

## CHAPTER XXVIII.

### FREE SPEECH ON THE CAMPUS.

It came as a shock to many liberty loving citizens, during the fall of 1901, to have the Supreme Court of the state of Michigan decide that the common council of Detroit could suppress free speech on its campus. That very spot was first dedicated to the public as a place for holding outdoor assemblages, and for years no one even insinuated that the rights of anyone were interfered with by such use. The campus is a great open space in the commercial center of Detroit. Five thousand people can assemble there at one time and not impede traffic, and, too, without encroaching on the space given to sidewalks. But because remarks were occasionally made by some speaker that grated harshly on the nerves of a class, the common council, with a subserviency unaccountable except on the theory of hypnosis or the desire for patronage cunningly hinted at as forthcoming should the campus be cleared, agreed to an ordinance denying the right of anyone to speak on this public square except by permission of the mayor.

Just about this time there was a flurry in Wall street, but this, though interesting, did not begin to attract the attention in Detroit as did the effort of Police Commissioner Frank C. Andrews to suppress free speech. Why he should do this is, in the opinion of some, now plain. At that very time he was deep in his stock speculations, and had already overdrawn his account in the City Savings Bank, which later he looted of \$1,500,000, and like all evil doers he did not want to give anyone—not even Tom Bawden—a chance to make outcries that might attract attention

to his speculations. It was a most brazen attack on the right of free speech, and at that time most lawyers, as well as Judge Phelan, held that the Supreme Court would declare the ordinance passed by the common council of Detroit unconstitutional.

It was a memorable occasion when one night, the Salvation Army marched out of their barracks and boldly occupied the campus, even though the board of works, under the orders of Commissioner Moreland, attached hose to the hydrants and poured great streams of water on the square. There the Salvation Army stood, ankle deep in water, beating the drum, singing, praying and preaching, fearing neither the swarming mounted police nor the hosemen. Ever since that time I have had great respect for the Salvation Army, and this respect was increased when, in February, 1902, Major Cox, a frail little woman, believing that God's laws were above man-made ordinances, boldly occupied the campus, and, though admonished by the judge, continued to publicly preach and pray until sent to the Detroit house of correction.

This agitation over the campus ordinance has brought forcibly to the attention of the public Salvation Army methods in reaching that class of citizens as completely out of the sphere of church influence as if the churches never existed. So long as a majority of the people insist on social maladjustments creating a class in a civilized community more miserable than can be found among tribes in the savage state, it will be necessary to have just such moral forces to deal with the problem. And it is the height of folly to place anything in the way of the Salvation Army methods that hinder the well intentioned from reaching the forlorn and society-exploited classes.

Over the doors of one of the army barracks in New York city is said to be the motto: "Soup, Soap, Salvation." Whoever inspired this piece of alliteration must have been a scientist, or else have happily struck the right combination, for it is a fact that the regener-

ation of the human race itself depends on this sequence. First food, without which all will perish. Next cleanliness, which insures better health and a greater appreciation of right action. And finally godliness, which comes after the brute has been tamed, esthetic tastes cultivated, and the relation of man to man comprehended.

There is always in every community a class needing boosting. From one cause or another the power of initiative has been lost. Just as with one who is going down a steep decline, the ability to stop has vanished, so with not a few when the toboggan slide of poverty is reached nothing but a helping hand can prevent a catastrophe. And as it is with material, so also with moral and social conditions. The unlucky and the unfortunate always find everything greased for the occasion. One slip, and there is no power within themselves to recover their equilibrium.

It is the "boosting" the Salvation Army is doing to this class that makes it an economic, social and moral crime to put any obstacle in its path. There are too many who have seen the good the soldiers have accomplished, too many willing witnesses to the fact that they are as "brands plucked from the burning," to make of any account the complaints of the selfish few that a drum and a horn or two disturb their repose, collect crowds, and "drive away customers." Even if this last argument were true, it would be no reason for driving the Salvation Army off the streets. The noises of a great city are bewildering to those from the country, yet the cars must run, great trucks must be allowed to rumble; and such quietness is not expected as where green fields take the place of improved thoroughfares.

After all, this phase of the free campus question is not so important as the fact that restrictions like the campus ordinance are a direct attack on free speech. Such a step will lead to others in the same direction until finally police supervision will extend even beyond

public streets and halls to the family itself. And just as it is in the Philippines, where it is treason to read in public the American declaration of independence, so it will be here a state prison offense to criticise public officials or the laws under which they operate.

Freedom leads to peace, restrictions lead to strife. Repression has never yet worked to the benefit of the human race. There is no happiness where there is not perfect freedom to do all those things that do not interfere with the equal freedom of others. The expression of discontent, with evils actual or fancied that cause unhappiness, is the safest and most peaceful way to bring relief. If there are real wrongs to be righted, public expression will help the good work along. If the evils are imaginary, publicity will cause the bogies to vanish.

It is insisted upon by most of those who argue against public speaking in the open air in the center of the city, that the streets are for the purpose of traffic; that they are not to be used for anything else; that it is wrong to put anything in the way of free passage of teams or individuals. Granted that the avenues of a city are for the convenience of the public in getting from one place to another. That is not to be denied or unduly prevented. But the streets also have another use just as sacred, just as important. It arises from both custom and necessity. There has always been an eternal conflict between Right and Authority. Authority always fortifies its position by Law. From time immemorial Law has been shaken in the faces of the enthralled and despoiled, and behind Authority and Law have been ranged the priesthood. There is no wrong however great that has not had religious sanction. So it is necessary, in order that Right shall triumph, that the homeless and the propertyless shall have meeting places in public to compare notes, to raise their voices in protest, to clank their social and economic chains. And the more open and more public the better. In the holes of the slums,

in the back alleys, in the deserted corners, the cry of the oppressed will not be heard, or if heard, will not be heeded. The streets will be peaceful, to be sure, but instead of open complaining, that all may hear and of which all may take warning, there will be conspiracies, misdirection, attacks on individuals that correct no evils and direct the attention of no one in the right direction. Here is a use for the streets more sacred than that of traffic. It is a right that Authority and Law cannot abrogate. If there should arise a conflict between these two rights, the lesser must give way to the greater, for the right of public meeting is of more importance than any temporary inconvenience in walking along an avenue. The freedom of one safeguards all freedom. Without this first essential all rights are imperiled.

What is Law? It is simply the judgment of the governing classes. Law as a rule, is made, not for the benefit of the many, but for the convenience of the few. Every great reform, therefore, that illumines the pages of history has been accomplished by the breaking of some or many laws. I doubt not that when Jesus headed a procession into Jerusalem, riding on an ass, he smashed some city ordinance; certainly he did so when he took a whip and cleared the temple of the money changers. The disciples traveling from city to city, after the crucifixion, not only broke local laws, but raised crowds and cried aloud in the streets, for which they were imprisoned, a la Major Cox, Tom Bawden, et al. Martin Luther was the embodiment of a law breaker, for which the whole civilized world praises him, for it was only by breaking laws that the reformation could be started. John Bunyan, author of the immortal "Pilgrim's Progress," pined in prison for law breaking. Oliver Cromwell set at naught the laws of England and gave the kingdom righteous, if illegal, government. George Washington, Thomas Jefferson, Thomas Paine, Benjamin Franklin and every signer of the declaration of independence were

not only law breakers but treason promoters. And Abraham Lincoln himself, when he issued his first famous call for 75,000 troops to defend the capitol at Washington against a slave oligarchy, did so in defiance of law. So there have come times in the history of all nations when the law breakers were right, in spite of Law and Authority; patriots if they succeeded; martyrs if Authority was stronger than Right.

It may be said I am putting too much stress on a picayune municipal ordinance for the regulation of the streets in the center of the city. I do not think so. It is in these little beginnings that Wrong gains a foothold, leading to greater violation of personal rights. Didn't someone say many years ago that the public must be jealous of their rights? That they must guard their liberties? Was it not Washington himself who warned his children against the insidious doing of Authority? It is to the credit of the English mobs that they so jealously guard their rights in the public streets and parks. At the first hints of encroachments by Authority they do not hesitate to congregate by the thousands in the public places and defy both Law and Authority. And Authority, less stiffnecked than in this country, bows to the inevitable. Otherwise the rising tide of indignation is liable to sweep away Law and Authority in directions where both are of actual benefit to all.

Public meetings on the campus at night do not block the highways. Such accusations are subterfuges, made to stop the public utterance of theories distasteful to the complainants. At every trial in the recorder's court, when this question has been raised, the evidence has been overwhelmingly against the presumption. Neither have the speakers collected crowds that interfered with store trade. On five week day evenings nine-tenths of the stores are closed anyway; on Saturday evening they are open, and then it is necessary that, in exercising the right of free speech, the equal right of others to the use of the streets should be more

closely looked after. But with 100,000 or more square feet of park and street composing the campus this is an easy matter. Indeed, seldom do the crowds occupy a third of this space. Street cars pass, wagons of all kinds move back and forth, and the pavements are much less crowded than when a matinee audience awaits the opening of the doors of the Detroit opera house. Indeed, were the police to keep away, half the excitement incident to street meetings would disappear, and most of the crowd would vanish.

Certainly Tom Bawden has at times talked coarsely, though in the main truthfully. He has attacked the processes through which some have grown rich without work, and have enjoyed all the good things of this life without the necessity of producing them. And doubtless, too, he has exaggerated the importance in the economic world of his particular theory as to the cause and cure of poverty. But what of it?

The rantings of the socialist speakers, also, are not to be approved as the most philosophical utterances possible. Their cooperative commonwealth is a bright beacon star, but it is too far above the heads of the common herd to yet seriously attract attention. They, too, denounce the classes, and urge reforms that, if established, would make some who now live luxuriously and idly work for a living. But what of it?

None of the brass bands of the Salvation and Volunteer armies would draw prizes in musical contests, and I doubt not those with musical ears must groan in spirit when the grating and inharmonious sounds reach their sensitive nerves. And, too, many a Jew or Gentile, listening to the speaking and praying, the calling on the Savior and the vigorous passing of the contribution box which at times seemed to be the most important part of the religious services, has gone away with anything but a contrite heart; rather is he filled with indignation at what to him seem caricatures on real worship. But what of it?

In exercising the right of free speech, neither the

religionists, the socialists, the single taxers or the other theorists have interfered with the equal liberty of others to express their opinions, to uphold the present social and industrial status, and to commend wealth and culture as found on Woodward and Jefferson avenues. Whatever is said that is true will find fruitful soil; whatever is false will be as chaff before the wind.

Let those who believe in free speech on the public streets, and those who advocate the necessity of religious teachings in places where the degraded, the vicious, the criminal and the poor, as well as the well-to-do, intelligent and refined meet, keep up the agitation until the aldermen come to their senses in this regard and repeal a bad ordinance. Persistence and patience will win in the end, without resort to any more drastic methods. When these fail, it will then be time to take counsel and see if there is not some other way to prevent Liberty being throttled by Law and Authority.

Reverting to Mr. Andrews' meteoric career, it may be truthfully remarked that from turning the hose on campus crowds to wrecking a bank is not so great a step as one might imagine. It arises from that perverted education which insists that there are no rights but those that administer to the satisfaction of suppressors of free speech and looters of depositories of public and private funds. It must be expected that those who have no regard for the rights of those supposed to be "beneath" them socially, intellectually or financially, will have no regard, when the necessity arises, for the rights of "equals." When one is playing the game of grab, one is not particular on whose toes one steps.

The enactment of laws and ordinances by legislatures and common councils that assist in suppressing public discussion in public places, shows such a disregard of the rights of the individual in pursuing that happiness guaranteed by the constitution, and exercis-



ing those rights that do not infringe on the equal rights of every other person, that it is to be expected that when the pinch comes the creatures of these same legislators and aldermen will have no hesitation in pursuing for themselves the same policy in the rush for that wealth that comes from its exploiting rather than in its creation.

I have little respect for the intelligence of legislators who pass "ripper" laws, or for aldermen who agree to ordinances suppressing free speech in expectation of its preserving "order," when all history shows that such measures are fruitful sources of the very disorders they are expected to prevent. All honor to Judge Pheian, who, in the campus cases brought before him, had the courage to denounce the law that makes illegal what is an inalienable right of free speech in public places and the peaceable discussion of social, industrial, and political grievances.

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#### WILL SOLVE THE LABOR PROBLEM.

In substituting for the existing multiplicity of taxes, levied primarily for the support of government, a single tax on the value of natural advantages, we give a death-blow to the greatest of all governmental favors—the real mother of the trusts—land monopoly. \* \* \* While we have been discussing only trusts, the remedies here suggested will solve the labor problem as well, for it is governmental favors such as we have seen that force men into an unnatural competition with each other for the opportunity to employ themselves; whereas the opening up of nature's store-house to laborers would so multiply opportunities that wages would naturally rise. For just in proportion as monopoly takes less of the product of labor, there will be more to divide as interest to capital and as wages to labor. The demands of privilege work against men in two ways. They create conditions in which production is lessened, and of this smaller production, they take a constantly increasing share. Do you then wonder that we advocates of the natural order see in the evils of trusts conditions that in good times force willing men into idleness, in bad times cause the strike, the lockout and the army of unemployed, and at all times work to produce the pauper and the tramp?—*Tom L. Johnson.*