

THE  
RECOVERY OF THE LAW.

An Address

DELIVERED AT

THE ANNUAL COMMENCEMENT OF THE  
UNIVERSITY OF MICHIGAN,

THURSDAY, JULY 1, 1897,

By ANDREW S. DRAPER, LL. D.,

PRESIDENT OF THE UNIVERSITY OF ILLINOIS.

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*Mr. President, and Ladies and Gentlemen of the Class of '97:*

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First of all our acknowledgments are doubtless due to the Sultan. His caution has delayed the departure of the American Minister to the Sublime Porte, and has kept the President of the University of Michigan over another Commencement season in the chair which he has made honorable and influential. His caution stimulates my caution and bids me forbear some unnecessary observations which nature and training and the national feeling incline me to make. Putting that all away, the President of the University may well felicitate himself on the pleasure of once more occupying his proud place at the Michigan Commencement; the class may well have satisfaction that their diplomas are signed and delivered by his hand; and I may surely feel honored at the invitation to present your Commencement address under normal conditions. As the call of his country threatened all this, and as the amusing caution of the Sultan assured it to us, we may for once, at least, make our sincere acknowledgments to the great Potentate of the East.

I have not come with an address to the country. For obvious reasons such an address has not been invited. This is Commencement day. It has been eagerly anticipated and it will be fondly remembered by the maturing class. It belongs to you. I have come out of the busy life of another State University to bring the greeting of her people to the great multitude gathered under this roof, and to offer you a

few ordinary suggestions prompted by the time, the place, and the occasion which brings us together.

There can be few more radiant and inspiring scenes than that presented by this great class of State University students upon their Commencement morning. You are a full regiment in numbers. You have come from the homes of the substantial and hardy masses to whose very doors the state universities are carrying the treasures and the strength of higher education. You have been attracted by the facilities and the fame of the University which has opened the roads so confidently and led the way so magnificently that all of the States have been impelled to assure like facilities to all of their children, and all of the people have felt the thrill of an impulse toward higher things. You have been trained with exactness; you have had every opportunity for polishing yourselves on the sharpest emery wheels; and you have learned that progress towards the goal you reach today was dependent upon honest toil and the complete compliance with severe requirements. That you stand where you do is sufficient proof that you have qualities of no mean order already inured to serious undertakings, and which need not shrink from any task to which duty or ambition may commend their application.

While you have been gaining in sharpness and strength, in versatility and in adaptation, your characters have been forming under the influences of a community life more completely typical of that democratic spirit which distinguishes the American Republic among the nations of the earth than any other of which we know.

Wealth has not helped you: any surplus of it has been a disadvantage. The worthy student who has been obliged to earn his living while he continued in the University has had the entire respect of instructors and associates, and their sympathy to an extent which would be dangerous but for the sturdy qualities which brought him here.

You have known what it was to experience perfect religious freedom while you were learning of all the sorrow that bigotry has wrought, and were coming to realize the great price which the world has paid for what it has of religious toleration. More than that, you have surely learned that the American State and the American State University do not stand for the absence of religious life, or for mere negations in religious opinions, but for that perfect toleration which contributes to the free expression of religious thought and the healthful unfolding of spiritual life. You have met entire respect for denominational preferences. You have doubtless appreciated the great part which the denominations have had in pushing on the world's progress, and it is to be hoped you have determined to associate with and support the one or the other of these denominations which best accommodates your preferences so far as it promotes the great ends which are dearest to you. But you have also come to realize that it is not the province of sectarianism to work upon the higher nature of the great human family to effect the dismemberment of that family, but rather to consolidate the common brotherhood upon the basis of eternal truth and the honor of the Eternal God. And as you were learning and feeling all this you have come out into the full sunlight of the fact that catholicity of spirit is the surest nutriment for the best religious life and the strongest support of a self-governing state. At the same time you have been finding the point of equipoise between the ardor of patriotism and the enthusiasm of parties. You have been taught that parties are good things, but not so sacred as the patriotism for which they stand; that results are accomplished through political organizations, but that organizations are not hallowed in themselves and have no sacred attributes except such as stand for imperishable principles and go to make the whole world free. You cannot have read the history of the race, as you have, without knowing that political

institutions have resulted from, and in turn have advanced, civilizations; that these are the rich product of the accumulated thought and valor of the men and women gone before, and that bonds between brothers of a common faith, even with long centuries between them, are infinitely stronger than party ties, except as parties are bound together by the best thought of the ages and stand for the common security and the intellectual and moral advancement of all.

The American public educational system is the result of a gradual and steady evolution. In aim and purpose, in theory and plan, it has been frequently changed to meet the conditions of the population that has been continually enlarging and getting more and more cosmopolitan; and, notwithstanding the wide-open suffrage, it has continued to promote the safety of the State. The State University is the latest step in this educational evolution. It has come to train the masses for citizenship and for leadership under the most trying conditions in the democratic State. Great movements in world history come when the times are ripe for them. The development of the American State University is no exception to the rule. It is coming to its full strength when the conditions need it most.

We are apparently in the midst of one of those great epoch-making transitions which mark off the progress of the race into cycles; and we are in it with the greatest experiment in purely democratic government that the world has ever seen.

New conditions with which we are all familiar are changing the life and feelings of the masses in all parts of the world. This is so to a larger degree in our own country than in any other.

The American people know little of the conserving force of established usage; and, moreover, that is more specially and naturally so in the mighty region west of the Alleghanies than in the older states on the Atlantic seaboard. And, al-

though the East does not yet realize it, that great region has in recent years acquired the centre of control in the affairs of the nation. Individualism is stronger and seems to be let loose. The man who has once moved is ready to move again. Communication and transportation are rapid. The people know more and want more than in other days. They organize more quickly and completely than their fathers did. We are surely in a great movement among the world's people induced by mighty progress in scientific knowledge and by new economic conditions. The whole world is tending towards a different manner of life. The movement is well nigh universal, and we are in the storm-centre of it. And great movements are always attended by marked uncertainty and confusion.

We too commonly forget what a vast enterprise our venture in government really is. History does not record a similar experiment which has been successful. Of course I do not forget the instances in which republics have survived for a season, and I do not fail to observe the head-way which the masses have made towards more control in their affairs so apparent throughout the world. But yet the fact remains that the only pure democracies which have long endured have been so small, have had so few people and so little territory, and have been so homogeneous that they can hardly be cited as proof of the ability of a mighty, rapidly growing, heterogeneous people in a new land to govern themselves. We read of many revolutions where the people have broken the bonds which were holding them in servitude to superstitions, to greed, or to the kingly power, and we have seen so-called democracies result from such revolutions. There are some such fabrics upon the earth now, but such as have been have continued only for a time because the people lacked the conservative force to a degree which could hold a nation together. Names are misleading. A real republic cannot be held to-

gether by external forces. The kingly power may be present under more names than one. England, just celebrating the long-ago coronation of her gracious and venerable queen, is more of a democracy and more secure of popular freedom, than is France with her executive appointed by the alleged representatives of her people. There is surely enough in history to attack our self-complacency and keep us alert.

In the midst of all the confusion incident to new economic conditions and another cyclic movement towards a different manner of life, our democratic institutions are being put to their severest test.

There are some very deep-seated and subtle reflections in the minds of the American masses. Compared with the subject of these reflections such matters as the tariff and the coinage, boundary lines between savage states, and the annexation of the islands of the sea, sink into insignificance; for the inquiry concerns nothing less than the fundamental rights of mankind, and the disposition and power of our system of government to enforce them. And a matter of such moment is not to be put aside because some men and women are provokingly wrong-minded, hot-headed and intemperate of speech.

We have many disappointed ones in our midst. Our national claims have been large and, to many, misleading. Millions have been attracted by the brilliant spectacle and by strong assurances of personal gain. They have been looking for an easy way to get a fortune; they have known little of our physical, intellectual and moral freedom; they have been confused by much loose talk about personal equality, when there is no such thing; they have been unable to enter into the spirit of our institutions; they have not found what they came after; they are disappointed and chagrined; but their number is not large enough, nor their arm strong enough, to be dangerous.



There is some corruption of the suffrage and some defilement of official places by abhorrent forces; perhaps it is growing; it may well be doubted if there is as much as is commonly supposed; and it is against the history and traditions of the Saxon race to break down with its public undertakings by reason of skulking iniquities.

There is relatively little socialism and anarchism among our people. Such sophisms do not find nourishment in our soil.

We need fear none of these things: they may be vexatious, but not dangerous. We are strong enough to take care of the troublesome classes if we are strong enough to give adequate protection and equal opportunity to the well-meaning, news-reading, wage-earning masses. The injuries that menace us are deeper than any that can be inflicted by disappointment, corruption, or the vagaries of the unproductive ones: they go to the very heart of the compacts and understandings which hold the people together in our civic state.

To an extent apparent nowhere else in the world the American people have felt that the government was their government; that they had created it and that they could change it; that they had the power and could make it just what they would. They have believed that the boy who was at the bottom of the ladder today had an equal chance to be at the top of it tomorrow. The average man is either coming to have doubts about all this, or he is at least coming to feel that some very decisive and general action is necessary to keep it so.

Confidence is vital to good government and good citizenship. If there is anything that will embitter a man and make a bad citizen of him, it is the impression that without money or influence, which he does not possess, he cannot get a fair show under a government made by himself and his associates for himself and for them. It is impossible for him to believe

that in truth and in fact all men stand equal before the law, when he thinks that his labor is not fairly rewarded and that men grow rich upon his toil, not through economic laws or government statutes which accord with them, but through over-reaching in defiance of law or favoritism supported by law. It is exceedingly difficult for one to be a cheerful spirited, right minded citizen when the conduct of public officers and representatives disgraces him, and when both the influence and the safeguard of the individual citizen are apparently breaking down.

Reverence for the law is the essence of good citizenship and the security of the state. The living law, flowing from the basic principles of God's justice, nourished by the world's best blood, sanctified by the world's deepest sorrows, guided by experience and inspired by hope, always supporting the weak and always opposing the strong, adapting itself to continually changing conditions, as flexible as life and as certain as the infinite truth, is the holy life-current of a self-governing state. The living law, interpreted with slow wisdom and applied with uniformity and solemnity, is at once the security and the inspiration of good citizenship.

And respect for the law is breaking down. It is breaking down because legislative action is governed by caprice and by unworthy combinations, and attended by tumult and uproar. It is breaking down because the enactments are so numerous and so involved that few can comprehend them. It is breaking down because the laws are not evenly and speedily administered.

The feeling is coming to be common that the law is on sale; that any one with keenness and experience and money can procure the enactment of almost any proposition in law at the hands of the municipal, county, state, and federal legislatures, and that the interests of the people are safer when these bodies are not in session; and the feeling is likewise

common that any one with keenness and money can indefinitely delay or entirely overturn the expressed purpose of the written law. The logical sequence is that citizens do not stand equal before the law, and that mere sharpness, rather than right or substantial worth, is the touchstone of success.

A friendless wretch steals an overcoat and in a few days is on his way to prison for it; another wretch misapplies a half million dollars of the funds of a state university and is acquitted. The object lesson is a sorry one.

A sheriff tamely gives over a prisoner to a murderous death by an infuriated mob, in the very heart of that Old North-West Territory dedicated to religion, education and freedom; when the sheriff of other days, appreciating the proud traditions, the high powers, and the great responsibilities of his office, would have defended his prisoner with his own life and exemplified to the masses the majesty of the law. The officer who has sought the trust and sworn to uphold the law has played false. He has helped, above any other, to break down the law.

The railroads of Illinois are threatened by legislation making a uniform reduction of passenger tariffs. The people want low passenger tariffs, but they are not fools and they want the railroads successfully operated. Upon any fair presentation of the facts they would support tariffs sufficient to pay reasonable returns upon investments and afford satisfactory service. If that is not so, then there is no security in our common citizenship and we are infinitely worse off than many of us believe. But the roads do not show the facts. They avoid discussion. They make no appeal to the people. It is either because the facts would hurt them, or because experience tells them they can gain their ends more surely by methods which degrade official places and break down the law.

Three years ago we were all amazed at the power of a combination of labor organizations, called The American

Railway Union, to tie up nearly all the trunk lines of railway in the country. All at once, under the orders of one man, the great highways of travel and traffic were paralyzed. It was accomplished almost wholly by the organized withdrawal of the labor necessary to operate them. Public inconvenience ensued. The troublesome elements were attracted to the scene. There was menace to new men who were put on in place of the old ones. It was necessary, by armed force and without a moment's hesitation, to set the wheels in motion, and it was done. But other things were done which went farther to break down the doctrine of one law for all than any other event which has transpired since equality of right began to grow out of the thought and valor of the Saxon race.

The labor organizations have come to stay. They are legitimate. Their plans are being systematized. Generally speaking their operations have been orderly; certainly they have been free, in late years, from the violence common in the early days, both here and abroad. Obviously calculated to attract the shiftless and the worthless, and to provoke disorder whenever they make a move, still it seems clear that the leaders have sought to minimize this and to confine their acts within the limits set by the laws of the land. Perhaps this great railway union was playing at sharp tactics; perhaps the greater number of its members were as patriotic as we; perhaps there were wives and babies to urge them on; perhaps they felt that they must make a stand of some kind or be ground to powder; perhaps they were following some of the sharp practice acts of the great railway corporations. Whatever there may be of that, there is no reason to believe that they designed to disturb public order, or that they did not intend to act within the law as they were advised of its terms: and there is reason for saying that judges of exalted station held themselves at the call of their opponents; that they invoked statutes never understood to apply to such circum-

stances; that they twisted technical language in a manner altogether unprecedented; that they inaugurated legal proceedings and exercised legal powers never before known to the judicial practice of the country. The outcome of it all is that the millions who constitute the great labor organizations, and the other millions who are naturally allied with them, believe, to a man, that the railroads are operated for selfish and not for public ends, and that they treat the natural claims of labor and the fundamental rights of the people with reckless indifference because of the political and moneyed influence which they exert in the legislatures, the courts, and the administrative offices of the country. The point ought to be seen, that the proceedings at Grand Crossing were participated in, or approved, by millions of citizens who had come to believe that there was a lack of equality under the law by reason of some subtle and far reaching influence, and who therefore lacked confidence in the judicial spirit of the highest tribunals of the land.

We have had a more recent and perhaps a more striking exemplification of this spirit of dissatisfaction. In the last presidential election the oldest and one of the greatest of our political parties adopted a platform declaratory of this widespread discontent and at variance with the historic doctrines for which that party has stood for an hundred years. Political platforms are constructed to gather votes: the declarations of a leading party certainly reflect a public opinion that has made much headway and gained a strong foothold. The democratic party did not elect its candidate, because, if for no other reason the more deliberate citizens thought its utterances were too drastic, and because the greater number thought it would be a wound to the national honor to adopt them, as well as because the personal qualities of Mr. McKinley appealed to the masses; yet the surprising fact remains that nearly half the people of the country affirmed the strong-

est declarations that legislation is made to favor the rich, and that people who live by the sweat of their brows do not have a fair show in the courts. And it is obvious that many others believe this, who, for reasons satisfactory to themselves, did not think it wise to declare it by their votes.

Perhaps I have wasted time in offering proofs of the manifest dissatisfaction at the way things are going in the city halls, capitols, court houses, and administrative offices of the country. A word, and only a word, as to what has produced it and who is responsible for it. It is idle to lose faith in the people or to bring any wholesale charge against public men or the managers and agents of our political organizations. All of the great writers upon the Science of Government,—the ardent critics as well as the enthusiastic supporters of the democratic principle, agree that it has been developed steadily and healthfully, and that it will endure. The people are worthy of more reliance than ever before in the world's history. The people have never failed in great progressive movements, and all the evidences go to show that they are keenly alive to the present exigency and sternly determined to give relief. Men and their methods result from conditions. The much condemned politicians are kindly, generous, genuine, quick-witted men who drift into the leadership of parties because they are so, and who never lose an opportunity to do a favor for another, and who would be the foremost and the most vigorous to bear the arms and follow the flag of their country in time of need. If you will canvass the public men who are in the legislatures and administrative offices, you will find that substantially the whole number regret the conditions and would welcome relief. They are borne down and overrun by the irresistible eagerness of moneyed interests and the political influence of incorporated power. The great business interests which have made American development such a brilliant spectacle to the world have been breaking down the

orderly transaction of our public business, and the brightest men of the world who are behind these enterprises are so overcome by their uncontrollable energy that they are scarcely sensible of it.

There is a mighty force at work in the affairs of this nation with which no other nation ever had to contend in anything like equal measure. It is the more difficult to withstand because it has done so much for us. It is the force which has been generated by the joint action of vigorous, enterprising, uncontrollable ambition on the one hand, and enormous sums of money on the other. It is hesitating at nothing; its only watchword is "Success." Men whose names are the synonyms of honor and integrity; men whose bright words will ever be music to the ear, and whose acts as individuals and private citizens will always be above reproach; men who set and keep the wheels of progress in motion, are by their joint action producing most damaging results. If they do not intend to produce such results the fact remains that they are producing them. Experts tell us that men may be perfectly sane upon all subjects but one and perfectly insane upon that one. It is certainly so in the post-graduate stages of business life.

There is too much bribery at the polls and too much corruption in the legislatures, but I am glad to believe that there is less of it than is commonly supposed. It is not the cooks and sutlers, nor indeed the private soldiers in an army, who can sell a battle. The payment of enormous sums of money to political generals, the marshalling of large bodies of men to the support of a ticket, constitute in our day and generation the consideration for the sale of the law. One political camp will make small objections to the fervid speeches which a railroad president may make for the other camp, provided the contributions do not go with the speeches. The old sources of revenue,—the systematic assessment of office holders for

the support of political campaigns—have largely disappeared; they were comprised of small payments for personal favors; but a new and a more prolific one has come; it comes from vast resources in payment for government favor and immunity; and it is more insidious and hurtful in its results. The old way belittled the individual citizen and produced a sycophantic and to some extent an incompetent public service. The new way is undermining the fundamental rights of the citizen and demoralizing the functions and operations of our public life. The nation at large is responsible. The change is the result of unparalleled enterprise of unprecedented growth, and of that unappeasable zeal characteristic of our busy, hustling generation, and which sacrifices everything else for gain.

The caution is doubtless unnecessary, but it is certainly to be hoped that you will not think that the conditions which have prevailed in the public life of the country, while your own lives were opening to their maturity, were natural. Their indefinite continuance would send us back to the dark days when force and intrigue ruled the world, and doubt and dread sat at every camp fire. But their indefinite continuance is impossible because incompatible with the steadily progressive and eternal plan. He who holds the heavenly bodies in equipoise, He who keeps all matter and all invisible forces and all life in rhythmic motion, does not overlook the affairs of men. Great events move in cycles and succeeding cycles are upon advancing planes. Great advances have usually come through great disturbances. You will live to see that it is the unexpected that happens, that causes frequently produce very unlooked-for results, and that time is likely to set things a little more than even. And you will come to appreciate how the life of one generation is predicated upon, although it may be an improvement upon the life of the generation gone before; how the right endures while the wrong vanishes away;



how things come to naught unless they square with the cardinal lines which God has laid down upon the consciousness of men; and how the stream of reform becomes an overpowering river when it finds the channel marked out by the intelligence and the better nature of the human race.

No, do not think that the derangements which you have witnessed are any part of the normal progress of government by the people. They are only the natural products of unusual causes which enforce the vital importance of fundamental principles and accentuate the value of the inheritance transmitted by the fathers. Do not fail to note the quickness of the masses to recognize the starting of false processes and to discern the invasion of common rights. And do not doubt the purpose and the power of the people to cherish and to apply either what Chatham called the three great statutes of the English constitution or what our fathers established as the guiding principles of our American public life.

The conditions are ripe for the recovery and the restoration of the law. It is upon this generation to drive ignorance, unblushing greed, official huckstering and brutal thuggism out of the temples of our political life. We are to restore discussion to our representative assemblies. We are not to forget the legitimate place and functions of parties, but we are to release the delegates of the people from the thralldom of any system which is a destroyer of parties and of representative government. We must let managers know that we are all in favor of organization, but of organization that stands for something beyond plunder and, to some reasonable degree, lines up with established traditions and reflects the sentiments of the people. We are to make it clear that legislation is to be sympathetic with religion, is to be promotive of all the instrumentalities which advance the culture of the people, is to take care of the troublesome and defective classes scientifi-

cally and, above all, is to grant no privileges which invade private rights and are not clearly supported by a general call. We are to have one law for all. We are to protect wealth gained by probity and thrift, and surely we are to respect the man who gains it, but we are to notify the millionaires and the stockholders and directors in corporations that if they undertake to use their millions to gain special favors, and overthrow our political creed in mad efforts to add other millions to their stores, we will punish them like any other miscreants who break down our laws. We are to uphold the judges who have brains and self-repose and the judicial spirit, and we are to take down the other judges who permit themselves to be carried about the country in fine style by one of the parties to a pending controversy so that they may make orders of questionable character for the advantage of their host, or who do anything else than sit with dignity in the temple and administer the laws without fear or favor, but speedily and completely for all alike. We are to hold the villains who defile the sources of the law as the most heinous of public enemies. We are to have no soft sentiment for public officers who betray their trusts, but give them a punishment above that meted out to the common tramps. Substance and merit will not much longer be put aside by pertness or intrigue. The people of this country will reinstate the law. They will gain new respect for the common law, that great memorial of the wisdom and righteousness of the ages; they will more carefully guard the new streams which let into it; and they will apply it with evenness and completeness, so that all will have its protection or feel its penalty, without regard to birth, station or resources.

In a word, the great public work of the period of time likely to be covered by the duration of your lives will be that of legislative, judicial and administrative reform. It is a work to which you may well devote the best energies of your lives.

It is a work to which you can scarcely fail to devote those energies, or in which you can come short of being highly effective if you have taken in, as I am sure you have, the true spirit of the state university. If you have not already done so, make a vow today, before you cross the campus of the University of Michigan for the last time in your student life, that you will show that the state universities were established at the opportune time in the great plan of national development, and that you will justify the wisdom and the generosity of the state in giving you a liberal education, by putting the best talents you have into whatever service will promote her security and honor her name.

Read again the mighty charters of English liberty. Recall the epoch-making events which led up to them, and bear in mind the vigilance, sternness and heroism by which their guaranties have been brought down to you. As you think of the past contemplate the future also. Build up an ideal public character to inspire your thought, to steady your hand, and to nerve your every act. Let it be a composite character. Put in the grand old Puritan Separatist Governor, William Bradford of Plymouth, with his religious zeal and his tolerant spirit; put in the Minute-man of the Revolution, with his plow behind him and his shot gun on his shoulder; put in Hamilton and Marshall, the constructing genius and the balance wheel of the new and independent state in its primitive conditions; put in Robert Fulton, the engineer, in his Clermont, fore-runner of nineteenth century industrial progress; put in the pioneer western farmer, breaking ground for the breadstuffs of the millions, and sacrificing his own comforts for the advantage of the children who should live after him; put in John Brown, the Old Line Abolitionist, with his Bible in his pocket and his dirk-knife in his boot-leg; put in Lincoln, the Great Emancipator, with his plain life, his balanced mind and his consecration to the indivisibility and the integrity of

the nation; and put in the citizen Union soldier, with his intelligent and serious face, and his musket sternly fixed for action as he pressed to the front in his overcoat of blue; let the spirits of literature and science and art hover about the group; photograph the whole in the sunlight of a state university; wear your hearts upon your sleeves and carry the magnificent picture over your hearts. You will surely build your own success and will roundly satisfy the debt under which you now rest to the State and the University for your liberal education.

Once again, we have both a notable and a noble contribution from the commonwealth of Michigan to the citizenship of the country. Above any other state Michigan is conspicuous for the mighty work she has done to bring manly and hardy character to the aristocracy of learning, and to carry the uplifting influences of higher education to the very doors of all the people. Is there one among all her children who withholds his support from her splendid course? He would rob her of her chiefest glory and prostrate the power of her strongest arm. May she continue to earn the respect and the gratitude of all who have faith in the democratic principle and who know that the broader the streams of learning which nourish it the more luxuriant will be its growth. May she continue to afford the strongest proof that the foundations of the law shall not be beaten down and that government by the people shall endure.