her experience as a factory inspector, Miss Gordon says she has never found a Jew or a Negro child in a mill, factory, or department store in Louisiana. They are at school, she explains, being well nourished, playing out in the glorious Southern sunlight, waxing strong and fat. "It is only your little white faced, shrunken chested, curved back white Christians," she goes on, "who are in the mills and department stores at New Orleans." Of Negro children Miss Gordon's observations could probably be repeated throughout the factory regions of the South. The race prejudice which excludes them from association with white children in the babies' hell of factory life, is evidently working for their good as individuals and as a race. But terrible is the price the whites will have to pay. Their exclusive opportunities for grinding the bones of their children into capitalistic dividends are, with bitter irony, reducing their race in the South to a worse slavery than that in which they once held the blacks.

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Postal Outlawry.

In answer to Dr. Rumely (p. 125), the Post Office Department explains its refusal to deliver the letter which the little boy in Dr. Rumely's school had written to his father and the return of it with the word "fraud" stamped upon its envelope. "It is of course manifest," runs this explanation, "that the Department has no means of discriminating between those letters pertaining to the healing business, held by the Department to be fraudulent, and those of a personal nature, such as the letter of his son to which you refer." That explanation is in itself an adequate reason for repealing the law. This law authorizes the Postmaster General to declare, in his own discretion and without right of appeal to the courts, that any man's business is fraudulent, and thereupon to refuse to deliver to him letters whose writers he might defraud. It is bad enough that any one's business should be so absolutely at the mercy of any fanatical or corrupt Postmaster General who may happen along; but if in addition everybody is to be denied postal access to his victims—their lawyers, their doctors, their creditors, their debtors, their children, their wives—because the Postmaster General cannot discriminate between letters from persons likely to be defrauded and letters from persons having personal reasons for writing them, this method of protecting the guileless is a flat failure. After all, isn't it the business of the postal department simply to transmit mail matter, and to leave crimes and their punishment to regular processes? And hadn't it better "stick to its last"?

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A New Postal Offense.

"Any anarchistic publication which contains matter that suggests, advocates or approves the abolition" of "any and all government" will be non-mailable at newspaper rates if the amendment proposed by the Senate Committee to the post office appropriation bill goes through. The Postmaster General will be empowered to decide in his own discretion what matter does suggest this anomalous offense; and the courts will have no authority to overrule him. Such a law might serve one useful purpose, however, and therein is there possibility of compensation. It might give us a political issue over the question of whether Jefferson's apothegm that "that government is best which governs least," unlawfully suggests the abolition of government; and as an outcome of this issue, the whole brood of autocratic postal exclusion laws might be swept away.

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Legal Limitations Upon the Use of Language.

We are criticised by Mr. Theodore Schroeder, a New York lawyer of ability who always has the courage of his convictions, for admitting (p. 79) that some speech, merely as speech, may properly be punished. The criticism relates to our statement that there should be "criminal responsibility for speeches actually made which advise the commission of crime," "whether the crime advised be committed or not," provided that only those utterances are penalized which, though they may not actually cause the commission of the crime advised, would, if they did so, "make the utterer an accessory before the fact." We stand by that position. Indeed we see no ground for contesting it except the ground of the philosophical anarchist who would do away with coercive government altogether. To us it seems that the man who so advises another to commit a crime as to make himself an accessory before the fact if the crime be actually committed, should be criminally liable though the crime be not committed.

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But it is true that laws making language criminal are easily abused by intolerant officials, and we quote the points that Mr. Schroeder makes in so far as they bear upon our position. His first point is that "no one should be criminally punished for any unintended results of a mere speech,

no matter what the speech is." That much we freely grant. No one should be criminally punished (cases of criminal negligence excepted) for the result of any act unless he intended that result. Intent is of the very essence of crime. Yet Mr. Schroeder's statement of the legal limitations upon speech could hardly be maintained to the extreme he urges, when he says:

"Freedom of speech," as used in our constitutions, was intended to confer upon the public generally the protection which in England theretofore had surrounded only Parliamentary speeches, and this included protection even in the advocacy of treason. I therefore conclude that "freedom of speech" means the right to utter with impunity any sentiment whatever, upon any subject whatever, that any individual may see fit to utter, being held accountable only for directly resulting material injury, or designed actually resulting criminal acts. In other words, "freedom of speech" means what the words imply, namely: That only consequence and not mere speech as such shall be punishable.

Mr. Schroeder does not quote all the usual words of the State constitutions. They are not alone "freedom of speech," but also words expressive of responsibility for the actual abuse thereof. That this does not imply the absolute freedom secured to parliamentary debate is evident from the fact that the law of libel, from which parliamentary speech is exempt, was never abrogated by our constitutions. Mr. Schroeder would appear to reject the law of criminal libel; and not only by claiming parliamentary privilege for all utterance, but also by claiming that "only consequence and not mere speech as such shall be punishable."

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Nor do we think that Mr. Schroeder's argument makes out a case for abolishing or objecting to the enactment of laws punishing speech that is invasive of personal rights. We quote:

Our constitutions make no exception as against those advocating doctrines of evil tendency. They guarantee "freedom of speech and of press," that is, freedom of all mere utterance. It is only thus interpreted that our constitutions can protect freedom of speech as a matter of right. Anything less than this is liberty by permission, such as may be destroyed in the discretion of law makers. Liberty by permission is enjoyed in Russia, Germany and England. Liberty to speak by permission was enjoyed in America before our constitutions, and liberty as a right was sought to be established there. But it won't be if our constitutions are to be amended under the false pretense of interpretation. If we may ignore freedom of speech as a right, and admit the discretionary power to destroy the freedom to advocate crime when no crime follows, then we also admit the discretionary power to destroy the freedom to advocate anything displeasing to those in power. The constitutions make no exception for the one law not existing for the other. Then we are back to the condition of having freedom of speech only as a matter of permission, the very thing which our constitutions sought to prevent.

This argument strikes us as fatally defective in at least one particular. If it be destructive of freedom of speech to punish advocacy of crime when the crime advocated does not result, then it must be destructive of freedom of speech to punish advocacy of crime when the crime advocated does result.

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Mr. Schroeder's letter was originally sent to The Outlook. It then embodied also certain specific instances argumentatively introduced. A woman attempted suicide, induced by a melancholy song in an opera; should the singer be punished? Revival meetings induced a suicide; should the revivalist be punished for his impassoned speech? A little girl burnt her baby sister by setting her on a hot stove lid, induced by a speech of Secretary Taft quoting Dr. Parkhurst's picturesque phrase about "sitting on the lid;" should Secretary Taft and Dr. Parkhurst and the newspapers that reported them be punished? An exasperated woman exclaims, "That fellow ought to be boiled in oil;" should she be punished, although no one acted upon her advice? A clergyman in a temperance lecture wished the streets would run with blood in the struggle against the saloon and expressed a desire to go out with a gun himself; should his speech have been penalized, although no crime or injury resulted? These instances are really not very argumentative. One might reply to them by asking Mr. Schroeder if such emotional expressions ought to be penalized even if crime or injury did result? Without the criminal intent, of course they should not be. But with the criminal intent, why not punish whether the intended injury occurs or not? However, The Outlook made no public response to Mr. Schroeder's letter. It merely denied it publication. To that alone there could be no criticism; to publish or not to publish, was The Outlook's affair. But The Outlook's editors gave its reasons in a letter to Mr. Schroeder; and while some of these are to us unexceptionable—for instance, that "if the utterances of a public speaker are criminal in form and in intention, they must be punished,"—The Outlook editors made one suggestion which seems to us in the last degree dangerous to civil liberty.

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Here is The Outlook's suggestion:

If the character and past utterances of a man are

such as to make it reasonably probable that he intends to make criminal recommendations, he should be prevented by law from doing so.

How prevented—in what way, by what means? Certainly not by injunction, for nothing is more clearly established as a principle of civil liberty and law than that speech and writing cannot under any circumstances be constitutionally prohibited by injunction. How, then, shall speakers of criminal purpose be restrained from public speaking? Since the courts can have no constitutional jurisdiction over unuttered utterances, there is no other way than by the arbitrary action of the police. Who, then, shall decide as to the character of the speaker? The police, for the courts may not. Who shall decide as to his former utterances, whether they were criminal and whether he uttered them? The police, for the courts may not. And pray, what protection would the man of purest character, who had never uttered a criminal word or thought a criminal thought, and whose cause was innocent though unpopular at police headquarters—what protection would there be for him? The editors of The Outlook say that "any other position" than the one they propose is "anarchy, pure and simple." But what they propose is worse than anarchy. They propose police despotism, and police despotism, with all its other evils, makes the only anarchy that any one need ever fear.

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Deport the Cause, Not an Effect.

There is no little wisdom in the words reported from Washington as having been said there by an anarchist with reference to the deportation of anarchists: "It is not anarchists but hunger that you should deport." There does indeed seem to be a good deal less anxiety in the House of Luxury to rid us of the House of Want, than there is to suppress irreverent persons who try to make us understand that the House of Luxury and the House of Want are related as cause and effect.

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Arbitrary Arrests.

It is not many years since the summary arrest without process or warrant of any person upon a bare suspicion of crime would have aroused universal indignation. But police methods patterned upon the autocratic models of continental Europe have made great headway in recent years, not only in practice among the police but in the way of chloroforming public opinion. Last week a "drummer" thought he recognized in a fellow traveler on a railway train some resemblance to the crude newspaper portraits of a woman murderer, who may or may not be alive. He mentioned the fact to a hotel clerk in Rochester, who reported it to the police, who were too late to board the train but telegraphed the police at Syracuse, who invaded the car at midnight, forced the woman out of her berth, and then forced her off the train at Utica, where they learned that their prisoner was not the murderer at all. This information could have been obtained by the police easily without subjecting their victim to the inconvenince of breaking her journey or even the indignity of an arrest. But "it's Russian, you know!" and nobody complains—except the almost voiceless victims. Some of these days the Russian methods our police have adopted will have become firmly enough established to open the way wide for overturning American institutions of more general importance than the rights of the friendless—institutions upon which even large minorities must depend for protection from aggressive majorities—and then we may begin to ask ourselves how the "Sons" and the "Daughters" of the American Revolution came to lose these rights which their worshipful ancestors fought for. The price of liberty is eternal vigilance, but vigilance for liberty sometimes sleeps while the flag of liberty is adored.

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The New York Traction Fight.

New York is now in the throes of a traction war, and Governor Hughes must in a few days choose in this connection whom he will serve. He must sign or veto a traction monopoly bill. An explanation of some of the circumstances appeared in our Editorial Correspondence last week (p. 129) over the signature of ex-Congressman Baker.

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The bill to which objection is made, known as the Robinson bill, has passed both houses of the legislature and been approved by Mayor McClellan. It needs now only the signature of Governor Hughes to give it the force of law. This bill is a further play into the hands of the municipal utilities interests, which won a rich victory in Chicago a year ago and are now preparing to appropriate everything here that is not too hot to handle. Detailed information may be had of the Reform Club of New York which is systematically opposing the Robinson bill.

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One of the Reform Club documents is a con-