

Need of the Short Ballot.

A ballot eight feet long in Nebraska ought to be all the argument necessary for the short ballot. Less than twelve inches of this length was used for the truly important part, the six measures submitted to a popular vote. The rest was used for the names of candidates from governor to constable. Other states may not have object lessons so extreme as Nebraska has furnished, but they are impressive enough.

S. D.

EDITORIAL CORRESPONDENCE

FREEDOM OF PETITION IN NEW YORK.

New York, Oct. 20, 1914.

Judge Otto A. Rosalsky of the Court of General Sessions of the State of New York, has decided in the case of *People vs. Samuel W. Simpson*, as follows:

The distribution on the public highway of a petition to be signed by citizens and addressed to the Governor and to members of the Legislature of this State, favoring a local referendum vote on the question, namely, whether or not the tax rate should be reduced on buildings in New York City to one per cent of the tax rate on land, etc., does not come within the purview of Subdivision 5 of Section 408 of the Ordinances of the Corporation of the City of New York, which provides that:

"No person shall throw, cause or distribute in or upon any of the streets, avenues or public places, or in front yards or stoops, any handbills, circulars, cards or other advertising matter whatsoever."

The judgment of conviction is therefore reversed and the fine remitted, and as no successful prosecution can be maintained, the complaint is dismissed.

Dated, New York, October 16th, 1914.

This is the first decision of a court of record in New York holding that the streets are free for the distribution of petitions, pamphlets and literature.

In the brief filed in Simpson's behalf it was argued that if the ordinance applied to his pamphlet and petition then it was unconstitutional. A part of this argument follows:

What is meant in the Constitution by "free press" and "the right to petition the government"? History only can give us the answer. Free press does not mean newspapers only. Pamphlets (i. e., circulars and handbills) have been the weapons of all thinkers in the struggles of the past for liberty, and were in circulation long before the age of printing and newspapers. . . .

Sec. 8 of the State Constitution is as follows:

"Every citizen may speak freely, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge liberty of speech or of the press."

Sec. 9 of the State Constitution, provides:

"No law shall be passed abridging the right of the people peaceably to assemble and to petition the Government or any department thereof."

If the right to petition is guaranteed, how can the petition be signed other than by making a request verbally (free speech) at meetings, whether outdoor or indoor, whether one man to another or one man to a crowd, by newspapers or by circulars? Shut off the means of obtaining petitions and you shut off the right to petition the Government, guaranteed by the Constitution. If a petition is attached to a pamphlet, i. e., cir-

cular (as in this case), is it any more illegal than if the two instruments were separated?

Cooley's *Constitutional Limitations*, p. 596:

"The first amendment to the Constitution of the United States provides, among other things, that Congress shall make no law abridging freedom of speech or of the press. The privilege which is thus protected against unfriendly legislation by Congress is almost universally regarded not only as highly important, but as being essential to the very existence and perpetuity of free government. . . . And is supposed to form a shield of protection to the free expression of opinion in every part of our land. . . . The liberty of the press might be rendered a mockery and a delusion and the phrase itself a by-word, if, while every man was at liberty to publish what he believes, the public authorities might, nevertheless, punish him for harmless publications." (Perhaps the U. S. Constitution is only binding on Congress and not on the Board of Aldermen.)

Before our present day newspapers, the moulders of public opinion, were pamphleteers: Addison, Steele, Burke, Milton, Adams, Jefferson, Hamilton, Paine, etc. Must public opinion be moulded today only by newspapers? If all newspapers should be closed to certain propaganda, cannot we safely in New York City go back to pamphlets (i. e., handbills, circulars) as of old? Are only newspapers entitled to the streets?

If pamphlets and petitions might litter the streets, we know that newspapers do litter the streets. But what is littering the streets to the awakening of public opinion! Burke said he would rather be awakened by the fire alarm, than be burnt by the fire. We are a Government of and by discussion.

In *Ex-parte Nell*, 32 Tex. Crim. Rep. 275, the Court said:

"A city ordinance declaring a newspaper called 'The Sunday Sun' to be a public nuisance and prohibiting its circulation within the city, is a violation of the Bill of Rights. . . . We are not informed of any authority which sustains the doctrine that a municipal corporation is invested with the power to declare the sale of newspapers a nuisance. The power to suppress one implies the power to suppress all, whether such publications are political, secular, religious, decent, indecent, obscene or otherwise. The doctrine of the Constitution must prevail in this State, which clothes with liberty to speak, write or publish his opinion upon any and all subjects, subject alone to the responsibility for the abuse of such privilege."

That interpretation will be given to a statute which will make it consistent with the Constitution.

HARRY WEINBERGER.

INCIDENTAL SUGGESTIONS

MEXICO'S OPPORTUNITY.

Philadelphia, October 6, 1914.

Senor M. F. Cirat, Mexican Consul in Philadelphia, says: "The only way Mexico can help herself and settle these civil wars is by equal taxation." Good. Then he adds: "All the lands in Mexico should be assessed at so much an acre. Take a man owning millions of acres, now paying very little tax. Suppose he was assessed at, say, \$1 an acre, would he hold the land? No, he would rent it out, give it away, or do something so that he would not have to pay this tax." Sounds good, but is very bad, as the holder of the worst acre would have to pay the same as the holder of the best acre. Obviously unjust. There is but one conceivable equitable tax for