

ment when it appeals to the press in favor of this plan by saying that the advertising which the papers to be excluded get—and that is really all that they exist for—“legitimately belongs to bona fide newspapers and periodicals, which are supported by the public upon their actual news or literary value.” That is not a valid plea. Advertising legitimately belongs to nobody except the persons to whom the advertisers award it. Yet it is true that the legitimate uses of the second-class service are for genuine news and literary periodicals, and not for imitations of these, which get large circulations by giving extravagant premiums with a view not to serving the public with a desired publication, but to securing for an advertising medium of the third class in postal classification the lower postage rates of mediums of the second-class.

If our excessive exports are liquidating our indebtedness abroad, incurred during the 30 years or so succeeding the civil war, as is solemnly asserted by the unyielding supporters of that “favorable balance” theory (men who have learned at last that our excessive exports are not paid for with gold), these men have a little contradiction to explain. How could our excessive exports during that period, if excessive exporting is favorable, have run us into debt? And while they are formulating that explanation, they might contribute still further to the general stock of information by letting the public know what kind of balance it will be when, our debts abroad all paid, excessive importing sets in to pay us with a profit for our then current exports. Will that import balance be unfavorable?

A prediction we made long ago and have frequently repeated is coming true. The administration has begun to organize a white man’s party in the south, beginning with South Carolina. John Capers, formerly a democrat, but now a McKinley re-

publican, whom the president has appointed district attorney of South Carolina, authorizes an interview in which he says: “I hope that we shall be able to organize a republican party in South Carolina that will be a credit to our state and represent the best elements of the community.” “Best” elements means, as usual in such cases, the best in the sense adopted by the rich young woman of Hood’s verses, who believed that “those who have naught are naughty.” For our part we welcome this movement. When the aristocrats of the south get out of the democratic party there, it may become democratic. At present it is little better than a survival of the proslavery democracy of the fifties.

A wholesome decision has been made by the federal court of appeals at St. Louis. The question arose on an act of the Kansas legislature which had authorized township governments to issue bonds for the erection of sorghum sugar mills. In a suit for interest on these bonds, the court holds that they are void, the promotion of manufacturing enterprises being a private and not a public business. We say this is a wholesome decision because, while we believe that manufacturing and all other wealth production should be encouraged, we believe the encouragement should consist exclusively in relieving all productive enterprises from the burdens of taxation, and not in furnishing bounties to some enterprises at the expense of taxpayers.

An irritating typographical error occurred last week, on page 3, which took all meaning out of the latter part of the editorial beginning “Our attention has been called.” We therefore reproduce so much of the distorted part of the article as is necessary to make it intelligible. The three last sentences should read as follows:

We might properly observe, however, that Mr. Casson has not very carefully analyzed the Gilman problem if he thinks it nothing but a

question of storekeeping. Tariffs and other taxes, tea gardens and other kinds of land, and disinherited labor, all entered in to give to Gilman, on the one hand, abnormal commercial power, and to make his employes, on the other, abnormally weak as contracting parties. The Gilman problem is much less a question of competitive storekeeping than of legal monopoly.

**CRIMINAL CLASSES.**

What to do with the criminal classes is an ever-recurring problem. It is usually treated as if these classes were beasts, and it were supplementary to the problem of what to do with hawks, or rats, or foxes, or wolves or other beasts and birds of prey that pester mankind. At best it is treated as if the criminal classes were a different kind of human from ourselves, having not only a different environment, but different heredity and radically different moral impulses.

Until that attitude is changed for one more considerate, the problem will not be solved. All the whipping posts that can be erected, all the novel methods of legalized homicide that can be invented, all the perfunctory red-tape kindness that professional penal reformers can devise, all the learning of “scientific” penology, will not in the least degree advance the solution of the criminal problem until the criminal classes are sincerely and intelligently considered as men like other men.

The first point for consideration along that line is motive.

In itself criminal motive is nobody’s concern but the criminal’s. It does, indeed, go deeper than criminal action. It is, indeed, the essence of crime. When fostered it does build up criminal character. But criminal motive in itself injures no one but him in whom it exists. It is distinctively an individual affair, an evil to be reformed by the individual in response to his own choice and in his own way. Organized society has no function regarding it.

For the reformation of motives, we may teach and preach and admonish; but we must do so as individuals to individuals. We have no right to put men’s motives into moral straight jackets by force. And we could not if

we would. The individual mind and the individual conscience are things which cannot be controlled by external force either for good or for evil. The great architect of the universe, personification of all wisdom and all good, appreciates the importance of intellectual and moral freedom, even if the best and wisest among us will not. He has made it impossible for men by force to regulate the motives of other men.

Criminal motive not embodied in action harmful to others, raises a spiritual question alone. There is no social problem, no question for the penologist, no right in organized society to resort to force, until criminal motive translates itself into criminal conduct.

Nor is this a special plea for the criminal classes. It is simply a recognition of a universal right. Criminal motives are not confined to the criminal classes. They exist in greater or less degree in all classes and in all individuals. The best among us are not wholly free from crime, in so far as motive constitutes crime. For what is criminal motive at bottom but selfish desire? Whoever wishes for what in justice belongs to another, whoever aspires to dominion over others, even "for their own good," whoever prizes privileges for himself above the rights of others—all such harbor criminal motives. And it makes no difference whether their selfish desires are confined within legal limitations or not. A wrong is none the less a wrong for having legal sanction. We may change its name by law, but we cannot thereby change its character. It is still essentially a crime, and, the desire for its advantages is still a criminal motive. In criminal motive, then, the race is at one with itself. Within that realm there are no distinctly criminal classes, for all classes are criminal.

But when criminal motive does translate itself into harmful action, then a criminal class is distinguishable and the power of organized society is challenged.

Social order—not disorder, but order—both the degree of order that now exists and all possibilities of attaining to higher degrees, depends upon social peace. There must be

peace that orderliness may develop unto perfection. And peace there cannot be so long as criminal motives generate criminal actions, unless society, with the superior power of general organization, maintains peace by protecting individuals from aggression.

Now there is a universally recognized class with which aggression is habitual. It is the class that includes pickpockets, highwaymen, confidence men, forgers, and incidentally murderers—a predatory class. With that class criminal motive embodied in criminal action constitutes an aggression upon individual rights and consequently an infraction of the social peace. It thereby raises up a plain social duty. The duty of society is clear enough to prevent such depredations as far as possible, and if necessary for that purpose to punish depredators when detected. It is at least clear that men of that kind should be forcibly restrained.

Thus far the most conservative reader will doubtless agree with us. If he finds any fault it will probably be that we are not severe enough. For the class to which we have referred is what is commonly distinguished as the criminal class, and that is a class with which your conservative, especially if he is a churchman of the pious variety, has little patience. He may be humane, and have theories about reforming this criminal class. Possibly he may be addicted to the reformatory theory of an enforced hygienic diet. Or he may prefer forcible kindness. If old-fashioned, he may have confidence in religious tracts; if new fashioned he may come out strong on heredity, and favor physical dismemberment or at least prohibition of marriages among criminals. But he is more likely to indulge the conviction that the only reformed criminals are dead criminals.

Over the question of severity in the treatment of the criminal class, we have no desire now to raise any of the issues with conservatives that may exist between us. On the contrary, we will go as far as they in demanding that crime be prevented; and as far as they can justify their demands on principles of prevention, in also demanding the punishment of crimi-

nals. If it could be demonstrated that the death penalty is a necessary and effective deterrent, and not more injurious to those who inflict than to those who suffer it, we should favor even the death penalty for the restraint of the criminal classes. We believe it to be of vital importance to society that society repress crime.

We should not look, however, for professional criminals in the so-called criminal classes alone. Nor yet among those only whose crimes are denounced by the criminal law. All crimes are not enumerated in the criminal law; neither are the worst crimes enumerated there, for the worst crimes of modern society are legally sanctioned by society itself. And while we do not characterize beneficiaries of these crimes as criminal in any conventional sense, we are bound to admit that most of them are criminal essentially. For with most of them—not only the rich, but also the comparatively poor—a wrongful motive (desire to appropriate what of right belongs to others), and a wrongful action (use of influence to perpetuate the sanctioning by society of such appropriations) do coincide, and in that coincidence is the perfection of crime.

Those are the criminals who are chiefly responsible for the existence of a so-called criminal class.

They set a pernicious example of getting incomes without doing useful work. If such as they may do this with the sanction of a criminal law the nature of which they control, why may not persons less advantageously situated do it in defiance of that law? This inquiry may not play a conscious part in the development of the ethics of the disreputable criminal class; but if one of their ethical experts should lay it before a moralist of the respectable criminal class, what plausible answer could he make without begging the question? We must remember, too, in this connection, that conscious influences for evil are never the most potent. It is the unconscious influence of an evil example, the influence that is not recognized and could not be explained if it were, that has possibilities of incalculable harm. Such influences are the familiar phenomena of legalized theft,

which manifest themselves in the unearned fortunes that distinguish the age in which we live.

Nor is it by pernicious example alone that the reputable criminal class produces and fosters the disreputable. It does it also and chiefly by forcing abnormal individual development into a mould of disorderly social development.

What, for illustration, could contribute more effectively to the creation and propagation of a disreputable criminal class than a law denying to everybody except a favored few and their assigns the right to live? Since only these few and their favorites, and purchasers from them of life rights, could live without committing legal depredations, a class would inevitably grow up which would prey upon all other classes. Even though they might buy the right to live, and buy it cheap, yet it is conceivable that under the influence of environment—and heredity, if you insist upon it—they would prefer a precarious but strenuous life of disreputable crime to a reputable existence at the price of legalized blackmail. The old "free traders," who would now be known as "smugglers," were examples of this disposition to become lawless criminals rather than submit to the exactions of lawful criminals.

But it is not necessary to imagine an institution which makes of the natural right to live a legal privilege. The right to live necessitates the right to a place on the earth to live upon, and the right to live the social life necessitates the right to live on the earth at places where social opportunities cluster. To deny the latter right is to deny social life; to deny the former is to deny life altogether. Yet the law denies both. Except to a favorite few and their assigns, the right to a place upon the earth is denied. Babies are born by the hundreds of thousands every year, who have no legal right upon this planet. It is true that they may buy a right of babies whose ancestors were in the game of grab. But they must buy it by supporting in greater or less degree those other babies with their labor, as both classes grow up. It is true, too, that they may buy some places for very little. But if they

would buy where social opportunities cluster they must pay dear. Some of these places are so rich in social opportunities that even a few square feet could not be bought with all the earnings of a day laborer accumulated since the birth of Christ. But whether the price be high or low, it is a price for the right to live—for the bare right to live if low; for the right to live the social life if high. In either case it is legalized crime, whereby some of the people are forced either to support others in idleness by reputable labor, or to prey as a criminal class upon the community.

While that phase of the problem of dealing with the criminal classes remains unnoticed by criminologists, the possibility that those "scientists" will solve the problem is hopeless.

#### EDITORIAL CORRESPONDENCE.

Cleveland, April 15.—There has been a civic revolution in Cleveland. Last summer the "gray wolves," as we call them in Chicago, seemed to be in hopeless possession of the city government. To-night the whole pack is dispersed. It is entirely within bounds to say that this is due to the election of Tom L. Johnson as mayor.

Johnson's campaign, which closed with his election by some 6,000 majority in this republican city on the 1st, was a single tax campaign. The specific issue, to be sure, was a demand for three-cent fares on the street railroads, with ultimate municipal ownership. But Johnson's well-known views on the Henry George land and fiscal reform, and his characteristic refusal to minimize his radicalism, made the single tax the most prominent and persistent subject of discussion. In this way that subject was brought definitely to the attention of the voters of Cleveland; but it was doubtless a minor factor in producing the result. Probably the most important factor was something of which Mr. Johnson would be least proud as a cause of his victory—public confidence in his administrative ability.

But even at this early day evidence that that confidence was not misplaced has accumulated. The people of Cleveland are obviously well pleased. Yet there is a comical distrust among some of the particularly good people, as if they wondered when Johnson's jack-in-the-box would

pop out at them. Probably this distrust on the part of those who luxuriate in special privileges will not be wholly disappointed.

Johnson's first move was to take possession of the mayor's office in time to prevent his predecessor from signing away the lake front to the railroads. Prior to his election the council had passed and Mayor Farley had signed an ordinance directing the mayor to enter into a contract transferring the lake front to the railroads in fee. Johnson brought suit, as a citizen to enjoin the mayor from signing this contract, his contention being that the state owns the land and that the city holds it in trust. That injunction would have expired on the 4th at 11 o'clock; but at 10:30 Johnson had qualified as mayor and taken possession of the office. The railroads are now trying to compel him, by legal action, to sign the contract transferring this immense property to them; but they will have to secure a decree of the highest court to which the case can go before they succeed in that design.

The new mayor's activity in saving the lake front property has been followed in rapid succession by several decisive moves which bode no good to several kinds of social parasites, but promise well for the people of Cleveland. He has ordered all combustible rookeries within the fire limits to be pulled down. He has ordered bill boards within the fire limits to be taken away. He has put policemen in uniform at the entrances to dives and gambling hells, and so made a successful start toward breaking them up. All this is pursuant to his pledge to enforce the law. And he has sent an official inquiry to certain street railroads for their authority to use a certain important street—wherein there is much meaning which is not concealed. It is Johnson's preliminary step toward redeeming his promise to give Cleveland three-cent fares if possible.

One of Mayor Johnson's first acts was to set Peter Witt at work compiling a comparative statement of real estate taxation in Cleveland. No better selection could have been possible. Witt has had experience as an assessor, and besides being alert is thoroughly and intelligently devoted to the fiscal work that Johnson has in hand. He is a blacklisted molder, whose enforced exclusion from his trade has had the effect of turning