The Nation.

The South.

These passages of the President's Message relating to the South are, after all, the most important part of the whole document. All the evils, abuses, misfortunes, and calamities to which he calls attention are mere trifles—clouds passing swiftly over the national sky—compared to the condition of the States lately in rebellion. It is comparatively easy to reform the tariff or the civil service, or reduce the taxes, or return to specie payments, or civilize the Indians, or protect the immigrants, or get the undue installment from Venezuela, or bring Mexico to reason on that matter of "the free zone"; but it is almost as hard to give order, peace, and security to the southern half of American society as to medicine to a mind diseased, or pluck the rooted sorrow from the brain. We do not need to tell any of our readers what the state of things in that region is. It is not simply that men suddenly raised from a condition of servile servitude, inheriting the weaknesses of barbarism aggra-

vated by the weaknesses of slavery, have been admitted to participation in the rights and responsibilities of free society; it is that they have been put in full and exclusive control of that most delicate and complicated piece of mechanism known as the government of a civilized State, with its debts, its credit, its system of taxes, its system of jurisprudence, its history, its traditions, its thousand knotty social and political problems. We say "exclusive control," because we do not call the division of power which the negroes have made with the Northern carpet-baggers a real division. The carpet-bag-

ger is not a politician: he has no aixs, opinions, ideas, passions, or prejudices; he is simply a man who has not succeeded in any of the ordinary walks of industry, and who, while travelling in quest of better luck, has got employment from the Southern negroes in managing the machine which the war threw into their hands, and with the nature of which they are not themselves familiar; and he does this with the firm determination of making all he can out of the job, and with no other determination whatever.

The condition of the negro after emancipation—that is, his tenacious and want of experience, combined with his position of estrangement from or hostility towards his white neighbors—attacked the carpet-baggers as naturally as a dead ox attracts the buzzard. The lower class of demagogue scouts an unlightened constituency at an almost incredible distance, and travels towards it over mountain, valley, and river with the certainty of the mariner's compass. But then we hastened his coming by our legislation. We deliberately, and for an indefinite period, excluded all the leading Southern men from active participation in the management of their local affairs, by a discrimination not unlike that which would be worked in this city, but very much worse, if every man who had not at some time belonged to the Tammany Society were declared incapable of holding office. It was before the war the time-honored custom of the Southern States, and a very good custom too, to put their ablest men, and men of the highest social standing and char-

acter, in office. The consequence was that it was those men who figured most prominently in the steps which led to the rebellion and in the rebellion itself. When the war was over, we singled these men out, and not unreasonably, for punishment by the Fourteenth Amendment and other legislation, but we forgot that, as the President points out, they were no worse, so far as disloyalty went, than the rest of the community. They broke their oaths of allegiance to the United States, but the other white men of the South would have done the same thing if they had got the chance of doing it by being elevated to office, either under the United States or under the Confederacy. We forgot, too, that when putting a mutinous crew in irons, the most justly indignant captain leaves at liberty enough able-bodied seamen to work the ship.

There were,*in short, two ways, and only two, of dealing with the South after the war, neither of which we adopted. One was to treat the whole community as hostile or diseased and disinherited, and take charge of it from top to bottom, administer its justice, manage its finances, provide it with security of life and property, until such time as we were satisfied that it was competent to take charge of itself. This was the course which the highest statesman-ship prescribed, but there were grave constitutional and political difficulties in the way of resuming it, and, although we have at various times advocated it, we have never been disposed to find fault with the majority in Congress for shrinking from it.

The other way was to treat the whole community as made up of unfortunate Americans, equally entitled to care and protection, demoralized by an accursed institution for which the whole Union was responsible, and which the whole Union had connived at and, down to 1860, had profited by; rent and desolated by a bloody war; disor-

ganized by the most radical social and industrial revolution ever witnessed. The first view was European, rather than American; this was purely American. It had no constitutional difficulties, or at least not so great constitutional difficulties, in its way, and it ac-

corced in all respects with the habits and temper of the people and the machinery of the Government. We adopted neither plan, how-

ever, but a combination of the two, and the worst possible combina-

tion, the results of which have been positively infernal. In the idea-

On the first war, the negroes, we gave them possession of the government, and deprived them of the aid of all the knowledge and experience in the management of it, thus exposing the States to heavy adventurers, and thus fulfilling on the freedmen the very worst calamity which could befall a race newly emerged from barbarism—that is, familiarity, in the very first moments of enfranchisement, with the processes of a corrupt administration, carried on by gang of depraved vagabonds, in which the public money was stolen, the public faith made an article of traffic, the legislature openly corrupted, and all that the community contained of talent, probity, and social responsibility put under a legal ban as something worthless and disreputable. We do not hesitate to say that a better mode of debauching the freedmen, and making them permanently unfit for civil government, could hardly have been hit on had the North had such an object deliberately in view. Instead of establishing equal rights for all, we set up the government of a class, and this class the least competent, the most ignorant and inexperi-
enced, and a class, too, whose history and antecedents made its rule peculiarly obnoxious to the rest of the community.

Out of this state of things Ku-kluxing has grown as naturally as Whitefever grew out of Orange rule in Ireland, and Klephtism out of Turkish rule in Greece. We condemn the Whiteboys, the Klephs, and the Ku-klux; we read the patriotic, humanitarian, and law-
loving denunciations of the last, which appear in the loyal papers of the North, with proper concurrence and approval. We cannot gain-

say anything anybody says of the atrocity of riding about the coun-

try at night with one's face blackened, murdering and whipping people. But we confess we condemn Ku-kluxing very much as we condemn the choler. We are opposed to the choler. It is a loathsome disease, and brings terrible suffering on any community which it assails; nothing too bad can be said about it. But we know that it originates in filth and bad drainage, and if anybody proposed to us to proclaim martial law in the alleys in which the filth was found, and imprison the people who made it, we should re-

fuse to support such a measure. Not all the stink orations in the country or all the roaring editors inveighing against dirty people for ten years would shake our determination. We should support nothing, and recommend nothing, and believe in nothing, but an honest cleansing of the infected places by the board of Health. There is no more use in getting in a rage with Ku-kluxery, and send-

ing cavalry and artillery after it, than of legislating against pesti-

lence, as long as nothing is done to remove the causes. It is useless to proclaim York and Sparta behind, and lock up your hundred and sixty-eight prisons, as long as the Charleston Ring is engaged, under the protection of United States cannon, in taking people's property under the name of taxation and appropriating it to their own use, and as long as the men whose fathers for half a dozen generations have lived and died in South Carolina, and who really love the State, find that, while they may not touch its affairs, Northern

adventurers are at liberty to make fortunes out of the mismanage-

ment of them. Of course, the Southern whites, if wise, Christian
men would accept their misfortunes in a different spirit; but the
difficulty of all government arises out of the fact that most men are
not wise or Christian. The governmental problem everywhere
consists in the manner of dealing with men as they are and not as
they ought to be, and it is the business of the legislator to look at
turbulent people, if he can, not as objects of dread and hatred, but
as phenomena to be regulated, or controlled, or removed. There is
no more place for passion in dealing with South Carolina than in
setting a broken limb or tying up an artery. We care nothing
about the stories brought back by the Ku-Klux Committee—very
likely they are every word true; but they do nothing towards the
solution of the problem before us. If a mangled man was
brought to a hospital the house-surgeon refused to bandage him
until he had sent out a party of his assistants to find out exactly
how he came by his injuries, whether it was in a fight, and if so,
who began it, we should all be very angry, if we did not laugh; and
yet the late Congressional Investigation is something not very dis-
similar.

THE BASIS OF ALL REFORM.

The Tribune has been engaged for two or three weeks past in
the discussion of a reform which is, we believe firmly, the basis,
or at least the guarantee, of all other reforms—the reform of the judi-
cracy—but it is surrounded by difficulties such as other reforms
have not to encounter. In the first place, the subject is highly
technical; to understand the nature and extent of the judicial
abuses, much technical knowledge is necessary, and this knowledge
is confined to the members of one profession. Moreover, these
abuses do not, like the abuses in the administration of State or
City finances, come home directly to all taxpayers. The assault
on the Tweed Ring possessed the enormous advantage of being
directed against abuses which everybody, even the most ignor-
ant laborer, could understand and measure. A child can be reared
into reformatory indignation by being told that he has been charged
for a hundred yards of carpet when he has only got two, or that
he has been made to pay for plastering a whole house when
nothing was plastered but the hall. In other words, the Ring
frauds were committed in matters with which everybody is familiar,
and about which everybody is concerned, and were capable of
estimation in dollars and cents. It is, of course, not possible to put
on paper the exact measure in figures of the damage the City Hall
thieves have done to the community, but it is possible to put down
in figures a sufficient portion of the damage to raise wrath which
can really be called popular.

The damage done by the condition of the judiciary cannot,
however, in any way be made thoroughly plain to the popular
comprehension. The unjust judge does not work his injustice by
going straight to the treasury and taking what he wants; he sup-
plies himself by the elecrtronic use of a body of rules of procedure
which only lawyers understand; and he does not levy his toll, as
the Ring did, on all men indiscriminately; he levies it on the small
class who have the misfortune to be driven into litigation. It
requires, therefore, not simply technical knowledge, but a certain
amount of cultivated imagination and a strong public spirit, to follow
him through his rascality and fatshion his guilt. And yet, of all
offenders against the common weal, he is the very worst. It is
not in the diffusion of a sense of insecurity with regard to
property and person through the community that his villany lies,
thought there is enough of it in this. It is in the extent to which
the speciousness of his proceedings destroys the popular faith in the
very existence of justice and truth and goodness. Other men may
be found false and unfair without existing more than anger, be-
cause they make open profession of pursuing their own interest; but
when the very class which is set apart to deal out justice proves
rotten, it makes men doubt whether there be anything but rotteness
anywhere, whether there be really any barrier between anybody’s
greed or lust and the gratification of it but his purchasing power;
and whether all the virtues are not empty names, useful in poetry,
but worthless in actual life. Somebody has said, and well said, that
when one has lost his faith in man, he cannot very long preserve his
faith in God; and we may be sure that those who have seen a judge
bought and sold do not preserve much faith in anything but clothes,
food, and wine. In spite of all that has been said and written on
this subject, we doubt if there is anywhere, as yet, an adequate
appreciation of the weight of the blow which we have struck at the
highest interests of modern civilization by the production, in this
great democratic city, of the spectacle of judges acting on the
bench for several years in unchecked concert with criminals, and
aiding them openly, without any attempt at disguise, in the seizure
or conversion to their own use of enormous amounts of property.
To suppose that any community can wash out such a stain as this by
one vote at one election is simply absurd, and in saying this we put
aside the gross indecencies of which some of these judges have been
guilty in open court—indecencies the like of which have never been
listened to in the tribunals of any people civilized enough to have
courts, and the effects of which we are quite sure the generation which
has heard them can never get over.

Now, this great shame and calamity originated in the triumph of
this theory, that, to have a government democratic, all officers must
be elected, judges among the number—a theory of which everybody’s
experience of human nature might have sufficed to demonstrate the
absurdity when it was first stated; and it has gained currency, like
some other theories of the same kind, through men’s allowing phrases
to take the place of facts in their reasoning about politics. The
two great facts of every judicial system are that you cannot have
judicial independence without fixity of tenure, and that the bar
alone is competent to pass upon the judicial competency and honesty.
The only way of getting rid of these facts is by a change in human
nature and the reduction of our jurisprudence to Turkish simplicity,
and the assimilation of the judges, as far as possible, to the cad.
As long as we expect our bench to be pure, and the controversies which
arise out of a highly complicated state of society to be adjusted with
nicety, we must, in the first place, recognize, with regard to the
judges, the existence of that weakness in human nature of which we
are all conscious, and from which all Christendom prays every day to
be delivered—temptability. Nobody, however, has any right to pray
that he may not be “led into temptation” who has just helped
to put a fellow-man in a position so full of temptation as a judge’s
is, and has deliberately withdrawn from him every artificial aid in
resisting it.

But there is no use in electing or appointing judges, no matter
how good, unless we set a learned and upright bar to watch them,
because nobody but lawyers are competent to watch them; and no class
of men has, as yet, been produced in any country which is capable
of doing its duty without watching. A foolish thing was done in
this State when judges were made elective for short terms, but the
removal of all real tests of fitness for admission to the practice of
the law crowned the folly. The result has been that the corrupt and Ignor-
ant judges who mounted the bench under the new system speedily
found themselves surrounded by a silent and submissive or collusive
bar, and the two together—the one boldly and diamantically, and the other
quietly and sneakingly—went to work to make their fortunes, and
turned the people’s courts of justice into a kind of shambles, where
decisions were sold like meat.

An attempt is now at last being made to put an end to this great
iniquity. It was begun by the adoption of the judiciary amendment
to the State constitution last year, lengthening the judicial term of
office. It was continued by General Barlow’s exposure of the Erie
litigation, and the formation of the Bar Association, but it will not
be completed without the impeachment and removal of three men
who now disgrace the bench. This has not been possible hitherto,
because the Ring had the Legislature under its control, and the
conscience of the bar and the public were so dead that it seemed as
if nothing could rouse it. Now there is no longer either obstacle or
excuse, and the work must be done, because if it is not done—if this
Legislature be allowed to separate without purifying the bench—the
formation of another Ring will be only a question of months.