

# THE MONITOR

A Weekly Newspaper devoted to the civic, social and religious interests of the Colored People of Omaha and vicinity, with the desire to contribute something to the general good and upbuilding of the community.

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## THE FACTS OF THE FIGHT.

We had sincerely hoped that we were through, for a time at least, with the Dixon-Griffith photo-play which was permitted to run for six weeks in our city at the close of last year. Our readers are fully advised of the steps then taken, not to have the play stopped, but to have the most objectionable features eliminated or modified, as was done in many other cities before the pictures were permitted to be shown. But that the record may be clear, let us review what was done.

1. The matter was taken up personally with Mayor Dahlman, upon whom we felt we could confidently count. He called into consultation John C. Rine, city attorney, and directed him to look up the law and see if there was any ordinance under which he could act. Mr. Rine's opinion was that there was no such ordinance. Mr. Dahlman then said to us: "In the absence of an ordinance I do not see what I can do. If we had an ordinance under which I could act, and we ought to have one, I would see that the ordinance was enforced. There is not time enough now to have an ordinance passed that would prevent their coming. One might be introduced that would prevent such things in the future."

Mr. Rine speaking for the Mayor before a committee of citizens in the Mayor's office, gave the same legal opinion.

Up to this point we believe that Mayor Dahlman acted in good faith. We believe that Mr. Rine's opinion as to the absence of a specific ordinance covering the case was correct.

2. A representative committee of our best citizens, of both races then waited upon the management of Brandeis theatre, a representative of the company presenting the film being present, and requested the management to eliminate the most objectionable features. This they positively declined to do. One concession was secured from Mr. Sutphen. At the suggestion and request of Mrs. F. H. Cole, he consented to have printed on the theatre program, a note prepared by the committee calling attention to the fact that the fidelity and loyalty of the slaves as he protectors and supporters of the white women and children of the South during those perilous times was nowhere adequately portrayed in the film. This note was printed on the program.

3. Having failed to secure the relief we sought, as a last resort recourse was taken to the courts. Ten Colored citizens through the law firm of Jeffries & Tunison, filed a petition before Judge Redick in the District

Court seeking a restraining order. This Judge Redick refused to grant. He took the rather unusual course of refusing to issue an order directing them to show cause why they should not be enjoined. Judge Redick took the position that relief rested with the Mayor and Council. It has been suggested that Judge Redick's opinion may have been influenced by the fact that he is interested in or owner of the Gayety Theatre. We would dislike to believe that a judge would be in any way biased in giving his opinion or judgment in any case in equity because of his ownership or interest in similar property. Certainly, not a gentleman of the standing and probity of Judge Redick.

4. Early in November we presented a copy of the ordinance which had been prepared by the able attorneys of the N. A. A. C. P. to the city attorney's office and said that we believed that it would adequately cover the case here. The ordinance as submitted was amended by adding sections 2 and 3, and introduced by Mayor Dahlman to Council sitting as a Committee of the whole, November 11. It was recommended for passage and then "influence" was brought to bear to have it held up until the photoplay was about ready to leave the city. It was passed December 21st. The photo-play engagement closed December 26.

We believe that in holding up that ordinance Mayor Dahlman and all the Commissioners broke faith with us. We personally told three of them this in an interview in the Council chamber. The three were Messrs. Dahlman, Kugel and Drexel. We told them that it looked very much like a case of double crossing. We said so publicly in these columns.

After the ordinance passed we were told that it would be impossible for offensive photo-plays, etc., to be presented here in the future.

These facts are here set down for the enlightenment of Judge Foster, among others, in order that he may understand just what steps were taken and why it ultimately came up for his decision, "chiefly for political reasons," as he expressed it in prefacing his outrageous decision.

We were astonished when our attention was called to the fact that "The Birth of a Nation" was advertised for "a return engagement by request" at the Brandeis theatre. It was urged that it would be absolutely wrong to permit it to come without protest, inasmuch as a suitable ordinance was now in effect. We replied that it looked to us very much like a political trick. It was known how the race felt. The politicians who played us false would expect us to make a

great fuss about it; the law might now be enforced, and that fact would be sufficient balm for wounded feelings. We consented, however, to write a letter to the Commissioners advising them of what they already knew, that this play was coming and that they had an ordinance in effect under which they could act and simply asking what they were going to do about it.

The Council directed Police Commissioner Kugel in its session Monday morning to proceed against the theatre for violating the city ordinance. This he proceeded to do. The theatre management went before Judge Leslie and secured an injunction restraining the city officials from interfering or even filing a complaint! An unwarranted invasion of police power, upon which Judge Leslie was compelled to reverse himself by City Attorney Rine and McGuire.

This left the way open to file a complaint and have the manager of the theatre arrested. The City Attorney's office advised us that they were willing to do this if some of us who were interested would stand by it and help secure conviction. A committee consisting of Dr. Hutten, Thomas Adams, the Rev. W. T. Osborne, Mrs. J. Alice Stewart and the editor were called into consultation. Two of us frankly stated that we did not feel like wasting any more time in the matter; we were tired of being played with. The City Attorney's office, seeming so sincere, we concluded to co-operate for the sake of establishing a precedent.

Mr. Sutphen was arrested. The case was tried by Judge Foster of the Police Court to whose jurisdiction it belonged. Mr. McGuire appeared for the city and Mr. Kinsler for the theatre people.

Despite the fact that it was pointed out that the ordinance strictly forbids the exhibition of anything which "shall represent or purport to represent any hanging, lynching, etc.," and that the photoplay represents "Gus" as being lynched by the Ku Klux Klan and what purports to be his body is thrown on the steps of Lynch, the mulatto lieutenant governor, and a warning placard placed on the corpse, the erudite, the learned Charles E. Foster, police magistrate of the city of Omaha, referring to his notes prepared before the hearing of the case, decided that in showing "The Birth of a Nation" the management of Brandeis theatre had not violated Ordinance No. 9094, and therefore discharged the defendant from custody.

**This Decision is Rotten—Absolutely Rotten to the Core.**

Anyone with a thimbleful of brains or common sense, who will read the ordinance and see the photoplay and, especially the lynching of "Gus" and yet claim that the ordinance is not violated, in our judgment, exposes himself to the charge that he is either a fool or a knave.

Here is the story of our fight on the photoplay and the result. It calls for some hard thinking. What do you think about it?

## NEW HOME FOR NEW YORK Y. M. C. A.

New York City, March 10.—Plans for the new building of the West Fifty-third street branch of the New York Young Men's Christian association are being drawn by John F. Jackson. Work on the building will be begun on May 1. The land and structure will cost about \$180,000. The building will be located in Harlem at West One Hundred and Thirty-fifth street, near Seventh avenue.

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