

*Congress and the  
Brownsville Affray*

A bill has been introduced into Congress which provides that any negro soldier discharged because of the rioting at Brownsville shall, upon his taking oath to his innocence, be reinstated. The bill is not at all likely to pass; if it were passed, it is certain that the President would veto it; and even if it should become law, it would have no binding force whatever. Congress cannot usurp the appointing power of the President; it cannot, by merely passing a bill, oust the President from his Constitutional position as Commander-in-Chief of the army. Senator Foraker, who has introduced the bill, knows this; but most negro voters do not; and a good many people who have taken counsel of their prejudices in regard to this affair will forget or ignore that fact. That there were certain soldiers of Companies B, C, and D of the Twenty-fifth Infantry who had demonstrably no part either in the shooting or the guilty silence which protected the offenders is acknowledged. As the President has reminded Congress by a message delivered last week, he had, as far back as December 12, 1906, issued, by the Secretary of War, an order, and soon thereafter began proceedings, for the reinstatement of those soldiers who could show that they had no part in the affray. Of course when the Senate, at Senator Foraker's instigation, undertook to act as judge on the merits of the dismissal, the President suspended action in the matter, so as to leave the Senate free to reach their conclusions unhampered by a parallel Executive investigation. The Senate investigation dragged on for months. If there are negro soldiers out of the service who might have been

reinstated some time ago, they have Senator Foraker to thank. The course of Senator Foraker in this affair illustrates the political untrustworthiness which has marked his career, and which has resulted in his present overwhelming defeat as a party leader in his own State. Now that the Senate investigation is over, leaving the situation exactly as it was in December, 1906, the President has announced his purpose to continue the proceeding which was at that time interrupted. Inasmuch as, in consequence of the delay caused by the Senate investigation, the innocent men have not had the chance to re-enlist within the time limit, the President recommends to Congress "the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting reinstatement by direction of the President of any man who in his judgment shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the army." Such a law would enable the President to bring to completion what he had begun to do over a year ago, and what he would have finished but for the insistence of some of the soldiers' unwise and blundering partisans.