

# Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER

PROUDHON

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"For always in thine eyes, O Liberty!  
Shines that high light wherby the world is saved;  
And though thou slay us, we will trust in thee."

JOHN HAY.

## On Picket Duty.

Owing to the ignorance of the editor of Liberty, he made the mistake of enclosing in quotation marks the word tetchy in Mr. Byington's recent article on "A Humorist." Mr. Byington is a bit tetchy about it.

In the April issue of Liberty I complained of J. William Lloyd's insinuations in "Free Society" that Gordak's attitude toward Liberty and myself underwent a change before his death. In an explanation in "Free Society" Mr. Lloyd declares that he had no intention of insinuating such a thing. A friend of his, and of mine, after reading his explanation, said: "Since Lloyd makes this disclaimer, he must receive the benefit of it; but the fact remains that in the first instance he expressed himself unfortunately." Echoing this remark, as judicious as it is generous, I let the subject drop.

Edgar Fawcett, writing in refutation of the statement that the New York aristocracy of to-day is lacking in the taste and refinement that characterized the aristocracy of Knickerbocker days, thus describes the impression made upon him by his association with the Four Hundred: "There was great luxury, great splendor of household adornment and feminine apparel, great festal richness of repast, great display of sumptuous equipages, choice horseflesh, and obsequious attendants. But there was never, to my recollection, the least evidence of bad taste." Evidently Mr. Fawcett looks upon obsequiousness and flunkyism as evidences of good taste.

Within a few weeks the "Public" has told the plain truth, or a small part of it, about the infamous Hearst. The "Public" is a journal of character, and, when it speaks, its words have force. Nevertheless, its denunciation of Hearst would have been still more effective, if delivered at an earlier date. Those who have learned to respect the "Public" will know that the tardiness of its attack is to be explained by reluctance to throw over an ally before his depravity has been proved hopeless. To be slow in abandoning one's confidence in an old associate is highly commendable. But the average man will view with suspicion an assault from Single Tax sources upon a man whose hideous blackness was not discoverable until after he played false in his dealings with the followers of Henry George. Liberty, however, entertains no

question of the "Public's" sincerity, and hopes that its action is indicative of a wholesale desertion of Hearst by the decent element among his supporters. But what does the "Public" think of a man like Arthur McEwen, who, after leaving Hearst's paper because of its treachery, later renews his fealty to a false and ignoble master?

Another contribution to the boycott discussion from the pen of Mr. Bilgram will appear in the June number. In the meantime he should consider carefully S. R.'s article, "Logic and Liberty," on another page, especially that part of it which demolishes the supposed distinction between primary boycotting and secondary.

The "Public" discusses the supreme court's lottery decision in much the same vein as that followed by S. R. in this issue of Liberty, though S. R.'s article was received at this office prior to the appearance of the "Public's" editorial. There is this difference, however, between the two. S. R. thinks freedom of the press endangered by the decision, whereas the "Public," while finding the decision dangerous in other directions, thinks freedom of the press secured by the constitutional provision. My first impression was that the "Public" was right, but the circuit court's decision in the merger case, quoting and largely based on the supreme court's decision in the Addiston Pipe and Steel case, convinces me that S. R.'s apprehensions are well founded. It appears that the supreme court, in the Addiston case, made the following remarkable pronouncement: "It has been held that the word 'liberty,' as used in the constitution, was not to be confined to the mere liberty of persons, but included, among others, a right to enter into certain classes of contracts for the purpose of enabling the citizen to carry on his business; . . . but it has never been, and, in our opinion, ought not to be, held that the word included the right to enter into private contracts upon all subjects, no matter what their nature, and wholly irrespective, among other things, of the fact that they would, if performed, result in the regulation of interstate commerce and in violation of any act of congress upon that subject. The provision of the constitution does not, as we believe, exclude congress from legislating with regard to contracts of the above nature, while in the exercise of its constitutional right to regulate commerce among the States. *On the contrary, we think the provision regarding the liberty of the citizen is to some extent limited by the commerce clause of the constitution,* and that the power of congress to regulate interstate commerce comprises the right to

enact a law prohibiting the citizen from entering into those private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States. We cannot so enlarge the scope of the language of the constitution regarding the liberty of the citizen as to hold that it includes, or that it was intended to include, a right to make a contract which, in fact, restrained and regulated interstate commerce, notwithstanding congress, proceeding under the constitutional provisions giving to it the power to regulate that commerce, had prohibited such contracts." This is the most audacious application of the "to some extent" rule of interpretation that has yet come under my notice. If the merely regulative functions conferred upon congress by the constitution are to be considered superior to and restrictive of the constitutional clauses securing the citizen's fundamental liberties, then indeed is the constitution a back number that cannot be too soon consigned to the wastebasket. S. R. is right in not relying upon it. Before long it should be apparent even to the blindest that the American form of government is nothing more or less than absolute despotism exercised by the judiciary.

## Rome.

AT THE PYRAMID OF CESTIUS, NEAR THE GRAVES OF  
SHELLEY AND KEATS.

(1837.)

Who, then, was Cestius,  
And what is he to me?—  
Amid thick thoughts and memories multitudinous  
One thought alone brings he.

I can recall no word  
Of anything he did;  
For me he is a man who died and was interred  
To leave a pyramid

Whose purpose was express  
Not with its first design,  
Nor till, far down in Time, beside it found their rest  
Two countrymen of mine.

Cestius in life, maybe,  
Slew, breathed out threatening;  
I know not. This I know: in death all silently  
He does a kindlier thing,

In beckoning pilgrim feet  
With marble finger high  
To where, by shadowy wall and history-haunted street,  
Those matchless singers lie. . . .

—Say, then, he lived and died  
That stones which bear his name  
Should mark, through Time, where two immortal  
Shades abide;  
It is an ample fame.

Thomas Hardy.

# Liberty.

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Resolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the executioner, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel."—PROUDHON.

Ⓔ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

## Important Caution.

Enemies of this paper having taken advantage of its temporary suspension to establish another in the same city under the same name, all postal communications of whatever nature, if intended for the genuine Liberty, should be addressed carefully and plainly to P. O. Box 1312, New York City, all non-postal deliveries should be made at 114 Fifth Avenue, Room 43, and all checks, drafts, and money orders should be drawn to the order of Benj. R. Tucker.

## The Argument from Instinct.

"The propensity to demand government, to try to exercise it, is innate in man."

Granted; one might say something on the other side, but hardly so as to carry conviction.

"And man's nature is so adapted to his environment that the existence of an innate impulse is proof presumptive that the exercise of this impulse will be profitable."

Granted, in the name of Mr. Darwin and of all theological philosophers (barring the Bible) from Socrates down to the latest high-school graduation essay.

"Therefore we must presume that government is the desirable form of human society."

It looks uncommonly logical. But that's not the whole story. There is another innate propensity to object to being governed, which raises a counter-presumption.

"Are you sure that that propensity is as universal and deep-rooted in man as the propensity to govern?"

Whether it is or not, it is at any rate extensive enough to make out a presumption when looked at by itself. You have a presumption on each side, and the conclusion is that not every presumption proves a fact. We come to something like the propensity to want to eat your cake and have it too; that seems to be another innate impulse of the race; but it doesn't follow that eating and yet having can be the rule of life.

"Well, at any rate that impulse is a harmless one; in fact, it is highly profitable, for it leads to all sorts of desirable economic inventions to reconcile the two advantages. Just so here; the presence of the two impulses leads to devices (of which the English and American system of law is one of the finest) for combining government with liberty. Let one of the two impulses control everything, and the result

will be as bad as if the impulse to eat or the impulse to keep were to control all cake."

In a good many practical cases our law combines government and liberty about as a cat combines with a saucer of cream. But this business of trusting every innate impulse is worth more study. What of the impulse of cruelty? Is not that innate in man? At ten he is tormenting a frog; at twenty he is playing a practical joke with the intention of causing discomfort to an unsuspecting friend; at thirty he is teasing a child till he makes it cry; at forty he will not buy a paper without an atrocity if he can get one with. Surely the evidence for an instinct of cruelty is at least as strong as that for an instinct of government. Shall we therefore cease to oppose cruelty?

In fact, I rather think it is all the same thing. For that guiding principle, that the innate impulse is a profitable one, is not disposed of merely by finding an impulse that is in fact pernicious. If the impulse to cruelty is bad for man, how comes man to have it? There is a very legitimate biological question.

It is because the impulse is not a primary one, I think. One of our most fundamental, most profitable, most necessary impulses is to display our strength; to make ourselves feel our strength, and enjoy the feeling. To make ourselves feel our strength we want to match it against another's and see that we overcome. If it is a mere wrestling-match, we have no security that our opponent does his utmost. In fact, we are pretty sure that he does not strain himself more than is comfortable. But, if we are hurting him, we know his will is against us; and, the more we hurt, the more we know he would do all he could to throw us off; and, if he cannot throw us off, but is helpless under our torment, his helplessness shows our comparative strength. So we feel strong, and it seems good. A man ought to like to feel strong; and here, as in many other parts of life, he takes a cheap and poisonous way to gratify a legitimate appetite. At least, this is the way I understand it; and so does Browning—see his "Caliban upon Setebos."\*

Now, it is just the same with government. Aside from the disposition to resort to government as a means to manifold ends, government is an end in itself in so far as it enables one to feel himself a master. Now I have them! now I am steering them, shaping them, doing what I please with them, and their recalcitrance is beaten! On the other hand, to abstain from

\* I mean the above to refer to cruelty properly so-called—the delight in pain as such. A good deal that goes by the name of cruelty, and is quite rightly frowned upon as such, is of another sort; it is the pleasure of working material into new and strange shapes. That the material is alive is interesting; that the material feels pain is overlooked. Pulling off a fly's legs, or tying a kettle to a dog's tail, is to the scientific dissection of animals (living or dead) what mud pies and aimless scratches in the fresh snow are to architecture and landscape-gardening. It is in one aspect the same part of man that enjoys a comic picture of an African using the giraffe's long neck for a ladder. The fly without legs is like the giraffe—a queer thing in the world to contemplate, trying to think how it would seem. An anti-vivisectionist says vivisectioners evidently do not work in a mere spirit of scientific investigation, but are moved by the appetite for cruelty. It is altogether likely that they enjoy seeing what remarkable modifications (momentary or permanent) they can produce in their living material, just as I have known a confectioner to enjoy seeing how many things he could make out of sugar. The anti-vivisectionist is quite right in saying that this is what we call cruelty in children, and that, if this increases the vivisectioner's activity, it increases it illegitimately; the motive that is all right for work on sugar may be all wrong for work on rabbits.

government—to let a thing that we wish was not done go on before our eyes, when we could stop it by taking a club and interfering—is to condemn ourselves to a feeling that is rightly\* one of the most painful to man—the feeling of impotence. For it takes some education to feel that one is working as efficiently by such self-restraint; and, even if one does feel this, there is still an undeniable impotence in failing to arrest the evil of the moment. This was why Christ wept over Jerusalem—at least this was the import of the first words he spoke when he wept, before he said anything about sympathy with the people's prospective sufferings.

The attraction of government, like the attraction of cruelty, consists in its catering to the legitimate appetite for strength by showing a coercion of the reluctant. But, if it is well to discourage the appetite for cruelty (which is one of the most undisputed points of pedagogy), then it must also be well to discourage its twin or other half, the appetite for government.

STEVEN T. BYINGTON.

## Logic and Liberty.

Admire the consistency and acuteness of the champions of liberty and individualism on the bench and in the press! How clear, logical, and profound are their arguments and utterances on such questions as strikes, boycotting, injunctions, etc.! Several illustrations of their wisdom have been given in recent issues of Liberty, and I will add a few to the number.

Here is Prof. Goldwin Smith, an old and earnest Liberal, an attractive and courageous thinker, and a man who has endeared himself to all progressive elements by his aggressive opposition to jingoism, imperialism, and reaction. Even he has been misled by the sophistry of the loud and ignorant expounders of plutocratic individualism. In a recent letter to the New York "Sun" Mr. Smith wrote:

I am probably one of the last survivors of the set of public men and writers who in England fought against the principle of the old Combination laws and in favor of allowing the workingmen full liberty of association for mutual support in securing the just wages for their labor. We fought at some moral disadvantage, being weighted by the odium of outrages committed by lawless unionists, especially at Sheffield, the roughest of our manufacturing cities. I was myself accused of being an apologist for murder. But of that circle I am sure not a single member would have failed heartily to condemn violence of any kind, any attempt to create a monopoly of labor, any interference with the laborer's free exercise of his powers of work, and any maltreatment or vilification of non-union men. I do not think that any of them would have approved boycotting, picketing, or refusal to work with non-unionists.

There is no reason to doubt the correctness of the statements in the last two sentences of this passage. But what of it? The fact that certain excellent men, who did good work in their day, would not have approved of boycotting, picketing, and refusal to work with non-unionists [boycotting again, though Prof. Smith does not perceive it] does not prove that these things are invasive and wrong. Does Prof. Smith imply that, if those men had foreseen the outcome of "liberty of association,"

\* I use the word here not in its moral sense, but in the teleological or evolutionary sense, "appropriate to the most profitable development of the human being."

they would have accepted the infamous anti-combination statutes? Did they demand liberty of combination because they thought the workmen would be "good" and sweetly reasonable and wise? The sort of liberty which does not include the freedom of picketing and boycotting is not worth much; it is not liberty.

From Goldwin Smith turn to the discussion of blacklisting and boycotting in the "unanimous" report of the Gray commission. What obtuseness and stupidity that part of the document discloses! Blacklisting, we are told, is indefensible and properly punishable under the conspiracy laws. "Primary" boycotting, on the other hand, even when resorted to by a combination of any number of persons, is unobjectionable from the view-point of equal rights, being merely the withholding of the patronage of these persons from people who have no legal claim thereto. Now, blacklisting is neither more nor less than "primary boycotting" by employers of workmen they dislike. What wonderful logic there is in the position that workmen may boycott their employers, while employers may not boycott workmen that they have dismissed, or that some other employers have dismissed!

To this occult distinction between primary boycotting and blacklisting—primary boycotting under another name—the commission adds the Gray distinction (and the Mitchell, Clark, *et al.* distinction) between primary boycotting and secondary boycotting. Liberty had already animadverted upon this discovery in social science and ethics, but the point will bear elaboration.

What is secondary boycotting? The commission says:

When it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime.

In other words, you may boycott people if you like, but you must not ask others to boycott the same people, and threaten to boycott *them* if they decline to accede to your request. But why not? It is not pretended—the commission certainly does not say it—that we may boycott people only for certain prescribed or understood reasons; on the contrary, it is admitted, by implication at least, that we have the right to boycott people for any reason whatever, or even out of sheer caprice. Indeed, no other position is tenable, since no man has any vested interest in our patronage or friendship. But, if we may boycott people for any reason, it clearly follows that we may boycott them for refusing to co-operate with us in a given boycott. This is simply one of the possible reasons for boycotting.

Thus the distinction between primary and secondary boycotting disappears at the touch of logical analysis. The examples of secondary boycotts which the commission cites explain the commission's meaning, but utterly fail to justify its distinction. Here they are:

A young schoolmistress, of intelligence, character, and attainments, was so boycotted, and her dismissal

from employment compelled for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. A lad, about fifteen years old, employed in a drug store, was discharged, owing to threats made to his employer by a delegation of the strikers, on behalf of their organization, for the reason that his father had chosen to return to work before the strike was ended. In several instances tradesmen were threatened with a boycott—that is, that all connected with the strikers would withhold from them their custom, and persuade others to do so, if they continued to furnish the necessaries of life to the families of certain workmen who had come under the ban of the displeasure of the striking organizations.

In none of these cases was there an element of invasion or wrongful coercion. The miners had a perfect right to boycott the "young schoolmistress," the "lad," and the "tradesmen." The reasonableness or humanity of their course has nothing to do with the question of their "right." The commission attempts no argument against secondary boycotts. None is available,—that is, none that would not apply with equal force to primary boycotts, which are pronounced legal.

With such ignorance of the meaning of liberty on the part of judges, writers, sociologists, "statesmen," and labor leaders as these instances reveal, what wonder is it that liberty is disappearing and making way for judicial despotism and executive usurpation?

S. R.

### The Steel Trust's Balance Sheet.

Some interesting facts may be gleaned from the first annual report to the stockholders of the United States Steel Corporation. The trust employs, on an average, 168,127 persons, whose annual wages amount to \$120,528,342. There are 58,629 stockholders, and their property shows net earnings for 1902 of \$133,308,764. By a little figuring it appears that the average wages paid to each employee, including the fabulous salary of President Schwab, was \$716.69, while the net earnings average for each stockholder \$2,273.84. The number of stockholders given does not include the 27,379 employees "who were allowed" to purchase preferred stock; nor do the net earnings include expenditure on repairs and maintenance, nor the interest on bonds of subsidiary companies.

The total capital stock is just in excess of a billion dollars, besides a bonded and mortgaged debt of three hundred and sixty-three millions. Comparing these figures with the net earnings, we see that this mammoth monopoly makes about ten per cent. on a capital which is notoriously known to be at least fifty per cent. water.

If we compare the volume of business, \$560,510,479, with wages and profits, we find that wages accounts for 21.50 per cent. of the income, while net earnings absorb 23.78 per cent. The trust does not, however, divide all its profits among the owners. Preparing for a rainy day, the management has held back a surplus of \$34,253,657.

For a study of the most modern methods of exploitation the affairs of this up-to-date corporation afford rich material. To trace to their source the causes of the inequity suggested by the above data will furnish thoughtful occupa-

tion for the investigator. He would encounter the black record of the Carnegie concerns, the horrors of Homestead, the smashing of labor unions, crushing of rival competitors; then the gradual formation of minor trusts, each organized not in accordance with capital invested, but on anticipated earning capacity during a period of inflated prices; finally the emergence of the present trust, the handiwork of King Morgan, who netted, in organizers' commissions alone, a neat ninety millions. How the library philanthropist so long withstood the overtures of the mighty financier; how Carnegie, who all the while held the trump card to any move in the steel situation, yielded at length to the plans of Morgan only when he secured the lion's share of the spoil,—would prove an interesting tale of the times. The waterings and re-waterings of the various companies, and the last great ballooning feat, creating the billion-dollar trust are but deeds of yesterday.

In such a study it would not do to neglect the part played by government, State and national, in fostering this industrial agglomeration. On the one hand, the effect of tariff laws; on the other, the support rendered the monopoly by regiments of armed men to hold rebellious workmen at bay and shoot them when occasion served,—not to mention the potency of subservient judges ever ready to administer the laws in the interest of the monopolists.

From these suggestions it is evident that a historian of trusts as impartial as Ida Tarbell could produce a story concerning steel no less instructive than the one she is telling about oil.

The figures showing the number of stockholders in the Steel Corporation dissipates a myth cherished by our Socialist friends, who instance the growth of trusts as a proof that capital is concentrating more and more into a few hands. Despite the Marxian dogma, it appears that the diffusion of capital among larger numbers is a feature of modern trusts. The libertarian does not fear trusts, nor denounce industrial combinations because they are big and profitable. Nor yet does he console his offended sense of justice by an ingenuous belief in the providential purpose of trusts as the forerunners and organizers of an approaching industrial collectivism. To the libertarian it seems easier, more logical, and more to the purpose, to attack a governmental system that stands for favoritism and privilege to the few balanced by oppression, robbery, and restraint of the many, than to denounce inevitable excrescences and pernicious fruits which would fall as harmlessly as autumn leaves if the roots were no longer nourished by coercive laws and invasive authority. Why should we waste our energies in futile efforts to curb the activity of trusts? These not wholly vicious progeny of the Morgans and Rockefellers can thrive only on State aid, statutory discrimination, and the denial to others of industrial liberty.

The attack must still be directed against all monopolies created by law,—money monopoly, patent monopoly, land monopoly, and the rest. If the onslaught cannot successfully be sustained against the enemy in mass, then by all means let us attack in detail. As to methods of fighting legal privilege, they should remain as various as the individuals who engage in the fray.

Education toward social and political sanity appears a slow and often discouraging process. But for most of us who hope for ultimate human freedom there is no other way.

WILLIAM BAILLIE.

### Government the Tool of Monopoly.

"A government of the people by the people for the people shall not perish from the earth." Has it ever existed? So long as there is government as now understood, commanding all things, interfering in all things, so long will its commands and interference be in the interest of a few. It has always been so; it will always be so. It is in the nature of things that it should be so. Allow government to levy a protective tariff, and surely that will be used to endow a few shrewd ones at the expense of the many. Allow a government to say what must be currency, and surely it will declare as the scheming few desire. Allow a government to possess the title to all vacant land and the power to give it away, and that power will be exercised for the grasping, predatory few. A government of the people, by the people, for the people—is it?

If there is anything the mass of the people desire more than another, it is to see the great avenues of transportation, the railroads, "controlled," "regulated." The last congress so amended the interstate commerce act that the only check upon unlawful rebates and discrimination by railroads is a criminal proceeding to recover a fine never to exceed twenty thousand dollars. Any lawyer will tell you that these proceedings are so difficult in the evidence, so guarded by legal rules resolving every *doubt* in favor of the accused, that they are a hopeless and useless regulation, never resorted to. If these lawgivers were the representatives of the *people*, why did they not sanction the obvious and easy course that the man discriminated against could recover back, in an ordinary civil action, the difference between his rate and the rate to secretly-favored shippers?

A government of the people, by the people, for the people—is it? If there is anything the masses are now agreed upon, it is that at least those protective favors to trust-made articles be abolished. Has it been done? Has president or Cuba or any one been able to move the "representatives of the people" to lay a finger on the sacred tariff, which is now known even to the ignorant as robbery by law of the masses for the pockets of the few? These are mere instances, which might be multiplied. Let each ask himself, as he surveys any State legislature or the congress: Do they represent the people, or the powers of the land? Do they make laws for the people or the powers? Do they merely throw dust in the eyes of the people, and give gold to the privileged few?

There can be but one answer. Legislatures everywhere are made up of men selected by bosses, and sent there for the purposes of the powers. The people to-day are still ignorant, still deceived, still long-suffering, as in the days of *Cæsar Augustus* or *Lorenzo di Medici*.

If you saw a man with a firebrand at your haystack, would you take the firebrand from

him, or leave it in his hand? If you saw a man sharpening a knife to cut your heart out, would you leave the knife in his hand? Is it not wise to deprive any man of a dangerous weapon which he uses dangerously? Would it not be wise to have less "representative" legislation since the "representatives" have always been, and in the nature of things will always be, the cunning, palavering tools of monopoly-fattened lords? As we find laws to be used only in the interest of these scheming privilege barons, would it not be well if the people deprived their representatives of the right to make laws,—took away the firebrand and the knife? Would it not be well to at least say to "government": "Your title to land is the same as the old feudal overlord's. You claim it as Sovereign. We say vacant land is open to him who will actually settle upon it and use it"? Would it not be well to make actual use and possession the title, not the "Sovereign's" paper deed giving to him who never saw them thousands of acres he never expects to visit. How long would the coal monopoly last, if its paper title were abrogated and vacant coal land open to use by whomsoever would mine it? Would it not be well to say to this government, which more than all else is the shrewd tool of the grasping monopolist: "In commerce, in money, in tariff, in land, you shall have no power whatever, but all men, freed from your blighting grasp, shall have equal liberty, without either the privilege or the burden of your laws"?

C. E. S. Wood.

### A Fearful and Wonderful Decision.

We all learned from the Republicans and the sound-money Democrats in the first Bryan campaign that to criticize the august supreme court is moral treason. It is strange that the new anti-immigration act or the anti-Anarchy law should contain no provision excluding from the country (and prohibiting the naturalization of) persons who had spoken, or might speak, disrespectfully of the overshadowing bench. At all events, the supreme court is majestic and sacred. We may not laugh even when it stands on its head!

But the lottery decision makes one wonder whether "it" has any head. Who "it" is, no one knows. The court stood five to four, and the four dissenting justices displayed considerable intelligence and reasoning power. The "decision" is really that of one man, though the opinion which accompanies it is supposed to express the views of five members of the court. Great is our system of "checks and balances"!

Now let us examine the decision, and the ground upon which it rests.

Congress passes a law prohibiting the carriage or transmission of lottery tickets by express, freight, or any other means, from one State to another. Lotteries are "gambling institutions," and the traffic in their tickets is "immoral"; but that has nothing to do with the question, since the police power under which public morals are protected is vested in the States, not in the federal government. The congressional act finds its warrant in the constitutional clause giving the legislative de-

partment of the federal government power to regulate commerce between the States. To bring the anti-lottery act within this clause it is, therefore, necessary to prove two things,—that the traffic in lottery tickets is interstate commerce, and that the power to regulate such commerce includes the right to prohibit.

This the court undertakes to do. It cites precedents to show that commerce among the States embraces navigation, intercourse, communication, traffic, the transit of persons, and the transmission of messages by telegraph. It concludes that the carrying from State to State of lottery tickets constitutes interstate commerce. As to the scope of the power to regulate, the court says:

Are we prepared to say that a provision which is, in effect, a prohibition of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If the suppression of lottery traffic, carried on through interstate commerce, is a matter of which congress may take cognizance and over which its power may be exerted, can it be possible that it is helpless to suppress such traffic as carried on through interstate commerce? Must it tolerate the traffic, and simply regulate the manner in which it may be carried on? Or may not congress, for the protection of the people of all the States, and under the power to regulate interstate commerce, devise such means, within the scope of the constitution, and not prohibited by it, as will drive that traffic out of commerce among the States?

Does it not follow that what congress can constitutionally do in the case of lotteries it can do in the case of other "immoral" traffic, intercourse, communication, etc.? How about the transit of persons connected with lotteries? How about the transit of persons engaged in circulating immoral or Anarchistic literature? Would an act prohibiting such persons from using railroads, steamboats, express companies, and other facilities of interstate commerce be constitutional?

And how does the decision affect trusts and trust-made goods? Would a law prohibiting the carriage of trust-made goods be constitutional? Can congress penalize the transit of persons who, for example, receive rebates in violation of the law, or refuse to comply with the "publicity" provisions of the Nelson amendment to the fool act for the creation of a new department of humbug—of commerce, I mean?

The court says that "it will be time enough to consider the constitutionality of such [anti-trust or other] legislation when we must do so." We only decide, it concludes, that lottery tickets are the subject of traffic, and that congress may prohibit the carriage from State to State of such tickets.

Discretion is the better part of judicial valor, but the question, *why* do you so decide? remains unanswered. Either the power to regulate includes the power to prohibit, or it does not. If it does not, how can the prohibition of the carriage of lottery matter be prohibited? If it does, then congress may exclude other matter—trust goods, immoral or revolutionary literature, etc.—from interstate commerce. There is no escape from this twofold conclusion, but the court, ostrich-like, buries its head in the sand, and refuses to face the necessary logical implication of its position.

In one place, the court declares that the power to regulate commerce is plenary and complete in itself, and that in the exercise thereof congress has a large discretion as to the character of the regulations to be adopted, which discretion is not to be controlled by the courts. Further on, we learn that regulation may *sometimes* appropriately assume the form of prohibition (the court, of course, determining the "appropriateness" of the time or form), and finally we are told that the power, though plenary, is not arbitrary, since it is subject to such limitations or restrictions as are prescribed by the constitution. Plenary power, large discretion, power limited by other provisions of the constitution. On the moon this may be consistent and intelligible; on this sublunary sphere this juxtaposition of phrases is meaningless.

We simply gather that the court—the odd judge—claims the right to decide when and where prohibition is an appropriate mode of regulation, when plenary power glides into arbitrary, and when the large discretion of congress has been exceeded. And yet the legislative department is supposed to be independent of either of the others, and the original checks and balances are supposed to be in working order! Well may the chief justice say: "Our form of government may remain, notwithstanding legislation or decision, but, as long observed, it is with governments as with religion—the form may survive the substance of the faith." The structure erected by the founders is in ruins. There is slavery in the Sulu islands, notwithstanding the civil-war amendments; imperialism in the Philippines and Porto Rico, notwithstanding the bill of rights; central despotism, notwithstanding the "reserved rights" of the States and the people.

They talk about the usurpation of "the overshadowing senate." But the senate at least stands for free speech in the chamber and the principle of federalism. The encroachments of the supreme court are invariably hostile to individual and State rights. And, like all despots, the court declines to commit itself to any principle. It rejects the rules of logical reasoning. It prefers arbitrary power, free fancy, the opportunity to shuffle, wriggle, and play fast and loose with the constitution.

There are some thoughtless editors who believe that nullification by the supreme court is not an unmixed evil, since "the people are the constitution" under loose and liberal interpretation. To say nothing of the fact that the people's notions are not at all a desirable substitute for the constitution, it is not even true that the court is governed by popular wishes. It is more likely to take its cue from platocratic sophists—certainly in matters affecting the pocket.

S. R.

### Searchlights on Government.

According to the New York daily papers coffee advanced ten to fifteen points on a report that the Brazilian congress had enacted a law that twenty per cent. of the coffee crop was to be destroyed in order to raise the price depressed by overproduction. The method suggested was a tax of twenty per cent. on the crop, payable in coffee; one out of every five bags

would go to the government, and be destroyed. Thus it is evident there is too much coffee in the world. Or that too little coffee at a high price is more beneficial to mankind than plenty of coffee at a low price. But, after all, it might better have been left to the grower to say, without the help of legal wisdom, whether he preferred a low price for much coffee or a high price for little coffee.

The secretary of the treasury, at a recent banquet in Peoria, said: "The Democratic demand for a revision of the tariff as a remedy for monopolies is not a new invention nor a recent discovery. I would like to have our Democratic friends who are advocating this remedy explain whether they would remove protection temporarily or permanently from monopoly-produced goods. Shall the protection be removed until the alleged monopoly goes into bankruptcy?" etc. The honorable secretary then advocates "a wise measure of control,"—that is to say, shake the leaves of the tree a little, but do not touch its roots. "The wise control in the hands of the wise controllers has resulted in protection of one hundred per cent. and more on window-glass, and the free enlightened American citizen is paying a double price for that article. The uncrowned American sovereign, with a protection of one-half to one cent a pound on nails, is paying more than a double price on wire nails, and the undressed Mexican slave is paying fifty per cent. less for the same nails because he is free to buy where he can buy cheapest without restraint of law. These are only examples from the terrible tariff list which embraces everything which the uncrowned American sovereign uses from the cradle to the grave. We advise our Democratic friends to answer the secretary that they would remove the tariff bonus, even though it bankrupt the manufacturers to sell goods to the uncrowned American sovereign at the same price they sell to the undressed Mexican peon. A business which must bankrupt unless the people be robbed to keep it up had better bankrupt.

From Sioux City, Iowa, comes a special to the New York "Times" that C. Shenberg & Co., wholesale grocers, have brought suit to enjoin a shoe store from selling their coffee as an advertisement at five cents a pound, the regular retail price being twenty cents a pound. Injunction to prevent a man from kissing his wife, giving birthday gifts, etc., are now in order. However, the date of the dispatch is April 1, which may account for it.

The "Evening Post," commenting on the dissolution of the Wabash injunction, said railway officials were much gratified at the dissolution of the injunction, recollecting what happened the last time an injunction of this kind was upheld (the Chicago injunction, resulting in the imprisonment of Debs for contempt); "although the injunction process was apparently vindicated, the result was to discredit it for the future." It is always a pity when issues of this kind are not pushed to a conclusion. Under the law as it stands today Mr. Baer was correct in claiming the whole power of the government to protect him in his right to mine

coal as he pleased, or not to mine at all if he so pleased; to pay what wages he pleased, and employ what men he pleased; and it is a pity the perfectly ineffectual scheme of a commission ever diverted the public mind from the root of the matter, which is that he has no right to a foot of land he is not actually occupying and working. So it is a pity that this injunction was not enforced. If it had been, the issue would have been clear to the people. Have we liberty, or have we not? If not, why not? Only out of suffering comes profound thought.

Majority rule must of necessity be a good thing, an infallible wisdom—a *sure* thing. It is for some; read what Gen. Brayton, the Rhode Island boss, says:

"I don't think there is much outright vote-buying done; the voters are paid for their time, because they have to leave their work and come down to the polls. Sometimes that takes all day. The manufacturers in the State are really to blame for present conditions. Some of them haven't treated the party just right. The Republicans have never passed any legislation that would bother them, like the ten-hour law and things like that, until there was such strong demand from the labor people and the citizens that the party had to do it, and then, with the people voting against us because we didn't pass such laws, and the manufacturers not helping us as they should, we have been caught between two fires... I am attorney for certain clients, and look out for their interests before the legislature. I am retained annually by the New York, New Haven and Hartford Railroad Company. As every one knows, I act for the Rhode Island Company [street-railway interests], and I have been retained in certain cases by the Providence Telephone Company. In addition to these, I have had connections, not permanent, with various companies desiring franchises, charters, and things of that sort from the legislature. I never solicit any business. It all comes to me unsought. You see, in managing the campaign every year, I am in a position to be of service to men all over the State. I help them to get elected, and naturally many warm friendships result; then, when they are in a position to repay me, they are glad to do it."

This shows the beauty of representative government and majority rule. It is frankly stated by the Rhode Island boss, and is true everywhere. Even the blind may here see how franchises are bought, sold, and stolen. A voter paid for his time! How refreshing! Paid to exercise his right as an uncrowned king, a sovereign! And who measures his pay? Boss Addicks had the same thing legalized in Delaware. Who now shall doubt that legislatures are the repositories of wisdom and virtue, and majority rule the perfection of truth? If ninety-nine of these paid voters oppose a hundred, they are wrong; but, if they can buy up one of the hundred, they are right. Surely this is the perfection of reason.

C. E. S. Wood.

Pleading for non-resistance, Ernest Crosby, in the "Whim," says: "When Mr. Chamberlain, afterwards governor of South Carolina, congratulated Lincoln on having freed the slaves, the president declared that that honor should go to Garrison and his followers. It is true that war was the proximate instrument in this case, but Garrison never approved of the war, knowing that he and his friends had brought to bear new forces which were sure to triumph in the end without war." Unfortu-

nately, such is not the fact. It is true, to be sure, that up to the beginning of the war Garrison and his followers had favored secession, not alone on non-resistant, but also on libertarian, grounds. But, when the war broke out, Garrison and nearly all Garrisonians proved recreant to both causes,—peace and Liberty,—and sustained the war to the best of their ability. It was an ugly blot on an otherwise great career. Col. William B. Greene, the author of "Mutual Banking," was wont to refer to this matter in his picturesque way. At the outbreak of the war Col. Greene was in Paris. Though he had written "Mutual Banking" years before, he had not yet arrived at the radical views of government which he held later in his life. Being a graduate of West Point, he thought it incumbent on him to come home and help to "save the Union." The night before leaving Boston for the front, to take command, under McClellan, of the artillery forces of the Army of the Potomac, he took the notion to don his uniform and call on Garrison,—Greene was on terms of intimacy with the Abolitionists, though not one of them,—from whom he expected to receive a round scoring in the agitator's best form. "And what do you think?" said Greene to me, in telling me the story, "the damned scoundrel actually patted me on the back, complimented me on my glorious course, and told me to go ahead!" And Greene despised Garrison forever after.

"The only safeguard against such a danger [a carnival of horror, like the French Revolution] is the utter repudiation of violent methods in reform." So says Ernest Crosby in the "Whim." Why, then, does Mr. Crosby practise violent methods in reform? Every little while one hears of him proposing or favoring this or that new law to achieve this or that reform. "Once permit yourself to rely upon rifles and prisons," he continues, "and the descent is easy into all kinds of cruelty and torture." But every man that proposes reform by taxation, by legislation, and by the ballot thereby places his ultimate reliance on the club and the prison, and on the rifle if need be.

The "Liberty Review," mistaking the forced inequality that exists today for the natural inequality in which it rejoices, wittily refers to "Our Benevolent Feudalism," the book that traces so graphically the development of this forced inequality, as a bit of "good news from Ghent."

### A Forthcoming Work on Anarchy.

The book of M. Paul Ghio on "The Anarchist Movement in America" will soon be published in Paris by Armand Colin. The author has favored me with advance sheets of his preface, which has appeared, or shortly will appear, in the "Nouvelle Revue Internationale." A translation of a few paragraphs follows:

It is extremely difficult, in my opinion, to set forth in detail the practical programmes of the different Anarchist doctrines. All that can be said of them is that all alike rely on the abolition of the State as a prior condition of the advent of a better social life. The economic and social phenomena that have grown out of the existing social organization seem to con-

cern the Anarchists only in a secondary degree. One would search in vain the works of Anarchist writers for positive outlines, in detail, of the society that will arise when the existing régime of compulsion shall have been overturned; and, to tell the truth, it would be asking too much of the Anarchists to insist that they, the declared enemies of pre-established and authoritarian organization, offer us a type of organization.

Since all the evil from which we suffer to-day arises from lack of liberty, to liberty alone will it belong to furnish the remedy. Their views seem, consequently, essentially negative; but it must not be forgotten, however, that the negation in this case applies only to a principle itself fundamentally negative,—that is, the principle of authority, which rests entirely on the prejudice, hitherto universally accepted, that men abandoned to themselves do not know how to behave in conformity with social interest and, therefore, with their own interest.

Mr. Benj. R. Tucker, a statement of whose doctrines is given in the following pages, is almost the only theorist of Anarchy who has dared to take up practically and methodically, one by one, the different questions that interest our epoch. As for the others, whose works are generally known, I find it useless to analyze their ideas; I have found it sufficient to indicate their foundation,—the absolute negation of the principle of authority. . . . . If it is true—and it seems to me indisputable—that all progress implies a negation of the point of departure, humanity has nothing to fear from the negations of Anarchy. In any case, I should think it deplorable if modern society had to look solely to democratic institutions and parliamentarism. Human horizons have no bounds; history teaches us that thus far the most advanced conceptions have been but stages.

### A Graded Fallacy.

[Being the inscription over the door of the Cambridge (Mass.) City Hall, with the comments of a "slave to logic."]

God has given commandments unto men.

From these commandments men have framed laws by which to be governed.

It is honorable and praiseworthy to serve the people by administering these laws faithfully.

If the laws are not enforced, the people are not well governed.

A most respectable beginning.

In manifold ways! and they have also framed other laws which can in no way be derived from any commandment of God.

Provided you are sure that the laws which were made from such fine material were not spoiled in the making.—Nothing said about enforcing those other laws of other origin.

Now the fat's all in the fire! "the laws" instead of "these laws"!

Right hand column by

STEVEN T. BYINGTON.

### The Horrible Hearst.

John C. Chase, ex-mayor of Haverhill, Mass., and Socialist agitator, writes the following letter to the "Worker." It is an exposure which will bring no blush to the cheek of the shameless Hearst, but which ought to fairly burn the face of every decent man ever caught in the company of that congenital, habitual, and thorough-bred liar, allured by his occasional willingness to resort to truth as a means of attaining an ignoble end.

The New York "Journal and American" of January 24 contained a dispatch from Norfolk, Va., purporting to be a report of an address delivered there by myself, on January 23, to the Building Trades Council. This dispatch quotes me as saying:

"The best friend of Labor in this country to-day is the New York "American." That paper, through its proprietor, W. R. Hearst, has fought the cause of the laboring man with untiring energy, and the title of "the people's champion" has been well earned by that unselfish American. His fortune has not been made by greed and he pays his employees according to their work.

This entire matter, Mr. Editor, is a bare-faced lie from start to finish. I not only did not say what the "Journal and American" claims, but I did not even mention Mr. Hearst or his paper. If I had, it would have been for the purpose of branding him as the most unscrupulous liar and raker in America. Certainly it is true that he is the most unmitigated liar in politics to-day, if he will thus deliberately report a man as booming him and his papers who is unalterably opposed to him and his politics.

At the meeting mentioned I talked Socialism from start to finish, and at the close of the meeting organized a local of the Socialist party, and there was not the shadow of an excuse for quoting me as Mr. Hearst did. It is but a part of the game that Mr. Hearst is playing to capture the working class and corral them into the Democratic party, in support of himself. I hope you will give this statement the fullest publicity.

I have written a denial of the article mentioned, to the "American and Journal," but it will undoubtedly never be heard from.

### The Dreaded Doctrinaire.

[James Dooling in the Boston "Transcript."]

"Politics," according to George IV., "is a poor trade for a gentleman." It certainly is, if he tries to think consistently.

In politics, if he appeals from what seems to be the immediately expedient to principles,—the ultimately expedient,—he is "doctrinaire." Should he point out evils, he is "pessimistic." Let him believe that our legislatures might better be employed in repealing discredited statutes than in passing similar measures to be discredited, and he is "not constructive." If he is in opposition to the general trend of affairs, he is "negative"—like the ten commandments—and almost as unpopular. If he opposes tinkering, he is scoffed at with *laissez faire*. Without offence, he may ably discuss any particular question, but, if in his discussion, he hints at the existence of a co-ordinating thesis—a central unifying idea—in his theory of politics, he is "not practical." He has but to give the public something not kindergarten, and he commits the unpardonable sin—he is "academic." In politics, the personnel, with praiseworthy exceptions, is what might be expected from the philosophy.

But a change is coming. Socialism, before we get through with it, will make us all a little more "doctrinaire." The barbarians were a beneficent scourge to Rome for cowardly living; the Socialists will be our corrective for cowardly thinking.

### A New Instrument of Bribery.

[Steven T. Byington in "Typographical Journal."]

I believe in the label as one of the very best things we have. I believe in pushing it and in making temporary sacrifices for it. I don't believe in selling my manhood for it.

I don't like, therefore, to read statements implying that in a certain city certain candidates have been able to secure labor votes by putting the label on their printing. Yet that isn't necessarily bad. I can well understand the position of a man who thinks that a candidate's trustworthiness in the legislature is best proved by his friendliness to labor in business, and who looks for the label on the portraits as the handiest test of this. I don't admire the man's discretion if he puts deep faith in an evidence so easily faked by any vote-catcher who wants to make love to us at election time; but there may be an election when he doesn't expect to put deep faith in any candidate. I have other things to attend to than finding fault with a voter who pays attention to the campaign use of the label as indicating a candidate's attitude.

But I'll tell you what does grate on me, and I can't see why it shouldn't. It is when I read among

the "Journal's" correspondence a paragraph intimating that a recent referendum was lost at the polls because its friends "put up a strong fight, but they didn't have the union label on their printing, and their opponents did." When it comes to a referendum vote, what excuse can there be for such action as this writer credits to his fellow unionists? Suppose that the campaign managers who put the label on their printing are friends of the union—which is unlikely; suppose that the managers who didn't use the label don't care whether there is a union or not—which is likely enough; what earthly difference does it make to the merits of the bill to be voted on? Is that anybody's idea of political honesty—to vote for a bill because a man who is pushing that bill is a friend of yours and does you a favor? If the voters on that referendum voted for what they thought was the best law, then they would have done the same without the label, and the label made no difference in the result. If the label made a difference, as the report implies that it did, then some men voted for what they thought was a bad law, and voted for it because its friends had hired their printing done in such a way as to strengthen the union. If that isn't selling your vote, what is selling your vote? And, if many labor votes were secured in this way, as the reporter would have us believe, were they not bought for less money than any other votes bought at that election?

### Can't Have What They Don't Want.

[The Public.]

President Roosevelt now has an opportunity to sign a bill which gives the federal courts jurisdiction over homicidal crimes committed within any of the States. The passage of the bill shows that there is something in a name after all. The magical name in this case is "Anarchist," which means much or little as you choose. The amazing panic which has made his revolutionary bill possible is indicated by one of the minor features of the bill. It forbids the naturalization of "Anarchists"; as if an "Anarchist," whose chief wickedness is his determination to have nothing whatever to do with government, would want to be naturalized. If congress had wished to punish "Anarchists" under naturalization laws, it should have forced naturalization upon them. To forbid their naturalization is indicative less of a purpose to punish "Anarchists" than of one to prevent the naturalization of foreigners who have objectionable political opinions, but are not "Anarchists." It looks very much as if Socialists instead of Anarchists were intended to be reached by means of this clause of the Anarchy bill. Socialists seek naturalization; Anarchists do not.

### Benevolent Ruffianism.

[H. W. Fawcett.]

I am glad to see that the people are beginning to take less interest in the foolery of voting people into power to rob and coerce them. For what is taking money from you without your individual consent but robbery? And what is all legislation but black-guardism? or to use a milder term, benevolent ruffianism? The forcing you to do something whether you consent to it or not. No gentleman ever thinks of doing these things, but you think that by voting you can confer such a right as you yourselves do not possess, which is absurd. The divine right of the many to rule is just the same sort of imposture as the divine right of the few or the one. We have only to ask why these should govern two to see the absurdity of it. It is an old superstition, and dies hard, but what cannot be defended will have to be given up. How much better we should get on if we only had a government for those people who show a governmental tendency to ruffianism and theft. "It is the very disease" that, when they called it kleptomania, Baron Bramwell said "he was set to cure." Legislators are all suffering from this madness, and should be confined, with a copy of Herbert Spencer's "Man versus the State" to study, till they see what a dangerous monomania they have been suffering under, and forswear the crime of legislation. Of course, if a man only hold it as a theory, or only practises it upon people who share the mania, we cannot object. In

fact, there could not be a better treatment for curing it. Let them plague and rob each other to their hearts' content, as long as they consent and enjoy it. We know how some of the men of old revelled in flagellations.

### The Two Sources of Hope.

[Henrik Ibsen.]

There is still much to be done before we can say that we have attained real liberty. But I fear that our existing democracy is not capable of solving this problem. What is necessary is an element of nobility in our public life, in our government, in our representatives, and in our press.

I mean, of course, not nobility of birth, or of money, or of education, or of talents. I mean nobility of character, nobility of will and soul.

Only that can free us.

This nobility, with which, I hope, our people will be clothed, will come to us from two directions. It will come to us from two groups not yet irredeemably spoiled by party pressure; it will come to us through our women and our working people.

In the transformation of society now being prepared in Europe especial attention is being paid to the future situation of the workman and of woman. This transformation I await; in it I place my hope; for it I shall work all my life, with all my might.

### Ochs, We Thank Thee for This Word.

[New York "Times."]

The tendency of municipal and State ownership of public utilities is toward the suppression of individualism, and resistance to that tendency can be effective only when it takes the form of Anarchy.

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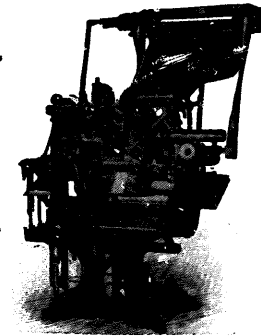
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Benjamin Ide Wheeler: "Words are not words without context, motive, and life."

- For WHAT Remarkable
For Its Fundamental Principle
For Its System of Phonic Notation
For Its Four Parallel Texts
For Its Phonic German Text
For Its Ordinary German Text
For Its Verba? English Text
For Its Free English Text

The Study of Modern Languages in Boston, Mass. (From Le Maître Phonétique for March, 1901)
The publication of the Ideophonic Texts for Acquiring Languages... shows a zeal at once rare and determined in the teaching of languages by the phonic method.

UNIVERSAL ALPHABET table showing letter correspondences and phonetic symbols for various languages.

- For WHOM Designed
For All Students of German
For All Teachers of German
For All Students whose Pronunciation is Bad
For All Teachers who are Uncertain as to Pronunciation
For All Students who Read Aloud
For All Teachers of German Phonology
For All Students of General Phonetics and Philology

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