

ennial revaluation clauses into long leases without any revaluation clauses. The Tribune, the Daily News, and some other tenants succeeded in doing this with an accommodating school board in 1895 (vol. ix, pp. 796, 939), but there is little likelihood that there is in the present school board a majority willing to grant so valuable a concession to the prejudice of the schools. Whether the next board may do so will depend upon Mayor Busse, who has the appointment of one-third of its members within the next sixty or seventy days. How valuable the concession would be may be inferred from the fact that the Tribune, under the cancellation of its revaluation clause, is paying hardly more than half the ground rent, value for value, that tenants whose revaluation clauses are still in force will have to pay.

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### Tariff Reform.

How well the Protectionists realize the danger of putting print paper and pulp on the free trade list. It would be indeed like pulling down a supporting pillar of the Protection temple. Every trust-commodity that goes upon that list is a blow at the Protection principle. If this were not realized by the Interests and their political allies, the tariff would be taken off paper at once, for the newspapers want it so. But the high priests of Protection have read the Samson story.

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### Constitutional "Checks and Balances."

President Hadley of Yale re-states the fundamental division of powers under our form of government. He does not regard the old statement, that they are divided into legislative, executive and judicial, as altogether without exception. In his opinion "the fundamental division of powers in the Constitution is between voters on the one hand and property owners on the other." That is, the forces of democracy are set over against the forces of property, with the executive and legislative powers as their instruments of warfare, and the judiciary as arbiter between them. It is an excellent restatement, except that it is not quite complete. To round it out, we should remember that this arbiter between the forces of democracy and property is recruited almost to a man from the property camp. Isn't our judiciary made up of lawyers trained in the tactics of property interests?

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### A Definition in Civics.

The Goo-goo is a good citizen who has never been tempted.

## RUSSIANIZING THE AMERICAN POST OFFICE.

An instance of postal censorship which has just come to our attention is so pathetic that it should awaken even the most indifferent citizen, provided he has a love for childhood in his heart, to a realization of the menacing advance the American postal censorship has made. The exquisite cruelty of this case cannot but arouse just indignation wherever the story goes, and we frankly hope it may go far.

It comes to us directly from Dr. Edward Rumely, of La Porte, Indiana, who is of the family which was the founder of the agricultural implement factory of that name, established at La Porte fifty years ago by his grandfather. Upon returning to his native place a year or more ago, after long scientific training abroad, Dr. Rumely set about building up a preparatory school for boys upon an approved German model. It is located near La Porte and is known as "The Interlaken School." Although so recently established, this school has attracted wide and favorable attention, and the number of resident pupils is already large. It is Dr. Rumely's custom to fetch the mail for his school from the La Porte post office to the school grounds. While upon this errand one day last week, the 29th, he experienced a surprise which he forthwith described to the Postmaster General with natural yet reserved indignation. It was the pathetic instance of postal censorship referred to above.

The story is vividly told in Dr. Rumely's letter to the Postmaster General, and we quote that communication in full:

In writing this letter I am doing something that may look like mixing in.

Ten minutes ago I went to our local postoffice here to obtain the mail for the Interlaken School. Among the letters, I received one which bore the name of The Interlaken School and had been sent from there on April 4th to Prof. A. W. Birkholz, 628 Second Avenue, So., Minneapolis, Minn. Across the face of it was stamped the words, "Fraudulent. Business of addressee declared fraudulent by order of the Post-office Department."

This letter was mailed by one of the pupils of the school to his father. He is a bright, black haired little boy of eleven, he loves his father above everything else on earth and has been eagerly awaiting word from him. I cannot bring myself to believe that any authorities at any time have the right to interfere in such a harsh way with intimate personal relations between members of a family. When a student in Europe I used to hear reports of the action taken by the Russian government to interfere with the correspondence of the students attending the

German universities with us, but could hardly believe them.

I do not know how this case appears from your point of view, but I have a very vivid impression of it from the point of view of this little lad, who has been attempting to get into correspondence with his absent parents and who did not know why he had no answer from them.

I am acquainted with Mr. Birkholz and know something of his work. But few men whom I have met have so strong a personality as he. There is a field in medicine that is new and but little explored at the present time. It relates to the influence of mind over body and to the direct influence of one mind upon the other. Everywhere physicians are beginning to recognize this force. The laws are not as yet formulated. One thing is certain, however, that some people are possessed of greater power than others. I know, from the closest scientific observations made by some of the authorities of medicine at the German, Swiss and French universities, that some men can be "healers" for their fellows. Many of the patients treated by men like Birkholz are undoubtedly cured, and those cures are as real as if effected by the use of drugs.

I wish that you would furnish me the name of the medical specialist employed by the Postoffice Department to pass on the merits of this case. I am asking this on my own initiative and without the knowledge of any of the parties concerned. I believe it my right as an American citizen to know how far this arbitrary control of the mails is going to be carried.

As may be inferred from Dr. Rumely's letter, Mr. Birkholz has practiced some system of mental healing. He is said to have advertised powers he did not possess. He may have overestimated his powers, or even have overstated his own estimate; but there seems to be no evidence that he is engaged in a fraudulent business, unless all assertion of mental powers as yet not scientifically understood is to be classed as fraudulent. Nevertheless he is postally outlawed by arbitrary decree from Washington.

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Some time ago, as we are informed, Mr. Birkholz was tried at Minneapolis and acquitted of the accusation of fraud. Notwithstanding his acquittal in court, however, the Post Office Department has declared his business fraudulent, and has returned all letters addressed to him to the writers, with the damning words stamped upon the envelope which Dr. Rumley describes as having been stamped on the letter returned to the proscribed man's little boy, who, in the innocence of childhood, had tried to communicate with his postally outlawed father.

Mr. Birkholz himself says he did not know that his mail was being returned to the senders. He thought it was being held at Minneapolis awaiting

a final decision of the Department. But it now appears that hundreds of his letters have been returned to their writers with the "fraudulent" stamp upon them, some of which have contained money in payment of services ordinarily regarded as legitimate.

But what if it may be true that Mr. Birkholz lacks the mental powers of healing he supposes himself to possess? Shall a Washington bureau therefore declare him a postal outlaw? What if it may be true that he neither possesses nor supposes himself to possess the powers he professes? Shall the issue be decided by a bureau at Washington? What if it may be true that his business is fraudulent? Shall the penalty be imposed by a Washington bureau? Shall this bureau make him a postal outlaw for life? Shall it forever bar him from receiving any letters by mail? Shall all his letters, even from his little boy away from home at school, be withheld from the father? There is nothing more bureaucratic and cruel in the postal censorship of Russia.

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Truly the American postal censorship is advancing rapidly (vol. viii, pp. 420, 815; vol. xi, pp. 50, 59). It may indeed be said that the Birkholz case does not differ, except in its pathos, from hundreds of others in which men can get no mail in their own names during the term of their natural lives—none from friend or family, from father, mother, child or wife. But the bureaucratic powers that make such arbitrary outlawry common are easily stretched year by year. They have been so stretched that now they fairly reach out for what were once esteemed as cherished rights in this country.

Starting far back in the ruck of immorality by arbitrarily excluding obscene communications from the mails; then lottery circulars; then fraudulent advertisements; then anarchistic publications—this bureaucracy has developed to a point at which there is no hesitation in adjudging as indecent that which is pure but unpopular, as fraudulent that which is honest but mysterious, and as treasonable that which is in truth patriotic.

Instances of the latter class of postal outlawry subject to arbitrary decree by the postal bureau are afforded by the very recent experience of Mr. Benj. R. Tucker of New York. Mr. Tucker calls himself an "anarchist." But the value of this designation depends upon its definition. If "anarchy" means chaos, then Mr. Tucker misnames his philosophy. But what if "anarchy" means peace and order under a regime of individualism?

What if it means the dream of Thoreau and Emerson, the philosophy of Stirner and the social structure conceived by Josiah Warren? What if it means a society without bureaucratic government? At any rate Mr. Tucker neither throws bombs, nor advises the throwing of bombs, nor inculcates "habits of thought among the ignorant" that lead to bomb-throwing. On the contrary he is a man of peace. One of his methods of securing peace is to encourage the use of "stickers" with legends upon envelopes going through the mails. Of these "stickers" he has a list of 48 which he recently submitted to the postal authorities for an opinion as to their mailability, and a ruling has just been made by the Assistant Postmaster General for the Post Office Department. According to this ruling the following legends, if pasted or printed on envelopes, wrappers or post cards, render the enclosed matter unmailable:

What one man believes about God, another believes about government.

It can never be unpatriotic to take your country's side against your government. It must always be unpatriotic to take your government's side against your country.

What would you do to a man who was in the habit of doing what government does?

We think a man needs to be governed—and we let him govern others.

You don't like Pinkertons? Well, at any rate, they do less discreditable work than the police, the militia, and the army—and they do it cheaper.

The outcome of every form of government on record has been that the bad got more than their proportionate share of power. The like is not true of any respectable business. Therefore government is not a respectable business.

What I must not do, the government must not do.

The institution known as "government" cannot continue to exist unless many a man is willing to be government's agent in committing what he himself regards as an abominable crime.

Government keeps doing what it would jail me for doing.

Government regularly enforces its commands by the threat of violence; and government often commands things which it is ridiculous and outrageous to enforce by such a threat.

Considering what a nuisance the government is, the man who says we cannot get rid of it must be called a confirmed pessimist.

At almost every point of history government has been found to be the greatest scandal in the world. Why? And when anything else has been extremely scandalous, this has usually been on account of its association with government. Why?

"Wherever you touch government, you seem to touch the devil."—Henry W. Nevins in Harper's Magazine, February, 1906.

"The direct and indirect expense of government swallows up at least half the income of the multitude that live by their daily toil, though the services that

they receive from it are worth hardly one-sixth of this amount."—De Molinari.

Don't enlist in any service where you are liable to be ordered to help kill a man (or men) that you think ought not to be killed.

Anarchism is the denial of force against any peaceable individual.

Government enforces laws of privilege and monopoly, and thus creates vagrants. Then government, by force, sends vagrants to jail at the nod of a magistrate. Then government, by force, collects taxes to support magistrates and vagrants.

"Home is the girl's prison and the woman's workshop."—Bernard Shaw.

"If we'd begun a few years ago shuttin' out folks that wudden't mind handin' a bomb to a king, they wudden't be enough people in Mattsachusetts to make a quorum f'r th' Anti-Impeeryal S'ciety."—Mr. Dooley.

If common folks should not be made to pay for uncommon schools, why should uncommon folks be made to pay for common schools?

"The most revolutionary invention of the nineteenth century was the artificial sterilization of marriage."—Bernard Shaw.

The population of the world is gradually dividing into two classes—anarchists and criminals.

"He who slays a king and he who dies for him are alike idolaters."—Bernard Shaw.

"The more mandates and laws are enacted, the more there will be thieves and robbers."—Lao-Tze.

"There are no bastards in Ireland; and the bastard is the outward sign of inward grace."—George Moore.

"Democracy substitutes election by the incompetent many for appointment by the corrupt few."—Bernard Shaw.

"Office-holding of all sorts, from the President down to the constable, will, in a few years more, be ranked in the public mind as positively disreputable."—Stephen Pearl Andrews.

The only protection which honest people need is protection against that vast Society for the Creation of Theft which is euphuistically designated as the State.

With the monstrous laws that are accumulating on the statute books, one may safely say that the man who is not a confirmed criminal is scarcely fit to live among decent people.

Think of it! If you paste any one of those legends upon the envelope of a letter, the letter will be thrown out of the mails. It will never reach its destination. And not because of the pasting on, observe; but because of the sentiment. The sentiment is unlawful! And who determines this? A bureau at Washington. Its decision is final. We do not ourselves adopt all these sentiments, but what of that? Think of the despotic power that can exclude any of them from the American mails.

Now notice the remainder of Mr. Tucker's list of "stickers." On the legality of these the Attorney General for the Post Office Department rules that Mr. Tucker and the purchasers of his

"stickers," if they attach them to mail matter, must do so on their own responsibility. This means that they must take their chances. It means that the Department, according to its mood, may or may not exclude mail matter on which these legends are pasted, but will give no advice in advance. Here are the legends, which, if pasted or printed upon mail matter, may or may not make it unmailable, but regarding which Department advice is withheld:

Whatever really useful thing government does for men, they would do for themselves if there was no government.

Why need there be a prohibitory tax on the business of letter-carrying by private persons?

"A country which pays even five per cent interest, to say nothing of the rates of Wall street, must from time to time, commit bankruptcy."—Chas. A. Dana.

A man has a right to threaten what he has a right to execute. The boundary line of justifiable boycotting is fixed by the nature of the threat used.

"The law does not require a man to cease to be a man and act without regard to consequences when he becomes a juror."—Lysander Spooner.

"Any law which debar a man of the right of employing such a messenger as he prefers 'abridges' his 'freedom of speech.'"—Lysander Spooner.

"All governments, the worst on earth and the most tyrannical on earth, are free governments to that portion of the people who voluntarily support them."—Lysander Spooner.

"Where everything is done through the bureaucracy, nothing to which the bureaucracy is really adverse can be done at all."—John Stuart Mill.

"The ultimate result of shielding men from the effects of folly is to fill the world with fools."—Herbert Spencer.

"Nothing is forbidden by the law of nature except what is beyond every one's power."—Spinoza.

"I care not who makes th' laws iv a nation, if I can get out an injunction."—Mr. Dooley.

"It will never make any difference to a hero what the laws are."—Emerson.

"It takes a thoroughly selfish age, like our own, to deify self-sacrifice."—Oscar Wilde.

"Usury depends for its existence upon the super-added, social, unnatural value which is given artificially to the material of the circulating medium."—Wm. B. Greene.

"Liberty means responsibility. That is why most men dread it."—Bernard Shaw.

If there were more extremists in evolutionary periods, there would be no revolutionary periods.

"In vain you tell me that artificial government is good, but that I fall out only with the abuse. The thing—the thing itself is the abuse."—Edmund Burke.

"There is one thing in the world more wicked than the desire to command, and that is the will to obey."—W. Kingdon Clifford.

"Thought makes everything fit for use. The vocabulary of an omniscient man would embrace words and images excluded from polite conversation."—Emerson.

We suggest a comparison of those two sets of

legends with a view to noting how the merest caprice of bureau officers may determine the mailability of letters.

On this point it should be stated that the immediate predecessor of the present Assistant Attorney General specifically ruled that one of the paragraphs noted above as unmailable was mailable. We refer to the one reading as follows: "Considering what a nuisance the government is, the man who says we cannot get rid of it must be called a confirmed pessimist." On the same point, the post office at Detroit recently condemned mail matter deposited by Mr. Joseph A. Labadie, because there was on the wrapper one of these "stickers," regarding which the Department withholds its advice, the one namely, which reads: "Where everything is done through the bureaucracy, nothing to which the bureaucracy is really adverse can be done at all."—John Stuart Mill.

So we have reached a step in our postal censorship at which the caprice of the official may determine either way the lawfulness of mail matter.

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Let it not be forgotten that the action of the postal bureau in these matters is not only arbitrary and capricious, but that it is absolute. The courts will not interfere.

This has been decided by the appellate court of three Federal judges before which the case of Mr. E. G. Lewis of St. Louis recently came. Mr. Lewis had been made a postal outlaw by arbitrary decree of the Post Office Department (vol. viii, p. 420) precisely as Mr. Birkholz has been since. And as the letter of Mr. Birkholz's little son to the father was returned to the boy stamped "fraudulent," so were the letters of Mr. Lewis's wife to her husband returned to her. Mr. Lewis instituted injunction proceedings, but without avail, the Federal judge before whom they were heard having decided that there is no power in the courts to protect the postal rights of a citizen against the decrees of the Postmaster General, whether his decrees are right or wrong. Upon appeal the three judges of the appellate court have now sustained that single judge. One of the three does indeed say that the power to review the action of the Postmaster General exists; but the other two hold that there is no such power.

And those two judges who deny their power are sustained in principle by the Supreme Court of the United States, which has decided that when a person claiming to be an American citizen, native born, is excluded from the country as an alien Chinaman by the immigration bureau, upon a star

chamber and almost *ex parte* hearing, the courts can grant no relief. The case in which that decision was made is reported in the United States Supreme Court reports, volume 198 at page 263. Its effect is summarized in Franklin Pierce's powerful work, "Federal Usurpation,"\* in these words:

If a Chinaman is born in the United States and unquestionably is a citizen of this country, and goes to China for a visit and returns, and is subjected to such a summary trial as to citizenship, and found by the Immigration Commission not to have been a citizen, and the papers are certified to the Secretary of the Treasury who determines that the decision of the Commission is correct, the man must be banished from the country, although he is a citizen, because the finding of the Commission under such circumstances, is conclusive upon him, and no court has the power to interpose and protect his liberties.

In legal principle the same thing would be as true of any other native American, whether of Irish, Scotch, German, Italian, or even Mayflower ancestry, if the Secretary of the Treasury should sustain the Commission of Immigration in falsely holding him to be an alien Chinaman.

Of course the same principle would apply if the Postmaster General should decide that any person's business is a fraudulent business, however legitimate it might be in fact. The truth of the charge could not be questioned in the courts. The only question there would be the decision of the postal bureau. If that bureau holds a business to be fraudulent, the person conducting it is thereupon, without further ceremony, sentenced to be deprived for life of all right to receive mail matter, his correspondence is returned to the senders, his business is destroyed, his reputation is sullied, and even his wife and his child are effectually prevented from corresponding with him by mail.

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Such a system obviously lends itself not only to great oppression in the spirit of fanaticism, but also to great corruption. Whether it has yet been corruptly used we are of course unable to say. But upon this point Edwin C. Madden's story of "The U. S. Government's Shame,"† throws several "side lights."

Mr. Madden was Third Assistant Postmaster General when the crusade against Lewis of St. Louis, referred to above, began in the Post Office Department, and he discloses the inner secrets of that case. Whether the bureaucratic assault upon

Mr. Lewis's business and the making of him a postal outlaw was corrupt or not, every reader of Mr. Madden's book may judge for himself. But there is one statement in this book with which everybody should heartily agree. It is this: "Some day, may it not be far distant, a great man will come out of the mass. He will write into the postal laws the sane provision that the use of the United States mails is the right of every person who pays the lawful postage; and that it is not a privilege to be taken away at the caprice of any official. He will make it necessary for the Postmaster General and his subordinates to give their attention to the management, perfection and expedition of the mail service, leaving private business matters to be dealt with according to the ordinary processes of law. This man will put an end to the tyranny of the postal establishment of today, and will make it impossible to destroy the good name and credit of any citizen by means of a fraud order."

Is there no such man in Congress now? Can no such man be sent to Congress at the coming election?

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## EDITORIAL CORRESPONDENCE

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### TRACTION QUESTION IN NEW YORK.

Brooklyn, N. Y., May 2.—The transit question in New York is a daily, almost hourly source of anxiety, distrust and anger to our citizens. In the words of the chief exploiter, Thomas F. Ryan, this city is a "clover patch." And verily, the control of this city's transit facilities is a gold mine—a placer mine with "pay dirt" of exceeding richness. No rock has to be removed to get at the gold, no blasting, except occasionally of a reputation theretofore considered impeccable. Here too the morganatic relations between the dominating factors in the nation's predatory combinations (the railroads, interstate; the urban—surface, subway and elevated; the giant gas companies, and the biggest of the industrials, the Standard Oil Co. and the Steel trust, the large newspapers, and the political bosses) are most nearly perfected. Few outside of the large cities, and not many within, realize the existence of this trinity which rules our municipalities, and through them much of the government, State and national. Because the "clover patch" is so rich, the trinity bitterly opposed the famous Elsberg bill, giving the city of New York the right to operate as well as construct future subways in default of satisfactory bids for private operation, also permitting bids for construction alone, leaving equipment and operation for a later date. Four years of ceaseless struggle was required to secure this measure. Not only did we have to fight the hired "accelerators of public opinion" but we also had to contend against the old Rapid Transit Commission.

Because of this union of hostile forces no real

\*Published recently by D. Appleton & Company, New York. See review in this issue of *The Public*.

†Recently published by the National Book Company, Detroit. Price 50 cents.