

*Senator Foraker
on Brownsville*

On Tuesday of last week Senator Foraker delivered a speech before the Senate on the Brownsville affray. It was, of course, a defense of the soldiers who had been discharged. No summary of this address, which occupies fourteen pages of the Congressional Record and which consists in detailed review of testimony, can convey to the reader the effectiveness of the speech itself. Senator Foraker made good use of his opportunity, and marshaled his arguments with skill. Throughout he made it plain that he regards the investigations into the affair which were made by the War Department as unfair. He pointed out time and again the departure of the investigators from the usages of courts of justice. In restating the testimony against the soldiers he laid emphasis upon the contradictions it embodied. He alleged that the testimony proved the night on which the shooting occurred to have been so dark that persons who testified as eye-witnesses could not have seen the occurrences which they had sworn they had witnessed. He denied that the soldiers had any motive for shooting citizens, and cited testimony in support of the theory that citizens of Brownsville had a motive for shooting the soldiers. He pronounced the character of the men to have been such as to strengthen greatly the presumption of their innocence. The testimony of the soldiers on their own behalf

Senator Foraker described as being without contradiction upon any essential point. He reviewed the testimony as to the presence of the soldiers at roll-call, the marks on the cartridge shells found in the street, and the accounting for the guns. He concluded that "there is testimony of the strongest character in favor of the soldiers in the striking improbability of the whole theory of their guilt." Senator Foraker explicitly stated that, in his opinion, neither the Inspector-General of the army nor the President of the United States was in a fit state of mind to reach a sound conclusion such as he had presented. Of course Senator Foraker's whole argument is vitiated by his failure to acknowledge one very simple fact: that the discharge of the negro soldiers was not the punishment of men accused and convicted of crime; it was the dismissal of untrusted servants. The fact that the investigations were not conducted according to judicial usages has no bearing on the case at all. Senator Foraker would not wait for judicial proceedings before discharging an agent of his in some position of trust in whom he had, with good reason and after his own examination, lost confidence; nor would he reinstate such an agent simply because he had never been convicted of a crime. To say, as Senator Foraker solemnly said, that "it would seem that we are to be carried back in the administration of justice . . . to the days when if a man but stood mute he was liable to be put to death for it," is preposterous. We do not believe that Senator Foraker himself regards this statement as anything but rhetoric. It needs to be said over and over again, and The Outlook has repeated it, that the discharge of the negro soldiers without honor was not an attempt to administer justice; it was an attempt—and a successful attempt—to eliminate from the army men who could not be trusted with the power of soldiers. Moreover, some newspapers need to be reminded that, besides civil and military trials, there have been five investigations—three by the Inspector-General's Department of the Army, one by the co-operation of representatives of that department and the Department of Justice, and one

by the Senate Committee on Military Affairs. The conclusion of each of these investigating bodies was that soldiers of the dismissed companies were guilty of the shooting; and of all those who participated as investigators on these several bodies, Senator Foraker stands alone in declaring without any qualification his belief in the absolute innocence of the entire battalion. To accept his speech—the address of one who has made himself an attorney for one side—as a judicial summing up of the whole case is not intelligent.

