

Dunne's plan neither delays nor impairs any of the city's rights under the Mueller law. On the contrary, it is designed to promote them. It contemplates the prosecution of every means for securing complete and direct municipal ownership and operation, without delay, side by side and day by day with the acquisition and operation of traction plants by the city's auxiliary company for which the plan provides.

All of this plainly appears in the Mayor's message, as when, for example, that document declares of the "contract plan" that—

It provides for this system of street car service [municipal ownership under the Mueller law] under the management of a board of directors in its preliminary steps, and without the intervention of such board as soon as the city raises the necessary capital and complies with the statutory requirements.

The newspapers and press dispatches that describe this plan as an abandonment by Dunne of his immediate municipal ownership policy fully deserve his characterization of them as mendacious.

#### Effects of the single tax in New Zealand.

A single tax experiment in New Zealand has been in operation long enough to afford some actual indications of its probable effect. We refer to the experiment in local taxation (vol. iv, pp. 617, 618; vol. v, pp. 62, 298; vol. vi, pp. 10, 524), which began in 1896 with the granting by the Colonial parliament of authority to all taxing districts, upon local referendum, to exempt real estate improvements from local taxation, personal property having been exempted throughout the Colony by act of parliament in 1891. More than sixty taxing districts—towns, cities, counties, etc.—have availed themselves of the local option privilege granted by the act of 1896. A comparison of 12 of these towns, ranging in population from 500 to 45,419, and aggregating 92,215, has been made by the Sydney (New South Wales) Single Tax League, with twelve other New Zealand towns, ranging in popula-

tion from 590 to 37,022 and aggregating 89,917, for the purpose of contrasting gain or loss of population in the single tax towns with gain or loss of population in towns that have not adopted the single tax. The selection of towns seems to have been fairly made, as the subjoined tables indicate. The comparison is for the years from 1897, when the single tax was adopted by North Palmerston, to 1903, two years after the latest of the twelve single tax towns had adopted the reform. We append the result in tabular form.

The first column states the year when the indicated town adopted the single tax, the second the names of the towns, the third their populations in 1897, the fourth their populations in 1903, and the fifth the increase in populations:

SINGLE TAX TOWNS.				
1901	Wellington	40,000	45,419	5,419
1901	Sydenham	10,312	12,679	2,367
1897	Palmerston N.	5,910	7,828	1,918
1900	Davenport	3,060	5,000	1,940
1898	Greymouth	3,200	4,300	1,100
1901	Hasterton	3,600	4,000	400
1898	Melrose	2,044	4,295	2,251
1901	Lower Hutt	1,530	2,250	700
1901	Fielding	2,100	2,000	400
1901	Gore	2,200	2,000	400
1901	Sumner	596	864	268
1901	Winton	398	500	102
Totals.....		74,950	92,215	17,265

It will be observed that in the twelve single tax towns population has invariably increased, with a total increase of 17,265, or 23 per cent. On the other hand, in the non-single tax towns for the same period—1897 to 1903—several have actually lost, while the rest have increased but slightly, and the total increase is only 1,575, or less than 2 per cent. Following is the table, each of the decreases being indicated by a star:

NON-SINGLE-TAX TOWNS.				
	Auckland	37,320	37,022	298*
	Napier	9,231	9,015	216*
	Nelson	6,659	7,513	854
	Wanganui	6,200	7,386	1,186
	Oamaru	5,300	5,000	300*
	Parnell	4,250	4,850	600
	New Plymouth	4,000	4,500	500
	Thames	5,500	4,200	1,291*
	Lyttleton	3,808	4,026	128
	Onehunga	2,913	3,015	102
	Gisborne	2,500	2,800	300
	Richland	580	590	10
Totals .....		88,351	89,917	1,575

Palmerston North, which had the local single tax for six years, gained 33 per cent.; Greymouth and Melrose, with five years of the same policy, gained 34 and 100 per

cent. respectively; Davenport, which had it for four years, gained 63 per cent., while the gains of the other eight towns, which had had the reform but two years, ranged from 11 to 46 per cent. Of the twelve towns which retain the antiquated method of taxation, four lost from 1 to 25 per cent. of their population, while the other eight gained only from 2 to 19 per cent. The gain of all these twelve towns for the six years was less than 2 per cent., as against 23 per cent. for the twelve towns with partial single tax.

#### OUR ADVANCING POSTAL CENSORSHIP.

##### I

Since long before the foundation of the Federal government, American public sentiment has cherished freedom of the press above every other condition of popular liberty except trial by jury. With the press untrammelled our fathers believed that no menace to liberty could really gain a foothold, if an innovation, or long endure, if already established; whereas, if the press were subject to censorship, they felt that autocracy would flourish as in their day it did throughout Europe and as in ours it still does in Russia.

They did not mean that the press should have license to attack personal reputations or offend public morals with impunity. They conceded that publishers should be held to account for libelous and indecent publications. But they insisted that guilt should be determined by juries, after the act, and upon a full hearing of both sides; and not by bureau officials in advance of the act and ex parte.

Much has been said against this view on the ground that it would permit the accomplishment of wrongs which once done cannot be undone; and it must be confessed that the objection is not without plausibility when particular grievances are considered irrespective of general effects. But our fathers realized that the greater danger lies in empowering officials to impose upon publishers a decree of silence. A person outraged by libel would be vindicated by the

verdict that condemned his libel; common standards of public morals would be strengthened by the verdicts of juries if the standards were true, and weakened by assault only in case they were false. But under a censorship, private outrages upon public rights might go unrevealed and unscathed; true standards of public morals might be perverted and false ones perpetuated; and with a pretense of protecting personal reputation and public morals, bureaucrats might insidiously undermine popular liberty.

Our fathers therefore made it a part of their political religion that every one should be free to print and publish whatever he would, subject to being held accountable therefor by a jury of his fellow citizens. So wedded were they to this theory of a free press accountable only to a jury of the people, that the result of a lawsuit in the old Colony of New York was acclaimed throughout the Colonies and helped kindle the fires of the Revolution, because the jury had found that an alleged libel against the Colonial authorities was justified and the publisher not guilty, notwithstanding that the Colonial judge before whom the case was tried had ordered the jury to convict.

So vital did this sentiment remain after the Revolution, that the Federal party went down in political wreck and ruin because it became responsible for the "sedition act," which evaded the principle of a free but accountable press by making libels against the President and other Federal officials triable before judges of the President's own appointment and juries selected by his own appointees.

So vital did that sentiment continue down the troublous century just ended, that even in the heat of the anti-slavery agitation a pro-slavery Senate revolted at a suggestion that anti-slavery newspapers be made unmailable.

We believe that this wholesome sentiment of liberty survives in the American mind. Though a great influx of foreigners in recent years—foreigners seeking not greater liberty as in earlier times, but only better wages—may have had the effect of making American landmarks of liberty

fade in the public opinion of today, yet the autocratic conditions of which we get reports from Russia are abhorrent enough to stir even the dullest mind to some sense of the dangers which go with a bureaucratic censorship of the press. It is an innovation which we believe American public opinion would not consciously tolerate. Were any direct attempt made to subject to the control of a government bureau the right to print and publish freely, subject only to accountability to juries, it would surely overwhelm the political party responsible for it, as the Federal party of a hundred years ago was overwhelmed, with the condemnation of an indignant people.

But what could not be done directly because the people would resent it, might be done indirectly and surreptitiously because the people would not realize that it was being done.

And it is a fact, that by indirect and surreptitious methods a censorship is gradually being established over printing and publishing in the United States. It has advanced so far that a Federal bureau at Washington already possesses powers of press censorship sufficient to enable it to suppress any periodical whatever, in the discretion of the officials who control the bureau.

We do not intend to say that every possible attempt at such suppression would succeed. What we do intend to say is that the censorial power which already exists in this Federal bureau is unlimited in its possibilities and threatening in its character. To a consideration of this fact we beg most earnestly to call serious public attention.

## II

Let us consider first how a situation so serious might come about.

If an autocratic coterie, acute, skillful and patient, were deliberately set upon the purpose of creating a press censorship like that of Russia, in a republic like ours, where the traditions and the laws guaranteed freedom of the press subject to accountability only to juries, and where public opinion clung tenaciously to the spirit of those traditions, how would that coterie begin?

Not by trying to repeal the laws

nor by violently overriding them. Either would be a hopeless undertaking in those circumstances. Such a coterie would begin by trying to invest with censorial power that bureau of the government, if there were such a bureau, which managed the distribution among the people of written and printed matter.

In doing this the coterie would at first carefully limit the censorship to such written and printed matter as was most intensely offensive to public morals; for that would be along the line of least resistance. A vast majority of the people, their thought centered upon offenses against morality and drawn away from offenses against liberty, would cordially approve the innovation.

Later a similar censorship would be extended by this coterie of liberty destroyers, to written and printed matter somewhat less offensive to public morals; and thus on and on by easy stages to such as was less and less offensive.

And the same acute discretion would be observed in the execution of these powers of censorship. The bureau so invested with censorial authority would at first execute its powers only against violators of the most sacred tenets of public morality. As its censorial powers were thereby commended to public approval, they would be applied to less repulsive offenders or those who occupied debatable ground, some of whom might bring the subject into the courts.

But the courts, keen to see that a decision in favor of minor or dubious offenders would make a precedent favorable to the repulsive class, would prefer making a precedent against liberty to making one against public morals. A few such precedents against liberty, in the guise of precedents for morality, and the hardest work of the censor-seeking coterie would be nearly done.

The bureau could then begin, on pretense of suppressing immorality, to discriminate against the publication of legitimate opinions. Over this there would be a struggle in the courts. But when the courts had decided that the bureau was engaged in executive work, and that its interference

therein with private rights, even to the extent of seizing and confiscating private property upon evidence satisfactory to the bureaucrat, must not be prevented, the censor-seeking work of the coterie would be complete.

After that, there would be nothing to limit the scope of the censorship.

An object of sufficient importance to the coterie, and a confederate of sufficient nerve at the head of the bureau, would make a censorship which the crude censors of Russia might envy.

By deciding as to any periodical whatever, and however falsely, upon evidence satisfactory to himself, that its contents were offensive to public morals, the head of this bureau could effectually suppress that publication. And the mere fact that he could do this, would have a powerful effect in influencing all periodicals to support or oppose public policies as the persons or parties controlling the censorizing bureau might direct.

It is by insidious steps, such as are here suggested as possible, that the public opinion of free peoples has always been suppressed, and that their other liberties have been wrested from them in the consequent silence.

### III

Now, in this country there is just such a bureau as we have imagined above. It is known as the Post Office Department. That department controls the delivery and receipt of almost all the written and printed matter of the country. Nearly all private correspondence, nearly all books, nearly all periodicals, are circulated by its machinery. It has gone so extensively into the business of distributing letters and periodicals for the people that all business is dependent upon it, and any periodical against which it might discriminate could not long continue publication.

To invest this department with power to grant or refuse its distributing service to periodicals, with reference to its own judgment of the legitimacy of their printed contents, would be to place at its mercy every periodical which the department might wish to destroy.

But not only have we such a bureau in this country, in the Post Office Department, but that department has been gradually invested, in very much the manner indicated above, with the censorial powers outlined above as possible. And it has exercised those powers with similarly aggressive discretion. We do not mean that there has been a conscious and definite purpose of creating a dangerous censorship, as in the imagined case; but that there has been similar progress in a direction in which similar results are the inevitable ultimate.

The investiture of the Post Office Department with arbitrary censorship over the press, began (as we have indicated in our suppositions that such a censorship probably would begin), with legislation against such postal matter as was most intensely offensive to public morals. Obscene letters and papers were declared to be unmailable and the act of mailing them a crime. To this innovation objection was difficult. No appeal to the principle of freedom of the press could be made which would not seem like an attempt at shielding vile offenses, with appeals to political traditions and abstractions—like opposing “mere generalizations” or theories of government to actual immoralities. Under cover of the silence which decency thus imposed, the postal censorship gained a foothold.

Then further steps were taken. The ban of unmailability was extended to mail matter in furtherance of frauds. Decency did not impose silence here, but what could be said against laws for the suppression of fraud? Nothing that would not make the objector seem to be an apologist for actual crime on pretense of devotion to a mere “theory of liberty.”

Nor was much difficulty encountered in extending the postal censorship against obscene and fraudulent mail matter to mail matter in connection with lotteries. Public opinion had become ripe for excluding that business from its old place in the category of the legitimate, and objections to this extension of the censorship were rebuked as sympathetic with lotteries, instead of being accorded a fair hearing in the interest of freedom of the press.

While censorial statutes were accumulating, criminal prosecutions which never got before the highest court were building up a mass of precedents, and rules and rulings of the Postal Department were establishing censorial lines of administrative procedure which have crystalized with time. And so it has come about that the postal department has acquired and is actually exercising the ominous censorial power to which we invite attention.

Upon decrees sent out from a bureau at Washington, all their correspondence is withheld from individuals, on the charge, established before no judicial tribunal, that at some time in the past they have solicited correspondence through the mails for purposes of fraud; and legitimate periodicals are suppressed, on pretense that they contain obscene language or sentiments. In none of these cases is the alleged offender given a jury trial, in none does his case come before a judicial tribunal, in all his nearest approach to a trial is before attaches of the censoring bureau which makes the charge, and in some the specific accusations are withheld from him.

### IV

With the details of one of these cases of newspaper suppression we have been at the pains to make ourselves acquainted. It is the case of “Lucifer” (p. 242), a Chicago publication, issues of which have but recently been suppressed by the postal department. Our information relates to a previous suppression for the same alleged cause, and not to the recent one. Whether the latter would prove to be similar to the former we do not know, nor do we regard it as important to the point under consideration, which is not the propriety or impropriety of suppression in a particular case, but the dangers of suppression in this manner in any case. As the instance to which our information relates illustrates the tendency toward a censorship of the press, it is sufficient for the purpose in hand.

Our inquiry into the matter began with the following letter of January 27, 1904, to the postmaster at Chicago:

I am informed that the Chicago of-

file stopped the transportation as second-class matter of a Chicago weekly called "Lucifer," the issue of December 17; that the reason given was violation of section 497 of Postal Laws and Regulations; that nothing in apparent violation of that section appeared in the issue in question; and that your office refuses definite information. Will you kindly inform me, for public use, what the specific offense of the issue in question was?

In his reply of January 29, the Chicago postmaster courteously stated that the Chicago office had not originated the act of suppression, but had merely obeyed orders from Washington. He wrote:

The issue of "Lucifer the Light Bearer" dated Dec. 17, '03, was refused admittance to the mails by direction of the Department at Washington, which ruled that matter in that edition was in violation of section 497 of the post office laws and regulations. Under date of Dec. 19, '03, the publisher was advised to this effect.

It will be observed that the Chicago postmaster did not deny that specific information of his offense had been withheld from the accused publisher, and that he did not give the information asked for in the letter to which his was in reply, namely—the specific offense. In this reticence he was doubtless, as events subsequently indicated, obeying orders from Washington. It is also to be observed that the publisher was not notified of the suppression until two days after his date of publication.

Having learned from the Chicago postmaster that he had acted under orders from Washington, and been tactfully though courteously refused information as to the specific offense of "Lucifer," we extended our inquiry to the Postmaster General in a letter of February 13, 1904. In replying by letter of March 3, 1904, the First Assistant Postmaster General wrote:

I have received your letter of February 13, addressed to the Postmaster General, in reference to the exclusion from the mails of a publication entitled "Lucifer, the Light Bearer." The issue of December 19 contained matter which is unmailable under section 497, Postal Laws and Regulations, and therefore the Postmaster at Chicago was instructed to treat copies of that issue in his office in the same manner as other unmailable matter is treated.

Still we had failed to get information of the specific charge against "Lucifer," sufficient to en-

able us by examining the paper to form a judgment as to the official good faith of its suppression; and from an examination of the whole paper we had been unable to discover anything apparently justifying the charge of violating the postal section referred to. Accordingly we asked of the Postmaster General, by letter of March 14, 1904, that he do us the favor of indicating—

the particular article or articles, by their title or otherwise, which are regarded by the Department as unmailable under section 497? If you could indicate the particular paragraphs of the articles that are regarded as unmailable I should be obliged.

In answer to that inquiry the Acting First Assistant Postmaster General, in a letter of March 29, wrote:

You ask that the particular article to which exception was taken by the Post Office Department be pointed out to you. If you will kindly call upon our Inspector in charge at Chicago, who has the copy of the paper to which you refer, that officer will be able to comply with your request.

An effort to act upon this suggestion, and the result, are described in a letter of June 13, 1904, to the Postmaster General, in which, after a recital of previous correspondence, we wrote:

There seems to be some misunderstanding, possibly on my own part, though I do not see how I am at fault. In reference to your Acting First Assistant's letter, I have called on the inspector in charge at Chicago and shown him your Acting First Assistant's letter. After reading it he told me that he could not supply me with the information because his assistant, Mr. McAfee, in whose charge the matter had been, was then out of the city, but that upon the return of Mr. McAfee he, the Chief Inspector, would notify me and supply me with the information. Accordingly, a few days later a messenger called at my office, and, I being out, left word for me to call up Mr. McAfee by telephone. When I did so, Mr. McAfee was out of his office. When I did so again, the next day, he had gone out of the city. But on the latter occasion the chief clerk in the Inspector's office, learning my identity and knowing my object, informed me that the Chicago office cannot furnish me with the requested information. He explained that the suppression of "Lucifer" under section 497 had not taken place under the initiative of the Chicago office, but had been ordered by the First Assistant Postmaster General, and that the Chicago office does not know what the objectionable matter was. In

answer to my further inquiry he assured me, but with entire courtesy, that I might regard this reply as official and treat it accordingly. I am therefore under the necessity of again troubling your office in this matter. Will you kindly arrange in some proper and convenient way to supply me, for legitimate newspaper use, with the information I am seeking, namely, what are the particular articles, designating them if possible by their titles, on account of which the Post Office Department suppressed the issue of December 17, 1903, of "Lucifer the Light Bearer," of Chicago, as unmailable under section 497 of the Postal Laws and Regulations, and what are the particular paragraphs of such articles in which the objectionable matter is to be found.

No attention having been paid to this inquiry, after the lapse of more than a month, we addressed the Postmaster General, by letter of July 23, 1904, offering to forward a copy of our letter of the 13th of June if the original had failed to reach the Department. Still without reply, on the 19th of August, 1904, we wrote again to the Postmaster General, referring to our two previous letters and asking:

Will you kindly give me the information requested in those letters, or advise me of the time when you can probably do so, if delay is necessary.

This request brought a reply from the Acting First Assistant Postmaster General, dated August 25, 1904, as follows:

I have received your letter of the 19th instant calling attention to the fact that yours of June 13 had not been answered. Replying specifically to your inquiry I have to state that the article on page\* . . . . . and the article on page\* . . . . . are, in the opinion of this Department, offensive under the Act of Congress approved September 26, 1888.

The reply gives no indication of the paragraph or paragraphs of the articles mentioned as containing the matter which in the opinion of the postal censor is unmailable, although this information was distinctly requested. We are obliged,

\*We omit the page numbers and the titles of the two articles which the Acting First Assistant Postmaster General gave in his letter. Our reason for the omission is that such a publication here might subject this issue of The Public to suppression by order of the postal censor bureau. The same Act of Congress by authority of which "Lucifer" was censored for publishing those articles, provides also that "notice of any kind giving information, directly or indirectly, where or how, or of whom or by what means an "obscene . . . . . publication of an indecent character" "may be ob-

therefore, if we would examine into the good faith of the censor, to consider the articles as a whole, word by word, thought by thought, from first word to last. This necessity is in itself significant of the arbitrary and secretive methods of the Department in passing upon questions involving freedom of publication.

Upon examination of the articles we failed to find anything, either in the thought alone or the phrase alone, which could be condemned by the ordinary standards of decency. While it is true that the colloquial phrasing is so ill-adapted to the sociological subject discussed as to offend good taste, taste is not yet subject to postal censorship. And while neither the subject nor the phrasing would be appropriate at a young people's party, this is no test of postal propriety.

The subject matter, considered by itself, is a legitimate one for public discussion among adults; and, expressed in philosophical phrasing, it could not possibly be objected to as salacious.

The phrasing, considered by itself, is not out of the common in the current literature of fiction. If any well-known novelist had put these two articles, thought by thought and word by word, into the mouths of characters in a problem novel, it is almost inconceivable that any publishing house, other than the American Tract Society, would have suppressed them; and if the postal censors had condemned them as obscene by excluding the novel from the mails, a cry of derision would have echoed from one end of the country to the other.

The inference seems to us unavoidable, that the issue of "Lucifer" of December 17, 1903, was excluded from the mails, not be-

cause of any violation of the postal statute, but because it advocated doctrines of social life at variance with those to which the postal censors are professedly devoted. In other words, it was suppressed, not for decency's sake, but for opinion's sake.

With the opinions intended to be censored by the suppression of "Lucifer," we are entirely out of sympathy. Were they up for discussion under circumstances demanding our participation, we should emphatically condemn them—not because they are unconventional, but because we believe them to be unsound. But the question here is not whether they are unsound. It is whether their discussion shall be forbidden.

On that issue we yield to no one in demanding the fullest freedom of discussion for every debatable question. Nothing but error can suffer from honest debate. And while we recognize the propriety as to taste, and the decency as to morals, of limiting discussions of some subjects, not only conventionally but by law if necessary, to appropriate occasions, we do not regard the use of the mails for the distribution of any discussion whatever, for adult readers, and in good faith, as a violation of the proprieties of discussion. We do regard the denial of their use for such purposes as a menace to one of the most important safeguards of liberty, and an obstruction to the most important promoter of progress.

#### V.

Yet we hesitate to denounce the postal censor for suppressing a paper for its opinions. To denounce him for that might be quite unjust. He only suppressed disagreeable opinions, and that is what most men would do who have the power. It is what the censors of the Czar do, when they forbid publication of the proceedings of a national congress. It is what our own censors in the Philippines did, when they forbade the publication of the Declaration of Independence. It is what we ourselves might be tempted to do if we were at the head of the postal censor bureau,—since the opinions as to marriage which "Lucifer" advocates are repugnant to our views. If we had the power as censor to read "offensive to

the statute" into "Lucifer's" opinions, or into those of any other periodical whose opinions on social philosophy, religion or politics we reject, we might give way to the temptation to which the postal censor appears to have succumbed in "Lucifer's" case.

But all this is one of the very reasons why powers of censorship, even for the best of purposes, and though reposed in persons of liberal disposition, are dangerous powers.

Power fattens upon what it feeds on. Little by little, from suppressing evil reading to suppressing that which is doubtful, it advances to the suppression of unpopular opinions, and then to those that are popular; and it makes its advances so insidiously that all freedom of opinion is throttled by censors before the people realize it has been assailed.

That the point of suppressing unpopular opinions in one branch of social philosophy has already been reached, is evident from the circumstances of the "Lucifer" case which we describe above.

Here is a publication depending for existence, as all others do, upon regularity of mail circulation. Without notice, accusation, specification, trial or hearing of any sort, a regular issue, the full edition, is confiscated by a local postmaster upon orders from the censor at Washington. After this suppression, the publisher is notified of it, but information as to the specific fact upon which the arbitrary action was based is withheld. He is told he has violated a particular postal law, but he is not told how he has done it. Nor does he get a hearing even on the vague general charge of which he is advised. The action is as arbitrary as such actions are in Russia. In Russia, indeed, the censor is more considerate. He lamp-blacks objectionable articles and circulates the rest of the paper; but our censor suppresses the whole edition, the "good" along with the "bad." And after the edition has been suppressed, another paper, interested in sounding an alarm if freedom of the press has been bureaucratically assailed, is trifled with by the censors for months, in its efforts to discover the specific offense for

stained," is itself "non-mailable matter." Since the censors have already decided that the articles in question are obscene and indecent, they might decide that the naming of them by title and page in connection with the name of the publication in which they appeared, is a notice making the paper publishing it also guilty under the statute and therefore subject to suppression. Were they to so decide, they could suppress this issue of The Public, and we should be without protection or redress or any power to get a judicial trial. Inasmuch, therefore, as that part of the Acting First Assistant Postmaster General's letter which we have excluded in quoting it above, is not absolutely necessary for the information of our readers, we prefer to avoid an unnecessary risk of censorship, by omitting it.

which the suppressed paper was suppressed, only to learn finally that it was for publishing two articles, only the titles of which are given, and in which, however offensive they may be to good taste, even a prude could hardly find material for specifications on a charge of immorality.

A censorship which can maintain this attitude toward freedom of the press respecting one subject of discussion, will have little difficulty in speedily advancing its meddlesome jurisdiction to other subjects.

#### VI.

The real issue here, let us repeat—and it will bear repetition again and again—is not the legal offensiveness of the particular articles noted above. That issue is important only for its bearing upon the point of the good faith of the censor. The real issue is the wisdom of allowing any official to deny mailing facilities to anything whatever which is otherwise available, merely upon his own judgment, as a censor, of the morality of the intelligence it conveys or the opinions it expresses.

Granted that some publications ought to be excluded, the power of discrimination cannot safely be entrusted to an administrative official. A bureau of administration with authority to exclude matter from the mails with reference to the intelligence or the opinions it conveys, will inevitably grow into a bureau of dangerous censorship.

For offenses against the purity of the mails the only safe remedy is the one that is applied to purity in every other connection—to the legitimate method which has been sanctioned and approved by long usage in English-speaking countries; and this is to punish offenders after they, having had an opportunity to be heard upon specific charges, have been convicted by a jury of their fellow citizens.

If opinions in this country are to stand or fall upon reason and free discussion, the present postal censorship must be abolished. So long as publication through the mails can be denied arbitrarily by an administrative bureau of the government, the discussion of conflicting opinions is hampered.

Even the sentiment of fair play, entirely apart from all consider-

ations of a free press, demands the abolition of this censorship. So long as an administrative officer can withdraw mailing rights from a publication for any offense whatever, without an opportunity for the publisher to be heard in his own defense before an impartial tribunal, fair play is impossible. Though we deny mailing rights to indecent publications, fair play demands that the person accused of the offense, and whose personal and property rights are involved in the accusation, shall have the opportunity he is guaranteed in all other cases to convince his fellow citizens that his publication is not indecent. It is his right to be judicially heard in his own defense.

Instances like that of the suppression of "Lucifer" by postal censorship point so directly and unmistakably to great injustice and public danger that any fair-minded man may see it and every patriotic man ought to resent it. No matter what one's opinion of any paper and its teachings may be, there should be but one opinion of a postal organization which permits in any case what was done in that case, and this should be an opinion of unqualified condemnation.

The confiscation by postal clerks, of any publication, for any cause, without specific charges, without opportunity to the publisher to be heard, without the verdict of a jury, without appeal, without any of the ordinary safeguards of personal rights and private property, and consequently without any assurance of guilt, is an ominous fact. No matter how objectionable or even dangerous a paper's teachings may seem to the censors, no matter how offensive its language in their estimation, so palpable an invasion of the commonest rights of citizenship is a direct menace to the independent press of the country. Any law that authorizes it should be swept from the statute books.

The only difference between such a power and that of Russian censorship is a difference neither in kind nor degree. It is a difference only in scope of execution. And scope of execution widens with use.

The issue before us turns not upon the propriety of excluding

indecent publications from the mails, but upon the wisdom and justice of allowing administrative officers to hamper freedom of the press and confiscate property rights, upon their own opinion of what constitutes indecency, and without an opportunity for the alleged offender to be heard in his defense. Under the postal censorship publications are denied mailing rights, not because they are offensive to decency, but because the censor, from whom there is no appeal, chooses to think them so. Here is the seed of a mighty tree of absolutism.

## NEWS NARRATIVE

Week ending Thursday, Aug. 10.

### A Russian national assembly.

It was reported from St. Petersburg on the 8th that the final session of the special commission which has been considering the project for a national assembly which had been drafted by Mr. Bouligin, minister of the interior, and elaborated by the council of ministers (p. 276), had been held at Peterhof on that day. Its verdict upon the project as a whole was said to be favorable, and at the conclusion of the session, before the assembled grand dukes, ministers, senators and other members of the commission, the Czar formally approved it. The assembly is to be proclaimed, it is understood, on the 12th.

### The Russian-Japanese war.

All that remained of the Russian garrison of Sakhalin Island (p. 232) surrendered to the Japanese on the 31st, according to dispatches of the 4th from Tokio, and Japan is now in full possession of the island.

### Russian-Japanese peace negotiations in the United States.

The Russian and Japanese peace envoys (p. 280) were formally introduced by President Roosevelt on the 5th on board the Mayflower at Oyster Bay, L. I. At the luncheon which immediately followed, President Roosevelt proposed the following toast:

Gentlemen: I propose a toast to which there will be no answer and to