

THE OFFENSE OF ENFORCING THE LAW: A
REPLY TO SENATOR DAVID B. HILL *

WHEN I accepted the invitation to come here to-night I had no thought of commenting upon what any man of either party should say. But as things are now I must. This is the first chance I have had, and I eagerly seize it, to answer the attack made upon our principles by Senator Hill, and upon what in particular we in New York have done.

It is to be regretted that a question of such elementary morality as the honest enforcement of law should be plunged into politics. But Senator Hill has seen fit to make this the issue; and as such is the case, we cannot shrink from it. He has deliberately made himself the champion of the Saloon against the Church. We greatly regret he should drag such an issue into politics; but if we must choose, we certainly stand for the Church against the Saloon. He has just drawn the platform upon which he thinks his party should stand in this campaign. He makes his whole fight against what the police commissioners of New York City have done. His speech, in which he professes to set the key-note of the coming campaign, is devoted almost solely to denunciation and misrepresentation of our work. He belongs to the type of so-called practical politicians who care nothing for principles but everything for votes. He believes rich brewers and swarming liquor-sellers, and the ignorant people who follow them, will outvote decent men. It behooves decent men to rouse themselves and

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prove that he is wrong. He announces that the campaign of his party is to be waged upon what he styles the issue of personal liberty. What he means is simple. He does not demand personal liberty to do whatever is right and legal, for that is already possessed by law-abiding citizens. He demands personal liberty to commit crime. When he attacks us for what he terms a harsh enforcement of the law, all that he means is that he disapproves of us because we have enforced the law honestly.

Senator Hill's platform has for its two chief planks the personal liberty of the individual to commit crime, and the personal liberty of public officials to enforce the law dishonestly and corruptly. He stands in favor of the criminal on one hand, and of the corrupt official on the other. The personal liberty which he champions is of the kind which would allow the private citizen to sell his vote, and the candidate for office to buy it; it is the personal liberty of the police officer to blackmail the saloon-keeper to violate the law if he pay sufficient bribe-money. He champions that kind of personal liberty which leads men to the penitentiary.

It is no new position, this of Senator Hill's. It is in its essence the same as his championship of personal liberty two years ago, when he proclaimed the personal liberty of a State official to steal election returns, and of a United States senator to reward this official with the nomination to a high judicial office for so doing. This was the species of personal liberty which the senator enthusiastically praised when he struck the key-note of the campaign of 1893; and it is eminently fitting and proper that he should once more appear as the champion of the same kind of personal liberty on behalf of other foes of decent government.

Senator Hill of course renews his invectives against the commissioners. Let it be remembered that it was the senator who first assailed and thereby forced us to answer him. Now he complains of our answer. He hit at us first and we hit back much more effectively in return, and now he cries out at the punishment. He complains because I have called him the champion of the lawbreaker and the ally of the criminal. He is both, as he always has been.

Remember that it is Senator Hill who seeks to make this a party issue. The police board is composed of two Republicans and two Democrats; and all that it has done is to honestly enforce the law. Senator Hill wishes to rule out my two Democratic colleagues from the Democratic party because they are honest men. He seeks for the first time to make dishonesty a test of party fealty. The Democracy of my two colleagues needs as little defense as the Republicanism of my other colleague and myself. They are Democrats, as their fathers and grandfathers were before them. One of them has held office as a Democrat under the municipal and Federal Governments; both of them in the last three presidential elections were more loyal to the presidential nominee of their party than was Senator Hill. But they are men who refuse to accept Senator Hill's belief, that all honesty and decency shall give place to the fancied needs of a corrupt political machine. I should never, myself, try to make the issue of honesty against dishonesty a party matter; but when Senator Hill decrees that his party shall stand as the champion of the lawbreaker and the corruptionist, he leaves us no alternative, unless that party repudiates both him and his policy.

Keep in mind, that the present excise law was en-

acted by the Democratic party when the governor and both branches of the legislature were Democratic. It was that particular time when Senator Hill and Tammany Hall owned the legislature and the governor alike. There has been no change in the law since then; the only change has been that we have honestly enforced the law.

Many of the senator's statements as to us and our policy need not be refuted by argument, for they are simple and malicious untruths. Such is his statement that we have enforced this law for the purpose of making it unpopular. He well knows that we had no such motive. I do not think that he knows our real motive, because he seems quite incapable of understanding the elementary proposition, that a public officer will enforce a law because it is his duty to do so. He says that we have changed our attitude; that at first we announced that we wished to have the law altered, and afterward announced that we approved of it as it was. This is a simple untruth. We have never changed our attitude; we have always stated that whatever the individual opinions of the commissioners might be, the board was a unit on the question of enforcing this law honestly; because the members were true to their official oaths. We will not allow the fight to be shifted from the ground of the honest enforcement of law. But when the senator asserts that our action has resulted in harm, we certainly have a right to show that the reverse is true, and that drunkenness and disorder have greatly diminished.

Again, the senator states that we played the part of spies in endeavoring to enforce the law, and contrasts this with the conduct of our Tammany predecessors, whom he so much admires because they did not act as

spies, but let the police captains collect blackmail and the lawbreakers violate the law without interference. With superfluous mendacity he even asserts that we wore disguises. This is the kind of untruth which is best characterized by the use of a harsher term. The silly accusation that we wore disguises is so preposterous as to be hardly worth denying. As for his stating that we played the part of detectives, we did it to the same extent that a superintendent of a railroad plays such a part when he actually superintends the work that is being done, so as to find out for himself how it is done, and to know that his subordinates are giving efficient service.

We intend to do our duty. This is seemingly so novel an idea to Senator Hill that he cannot understand it. To do our duty we must have some kind of idea how our men are working. We have visited the precincts at all hours of the day and night; we have worked often almost every hour of the twenty-four, for we had before us the herculean task of cleaning a stable of such Augean filth that it needs a man of Senator Hill's moral insensibility to defend it. Of course, we personally saw to the best of our ability that the police were honest and energetic in the enforcement of law. The senator says that we neglected enforcing all other laws in order to enforce this. Again this is a wilful untruth. Order has never been so well preserved; crime against personal property has never been better controlled than in the last four months. The figures for these four months, as compared with the corresponding four months under the previous administration, show that the number of felonies has decreased, and that the number of arrests of felons has increased.

I hold in my hand a letter from the warden of Bellevue

Hospital, where there is a prison ward for certain kinds of offenders:

“I beg leave to report that the male prison ward of the Hospital was without a patient from 10 A. M., August 22d, to 4 P. M., August 24th. This has not occurred before since the ward was established—ten years ago. In my opinion it is largely due to the prompt closing of the liquor saloons at 1 A. M. The roundsman in charge of the prison coincides in this opinion.

“I may add that on Sundays, our principal visiting-day, visitors to the patients have never been more orderly than the past four or five weeks.

(Signed) “W. B. O’ROURKE.”

“Sept. 6, 1895.”

Senator Hill enumerates under seven heads the offenses of which he asserts we have been guilty.

First. He asserts that we have nullified the provisions of the law which allow innkeepers to sell liquor to guests with their meals, because we have insisted that these must be real meals and not pretended meals taken to evade the law. In other words the senator openly champions the “fake meal,” and actually asserts that he and his friends put this provision into the statute with the deliberate purpose of having it construed in a fraudulent manner. The senator says our construction is wrong; but the court says it is right. I will give you a concrete instance to show what we mean by “fake meals.” One of our arrests was in a case where a party of men had thirteen beers to three crackers. The senator’s position is that he intended the law to be construed so as to allow such an entertainment to be called a bona-fide meal. When he makes such a

statement he must indeed have unlimited faith in the willingness of the body politic to condone fraudulent legislation. The present law is in many ways defective and difficult to enforce, because it contains provisions deliberately put in by Senator Hill's allies so that it should be difficult to enforce, except for purposes of blackmail.

Second. He states that we have closed the poor man's beer-saloon, but have not interfered with what he calls the aristocratic club. Again he wilfully and deliberately states what he knows to be an untruth. We can only act as the law provides. We have closed all the saloons, and thereby put a stop to the wholesale blackmail and corruption which were eating into the police force. We have been quite as rigid closing the bars of the big hotels on Fifth Avenue as in closing the bars on the Bowery and Avenue A. We have made no discrimination between the rich man's club and the poor man's club. Under the law it seems that neither is entitled to sell liquor, and we will prevent its being done, so far as we can, in one case precisely as in the other.

We know no distinction between the rich and the poor. We know no classes. We are Americans, and we treat all American citizens alike. We have applied the same standard to all; and I believe that the senator mistakes the temper of the people when he thinks he can influence them by his cheap demagoguery about "aristocrats." The senator does not object to us because he thinks we are aristocrats. He knows better. He objects to us because he thinks we are honest; and because he knows that we do not care a snap of our fingers for him.

Third. The senator says that we have discriminated

by not enforcing the law against soda-water as we have enforced the law against liquor-selling. In the end we shall enforce all the laws; but in the order of their importance. The Sunday excise law stood in no respect on a par with the law about soda-water. The saloon-keepers, backed by the brewers and rich liquor merchants, form the wealthiest and politically the most powerful classes in New York; no one knows this better than Mr. Hill, for his machine has time and again profited by their wealth and their political influence. We found that they openly defied the law, and they were backed by the most powerful and unscrupulous politicians of the State, headed by the United States senator himself. All the best prophets said we would not conquer them; but we have conquered them. We conquered them because we refused to let our attention be diverted to minor issues. In breaking up the big barricade of the lawbreakers we are not going to drop the boulder in order to pick up a pebble; we are not to be diverted from shutting up the saloon by talk about the soda-water fountain.

Fourth. He says we have arrested children for selling flowers near graveyards on Sundays. So far as I know this is not true. Nobody in the Police Department has heard of any such arrest.

Fifth. He says we have arrested people for selling ice on Sunday to the "weary traveller." On the contrary we have decided that ice is a necessity and can be sold. He probably refers to one case in which the owner of a policy-shop, who feels as strongly as Senator Hill about "liberal laws," sold ice on Sunday to bother the police. One irate policeman finally arrested the man. So soon as we heard of it, we directed that no similar arrest should be made; although we had not the

slightest sympathy for Senator Hill's adherent, the gambler who kept the policy-shop.

Sixth. He says we have arrested people for cutting the weeds in their front yards. In one case a man was arrested for working in his front yard on Sunday; but we promptly reprimanded the policeman, and prevented any repetition of the incident.

Seventh. He says we have caused hundreds of causeless and unwarranted arrests to be made. This is an absolute untruth. The number of such arrests has been fewer than under our predecessors. Instead of being hundreds each Sunday, they have not averaged one a Sunday. And now that we are getting good discipline in the force, hardly any take place at all. The marvel is that there have been so few, in spite of the determined efforts of Senator Hill and his allies to encourage the police to go wrong.

Senator Hill has the audacity to say that there were no blackmail and extortion under the previous administration. No man with the faintest regard for facts would be guilty of such a statement. Has he not read the Lexow investigation? Does he not know that it was there shown that the police captains paid as high as fifteen thousand dollars for promotion? Does he not know that the whole system of blackmail by which these police captains were reimbursed was there set forth at length? Of course he knows this very well; but it suits his purpose to conceal his knowledge. He stands as the apologist of dishonesty in the past; the foe of honesty in the present, and the advocate of a return to the old system of unutterable foulness and corruption. He prattles about our executing the law harshly. Does he know that last year there were over eight thousand arrests under this law in New York City; so that they

averaged about one hundred and sixty a Sunday? Under us the average of arrests has sunk to but about one hundred a Sunday; and recently still less. Last Sunday there were but twenty-six. The difference is that his friends only arrested the men who would not pay blackmail or who had no political influence; whereas, we, though we made fewer arrests, invariably struck at the big criminal, and the wealthy offenders. In consequence, under us fewer arrests serve to close the saloons and the rich man as well as the poor man has to shut up. What the senator says about the blue laws does not need serious discussion. Apparently he thinks that because it was wrong to burn witches in the seventeenth century it is right to get drunk on Sunday in the nineteenth.

Senator Hill poses as the friend of the poor man but in this fight he is in very truth the friend of the drunkard and the bribe-taker. It is invariably the poor man who suffers most when laws are enforced with corrupt partiality. He advocates the dishonest enforcement of the law, and as a parallel, forsooth, he quotes the resistance in the North to the execution of the Fugitive Slave Act. It is characteristic of his whole mental and moral attitude that to him the desire illegally to gratify an appetite should stand on a plane with the fight for human freedom. Resistance to the law is justified only on grounds that justify a revolution. The doctrine that Senator Hill teaches is a doctrine which can only result in lawlessness and anarchy among the people at large; and in the widest corruption among the officials of the State. He deliberately puts himself upon a par with the lyncher and the whitecapper and the open foe of order.

Senator Hill takes this stand because he believes that the forces of evil outnumber the forces of good. He

hopes that he will attract from the opposite party more men who are vicious than he loses decent men from his own party. It behooves the people of New York to see that no such result happens; but whether it happens or not, most certainly the police commissioners of New York will not vary a handspread from the course they have taken, and will not feel a single regret for the policy they have followed. We would refuse to gain a victory at the price of joining those who believe that legislators should recklessly pass a law that is not intended to be enforced, and that executive officers should carry out this law only so far as they think expedient. We stand for the honest enforcement of law, and in the long run I have faith that the American people will approve of that stand, because the honest enforcement of law is vital to the ultimate well-being of our great Republic.