

sion is over, is "opening number two" for the Johnson legislative campaign for equitable taxation, as the Hanna-Foraker fight is "opening number one." "Opening number three" was made by the Republican governor, who in his message advocated home rule in taxation, one of the fiscal reforms to which Johnson has been long devoted. Incidentally, however, the governor proposed such an adjustment of this reform as may let some of the great landed monopolies escape taxation with only a trifling state tax. This slip is not unlikely to offer Johnson a fourth opening, better even than all the others.

Since our comments upon bureaucratic interferences with the second-class postal rights of the Challenge (p. 596), the Ladies' Home Journal, the Unique Monthly, and Discontent (p. 610), we have come into possession of evidence relating to the Appeal to Reason, to which reference is made at page 597. This paper is published at Girard, Kan., by J. A. Wayland. Its last serial number is 318, which indicates that it is 318 weeks old. Like the Challenge, it is obviously and professedly devoted to the propagation of socialist doctrines. As these words are written, it, too, is threatened by the bureau of the third assistant postmaster general with denial of second-class rights in the mails.

The manner in which the postal bureau's attention was called to the Appeal to Reason has been given in the words of the third assistant postmaster general himself, in an approving article, dated at Washington, December 20, and published in the Topeka (Kan.) Capital, as follows:

My attention was first called to this paper's violation of the postal regulations by postmasters from many points reporting to me that large numbers of the Appeal to Reason were being refused by persons to whom it was sent. I immediately sent out a circular letter to all the subscribers for the paper, asking them if they were paid-up subscribers. About two-thirds answered, and

fully one-half of these stated that they had never subscribed for the paper.

In consequence of this discovery the third assistant postmaster general appears to have notified Mr. Wayland to explain why he should not be deprived of second-class mail facilities on the ground that the paper was to a great extent circulated gratuitously. In response to that notice, Mr. Wayland forwarded a cargo of postal cards which he had received from his subscribers, upon his request through the columns of the paper, certifying that they were subscribers bona fide. Here the matter seemed to rest until the 5th of December, when the third assistant postmaster general wrote a long letter to the postmaster at Girard in which he said:

The department does not question that there are many legitimate subscribers to the publication, but there is indisputable evidence on file that copies of Appeal to Reason are being sent to persons claimed by the publisher as subscribers, but who have informed the department that they are not subscribers and do not want the paper. The illegitimate subscriptions vitiate the whole list. Unless they are eliminated by December 20 next, the certificate of entry will be canceled.

What was here meant by illegitimate subscribers was explained in the same letter. In outlining an affidavit for the publisher to submit, the department required him to state, among other things—

how many legitimate subscribers he has to the next issue; that is, persons who have paid their own money for it?

It appears, then, that the department's objection to the Appeal to Reason is that the subscriptions of some proportion of its subscribers are paid for by others. But that this is not a general rule is quite evident from a reply of the third assistant postmaster general to a request by W. A. Ross, of Columbus, Ga., for information regarding another publication. In that reply, dated November 23, the third assistant postmaster general wrote:

I have to advise you that a subscription to "Success," of New York,

N. Y., paid for by you as a Christmas gift to your friend, in the manner indicated, is held to be legitimate, and the copies of the publication may be sent to your friend at the pound rate of postage, under such subscription.

It would seem that if only those "persons who have paid their own money" for the Appeal to Reason are "legitimate subscribers" to that periodical, only such persons could, without invidious discrimination, be "legitimate subscribers" to the periodical known as Success.

But it is in fairness due to the third assistant postmaster general to note the distinctions he makes. In an explanatory letter to Senator Burton, of Kansas, dated December 7, he puts his objection upon this ground:

The mailing of a large per cent. of his editions being to names furnished and paid for by others without the volition of the addressee, is conceded by the publisher, as had already been ascertained by the department, as well as the fact that a large percentage of papers so sent are being refused by the addressees.

Taking this in connection with the letter regarding Success, it would appear that the question of the legitimacy of subscriptions paid for by others than the nominal subscribers depends, partly upon how large a percentage of such subscriptions a paper carries, and partly upon the reasonable consideration of whether such subscribers accept or reject the paper. But in a letter of subsequent date, December 14, to Mr. Wayland, the publisher of the Appeal to Reason, he makes an additional condition. It is now not merely the percentage of such subscriptions, but also the motive with which they are made, that determines the question of legitimacy. We quote:

There is no objection to a reasonable number of subscriptions by one person for another, when not for an ulterior purpose. But when such subscriptions amount to a considerable part of the claimed list of subscribers, and they are paid for by persons manifestly interested in the circulation of the publication because of the doctrines it advocates, or because of the goods it advertises, they have uniformly been held to be not "legitimate" within the spirit and purpose of

the law. Therefore, except for a reasonable number paid for by others, not because of the doctrines advocated or the goods advertised, the legitimate list of subscribers required by law must be made up of persons who pay for the publication with their own money.

There is a little disingenuousness here, for the question of advertising falls under a totally different head, namely, whether the paper is published primarily for advertising purposes. But let that pass. To the same effect as the foregoing, though rather more baldly expressed, is a statement of the third assistant postmaster general, subsequently quoted in the *Topeka Capital* article already mentioned, his quoted words through that channel being as follows:

The editor, J. A. Wayland, had received payment for all his subscribers; but at least one-third of them had been paid for by parties who were interested in extending or promulgating the doctrines advocated by the paper. The department holds that this was a violation of the postal regulations. The rule is that subscriptions which are paid for by persons who are interested in the subject matter of the paper, whether that be to promote some business or doctrines of a political or religious nature, are not bona fide, and such paper is not entitled to the privilege of second-class rates.

We should not leave it to be inferred, however, that these "illegitimate" subscriptions are absolutely prohibited to the Appeal to Reason. According to the postal regulations a publisher may print an edition equal in number to double his subscription list, and may mail the extra half as "sample copies." Referring to that regulation, the third assistant writes Mr. Wayland:

The copies which you supply to the alleged subscribers which are not allowed by the department as legitimate, must be drawn from the excessive number printed—in other words, from your sample copy privilege. These copies cannot be regarded as samples, but they reduce your sample copy allowance by that number.

It is reasonably clear, nevertheless, from the language of the third assistant postmaster general himself, used

in connection with the Appeal to Reason case, that second-class mailing rights rest in dangerous degree upon the arbitrary discretion of the bureau of which he is chief. When a paper can be excluded because persons who believe in the doctrines on public matters which it advocates, pay to have it sent to other persons, who accept it—and this appears to be a moderate interpretation of the ruling—it is time to make the danger signal. And the nub of the whole thing lies in one innocent sentence in the third assistant's letter of December 14, already quoted from. We refer to a sentence in which he says:

The subsidy of the second-class (pound) rate is not given you—except in your sample copy privilege—to send copies to those who are not "legitimate" subscribers.

There is the point, all in the one word "subsidy." Second-class rights are regarded by the postal bureau as a subsidy, evidently because the cent a pound rate is not remunerative. Accordingly, the bureau builds up a system of rules of its own—making them progressively more drastic, yet conveniently elastic as to individual cases—under which it is coming closer and closer to the point at which it determines the distribution of this subsidy arbitrarily. That the bureau is right in denominating the second-class right as a subsidy, we think is true, provided second-class matter does cost more for postal service than a cent a pound. In that case the difference is unquestionably a subsidy. But why should the American press be subsidized by congress? Why should *Harpers' Monthly*, for instance—a veritable storehouse, by the way, of advertisements of Harper's books—why should that publication be subsidized? Why should the country weeklies be subsidized with a few dollars, and the great papers and magazines with thousands upon thousands of dollars? Why should any periodical be subsidized at all? And why, above all else, should the distribution of the subsidy be so arranged as to enable a bureaucratic chief to discriminate so as virtually to establish

a bureau censorship over periodical publications? Let the subsidy be abolished! Papers that people want don't need it; those they don't want ought not to have it. The whole principle of subsidies is vicious. It is especially vicious with reference to the press. It is peculiarly vicious, when under pretence of judicially distributing the press subsidy a railroad subsidy is secretly maintained. Away with it! Let there be neither subsidy nor discrimination. Let congress ascertain the cost per pound of handling second-class matter, and fix the postage rate accordingly. Let the post office department be required by law to give to all periodical publications, whether they promote doctrines or advertise goods, equal postal facilities at remunerative but undiscriminating postal rates.

The attempts at congressional legislation against "anarchy" prove nothing quite so distinctly, so far, as the ignorance of notoriety-seeking congressmen with reference to the fundamental principles of their own government. Congressman Jenkins, for instance, who hails from Wisconsin, is one. Having an itch for notoriety in connection with the assassination of President McKinley, he proposes a measure making it lese majesty, punishable with death, to attempt to kill the president or any member of his cabinet. In that respect his bill exhibits contempt for one of the fundamental ideas of American government, namely, that human life in general and not the life of officials in particular, is the sacred thing. Probably, however, he does not in that respect contravene the written constitution. But when he proceeds to make it a capital offense to advocate the subversion of the federal government by violent means, he does overleap constitutional limitations. For the constitution expressly declares that "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort;" and you can't get