, they have more than \$500,000.

A movement has been started in Atlanta, Ga., by Rev. M. P. McCreary, pastor of the Magnolia Street Baptist Church. This movement, known as the Young Men's Progressive Band of the Reliable Labor Association, is expected to win the approval of both the white and colored members of the city.

The object is to form an association of hard-working and industrious Negroes. If a Negro comes into the ward who has these qualities he will be invited to join. If he is without these qualities the association will not aid him to secure a place to work. The object of the colored pastor is to build up the association so that its indorsement of an applicant for a position will mean something.

In speaking of the movement, Rev. McCreary said:

"Our purpose is to prevent the commission of crime by our people, and to be steady and industrious. We will use our influence to prevent crime of every kind, and thus aid in keeping out of the chain-gangs and stockades our men and boys whose free labor and talents are needed to build up the city and State and make the race better."

The colored men of means in Knoxville, Tenn., are co-operating, and have several business organizations now in course of formation. This business activity is due in no small measure to the influence of the East Tennessee News, which, as an example, says:

"There can be no real reason advanced why in Knoxville we cannot have a colored bank, or a colored general store, or real estate firm, building homes for our own people, in the same manner as other cities of the South. We have made several successful professional men by our patronage, now why cannot we by the same patronage make successful business men. We can and will, for the opportunity will be given soon for the trying out of the business ideas in Knoxville. Give it your encouragement and patronage."

The Tuskegee Negro Conference.

Tuskegee Institute, Ala.,
November 19, 1910.
The twentieth annual session of the Tuskegee Negro Conference will convene at Tuskegee Institute on Wednesday and Thursday, January 18 and 19, 1911.

On Wednesday, the first day, the Tuskegee Negro Conference will be held. Among the topics to be discussed are: Making Farming Pay, Successful Truck Farming, Fruit Raising, Livestock and Poultry Raising, Cotton Raising, How to Successfully Manage a Large Plantation, How to Make a Living on a Small Farm.

A number of prominent white planters are expected to be present, and the question of making tenant farming more profitable both to the landlord and to the tenant will be discussed somewhat at length.

On Thursday, the annual Workers' Conference will be held. On this occasion an unusually large number of persons directly engaged in Negro education from the schools of the South especially or interested in the uplift of the Negro are expected to be present. Among the subjects that will be taken up at the Workers' Conference is the following: How can ministers, teachers and business men assist the farmers to make agriculture more profitable, particularly by assisting in teaching farmers more efficient methods of farming, and also to develop the business side of farming.

The indications are that the coming annual Tuskegee Negro Conference will be the largest and most successful of all the conferences held at Tuskegee Institute.

Dr. Moore Urged.

Dr. Lewis B. Moore, say his friends, with his superior professional training in education and philosophy, and his years of experience as founder and dean of the Teachers' College of the University, would make an ideal superintendent of our colored public schools in case of a change in the office.

Philadelphia House.
Mrs. Carroll, the proprietor of the Philadelphia House, is running one of the finest Palm Gardens in the city.

Two New Banks.

The Bee's genial friend, Mr. Samuel G. Stewart, has just purchased for his two clerks, at 1141 Seventh street northwest, two new cash registers in which his two receivers of cash may place it after it is handed over the counter to them. Sam has an eye to business, and he has oceans of friends who wish him success.