

# THE COURIER

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## OBSERVATIONS

In these columns I have indulged in some good-natured discussion of the Omaha Knights of Ak-Sar-Ben. Now Isadore Rush and all that aside, this Ak-Sar-Ben movement is really the best thing Omaha has ever undertaken. I don't know in whose head this scheme originated, but it was a good head. The Knights of Ak-Sar-Ben is the name of a secret order. The members hold frequent meetings, and as the direct outcome of this movement there is to be observed in Omaha a feeling of loyalty, a spirit of enterprise, that are doing a world of good in preventing the citizens of the metropolis from getting discouraged. The Knights of Ak-Sar-Ben are representative, public-spirited men, young and active, and the secret order feature seems to be a good thing in sustaining interest. The knights are responsible for the best part of the recent state fair attractions, and I understand they are conspiring for other demonstrations in Omaha's interest. Something like the Ak-Sar-Ben idea might be utilized for the benefit of the whole state. It might be tried in Lincoln. Here we have had a board of trade and a commercial club and other things, but decay or dry rot has invariably overtaken them. It is possible that an organization similar to the Knights of Ak-Sar-Ben might be productive of much good in this community.

It may as well be admitted. Omaha has more public spirit, more push, greater fertility of ideas, greater zeal in execution than Lincoln. That society circus, for instance, was a glittering, glowing, glaring success. It was almost impromptu in the haste in which it was arranged. But it went off with a vim

and effectiveness that testified to the enterprise and earnestness of the Omaha people. In Lincoln there are people just as capable, and individually, just as active as the people in Omaha, but somehow they do not get together. I wonder if it would be outside of the province of the Lincoln club to do something in the Ak-Sar-Ben line?

At the circus there were glittering chariots driven by beautiful and beaming women, cage upon cage of ferocious wild beasts, performing donkeys and eccentric clowns. There were elephants and bands of music and acrobats and jugglers and riders. There were scores of young and charming girls in the drills and chorus—and these Omaha young women were particularly lovely in their white gowns and ingenuous airs and seductive smiles. There was all the noise and show, the gloss and glory of the circus, and attractions beyond number. But first and foremost in the public eye was the chief ringmaster, W. J. Bryan. The people of Lincoln may find gratification in the fact that Omaha had to come to Lincoln for the most effective feature of the circus. Two weeks ago I felicitated the people of Omaha upon the selection of Mr. Bryan, and in his great success as ringmaster I was more than vindicated.

However you or I or anybody may differ from Mr. Bryan politically, we must all admire the wonderful versatility and facility of this man, 'tho some of us hesitate to confess it. Who in all the state of Nebraska is so many sided, so easy and so effective in so many different ways, as this lawyer-politician-editor? Mr. Bryan never yet failed to rise to the occasion, and somehow he always manages to acquit himself with credit and distinction, whether he is delivering a political speech or making the introductory remarks at a benefit for a poor author; whether he is addressing a Sunday school or acting as ringmaster of a circus.

The little unpleasantness that may be said to exist between Judge Dundy and myself is interesting, not for the personal aspects of the case, but on account of the great question involved. If the position taken by the grand jury and by Judge Dundy is sustained then citizens of Nebraska, this great and so-called free state will find themselves in a condition properly comparable to the state of things that caused one period of history to be known as the Dark Ages, a time when tyranny triumphed and the people were ground under brutal oppression, when injustice and evil ruled and men were afraid to call their souls their own, when there was no such thing as liberty. What Judge Dundy and his grand jury have done and are attempting to do may be in conformity with the ideas that obtain in Darkest Russia, where Siberian exile threatens all who venture to speak against those in authority, but whatever may be the idea entertained by Judge Dundy and

his gang these things are certainly not in accord with the sentiment of the whole people, with the sentiment or principle on which this nation was founded, and which underlies all our public institutions.

The Courier simply put in print what everybody was saying. It is true that the strictures on the court might have been less severe. The men who forged the way for American independence might have been more temperate in speech. But people smarting under the sting of a great outrage do not sit down and weigh their words as they would measure grains in an apothecary's scales. Nor is it necessary that they should. The day of the sedition law is long since passed. The constitution of the United States in its first amendment provides that congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press. In 1798, during the administration of John Adams, congress passed the alien and sedition laws. The latter undertook to punish the persons who should speak, write or publish anything derogatory to the president or the government of the United States. Public opinion was quickly aroused and this law soon passed out of existence. Since that time there has been no attempt to curtail the liberty of speech or of the press. It may be that knowledge of the repeal of the sedition law has not reached Judge Dundy.

Certainly the press and people should maintain an attitude of proper respect toward those in authority. To encourage a general revolt against the decrees of regularly constituted tribunals is to foster the spirit of anarchy that always stands ready to wave the red flag and appeal to the passions of men. But it was never intended by the men who formed this government and made our laws that either the press or people should regard the government and the public officers as infallible. It was never intended that the press and people should stand in servile acquiescence before monstrous miscarriages of justice. It was never intended that the press and people should be mute and helpless while wrongs are committed by the office-holding hierarchy.

The criticism that appeared in The Courier's columns was justifiable as reflecting public sentiment. It was not diplomatic or guarded. What was esteemed a great wrong had just been committed, and in the consideration of the enormity of the wrong it was not unnatural that righteous indignation should get the better of conservatism. There has long been a feeling in this state that it is impossible to get justice in the federal court, in certain cases. The people have seen severe punishment meted out to innocent or comparatively innocent persons, while persons who committed great crimes and worked great injury to their fellowmen

were allowed to go scot free, or given a merely nominal punishment. The people know that political roustabouts largely compose the juries in this court. The people know that officers of the court are habitual gamblers, given to the worst species of vice. All of these things, known to the people, taken in connection with the selection of Thomas H. Benton to serve as a juror in the Outcalt case, excited the people and The Courier to indignation and earnest protest: If I am in contempt of Judge Dundy's court in publishing uncomplimentary remarks concerning his court then fully one hundred thousand persons in this state are also in contempt for denouncing the court verbally. But two persons have expressed to me disapproval of The Courier's remarks, and they are both attorneys who defended Outcalt. Several hundred have spoken or written in warm commendation of what was said in these columns.

Let those who may think The Courier's remarks intemperate or unbridled consider the abuse that has been showered upon the present president of the United States and upon congress. President Cleveland is every day denounced as a fraud and a criminal—only last week a newspaper in Omaha said that the president in having the bonds issued had committed the greatest crime of the nineteenth century. Congress is called an assembly of boodlers, and it is frequently said that corruption is the dominant influence in Washington. All this is passed by. But when similar or less severe remarks are made about Judge Dundy's court there is a revival of the obsolete sedition law, and all sorts of oppression are resorted to. Is Judge Dundy a man so privileged that he cannot be criticized as can the president of the United States? Who is he, that he can fall back upon federal power to restrict the freedom of speech? If Judge Dundy feels himself libelled his remedy is the same as that of any other citizen, an action at law as a private individual.

The people who do business with the federal court are no doubt interested in the disclosures in the daily newspapers, particularly the News, regarding the conduct of the clerk of the court, Scip Dundy. One of the allegations in The Courier's article to which Dundy I took exception was that the name of Dundy had trailed in the mire. When Scip Dundy visits gambling houses and other vile dens in this city and Omaha, as he does habitually, he does not travel incog. He gets into the mire, and he gets in pretty deep, and his name trails along with him. It is not necessary to point out the impropriety of the clerk of the high federal court making a practice of haunting gambling halls, where the loss or gain of \$1000 at a single sitting is merely an incident. It would appear that Plunger Scip is not even respected among his proper fellows, the gamblers and thugs, as they are ready to testify to his "unprofes-