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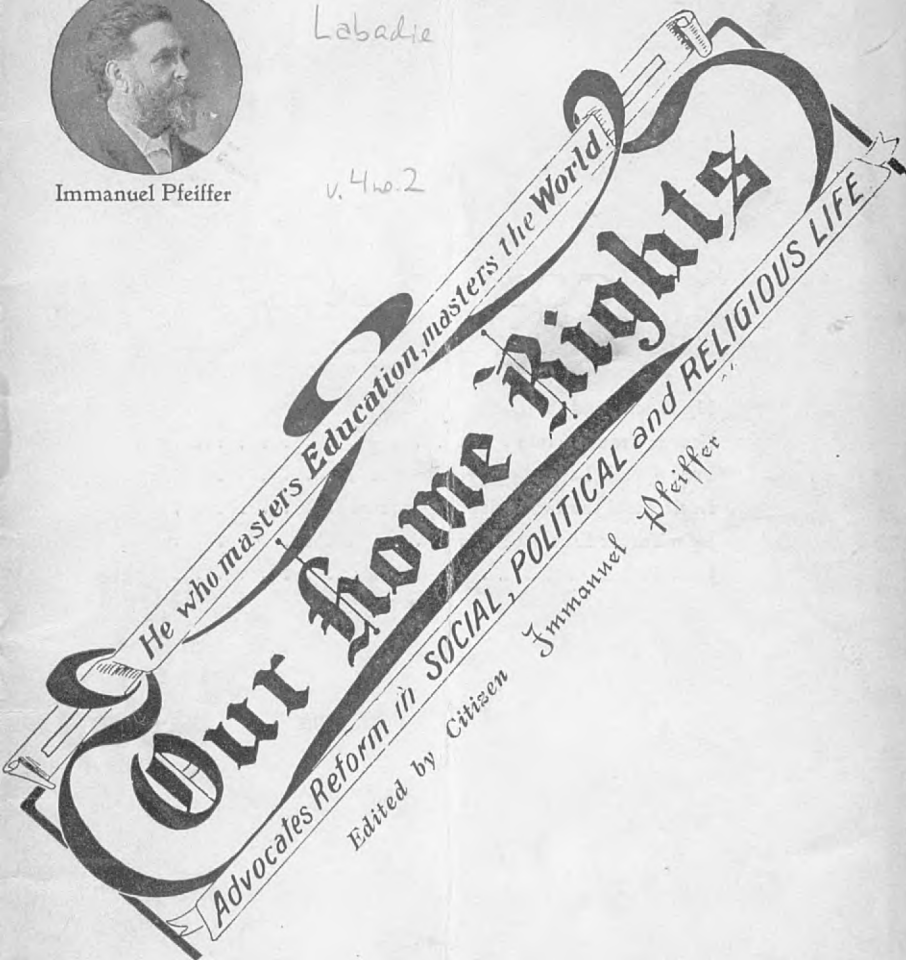
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OUR HOME RIGHTS

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This square marked with an X in
blue pencil means that your subscription
to this magazine has expired. Will you
please renew? ♣ ♣ ♣ ♣ ♣ ♣

I honor any man who in the conscientious discharge
of his duty dares to stand alone; the world, with ignorant,
intolerant judgment, may condemn, the countenances of
relatives may be averted, and the hearts of friends grow
cold, but the sense of duty done shall be sweeter than the
applause of the world, the countenances of relatives, or the
hearts of friends.

CHARLES SUMNER.

MY ILLNESS, AND THE DOUBLE NUMBER OF OUR HOME RIGHTS.

On the 16th of January I returned from Washington to New York, a sick, a helpless being. I called on my friend Train, and explained the situation. He gave me the very best advice, and showed plainly how deeply he was interested in my case. I telephoned to my friend, Dr. E. B. Foote, Jr., who at once responded, and asked me if I thought I was strong enough to walk to a carriage. I said, "I will try." We finally reached the doctor's home, 120 Lexington Ave., where everything was done for me. I was conveyed to a large airy room on the top floor; as it was necessary, I had a pretty cold room, for my lungs were in a very bad condition. The best of nurses—I had at one time three—were called in, and the good doctor and his affectionate wife worked early and late to keep my ship afloat. I well remember one morning about three o'clock, when both doctors came into my room. They were somewhat alarmed over the weak condition of my heart, so they afterwards told me. If I should make an attempt to thank Dr. Foote and his good wife for what they have done for me, I know I should make a failure of it. I will only say I hope to live long enough to show my gratitude in some way. On account of my sickness the Post-office Department granted me permission to issue a double number.

GEORGE FRANCIS TRAIN.

All the newspapers in the world had heralded the sad news that George Francis Train was dead, even the January edition of OUR HOME RIGHTS had a short notice announcing the death, and here was I, his nearest and best friend and co-laborer, living in the same city and not knowing a word about it, until five weeks had gone by. Was this not queer? Surely! The fact is, when my friend died, I was a very sick man, and my good physician did not think it safe to announce the news to me sooner. Oh, how I would have loved to have been with my noble friend in his last moment and ministered to his wants, but alas, it was not to be. As almost every publication has contained long articles, both before and after his death, of this wonderful man and his wonderful doings, I shall, in this short article, confine myself only to my own dealings with him.

Last September a New York magazine was handed me by a friend, containing a marked article by Mr. Train, giving his experience with the Health Board of Stamford, Conn. The article contained so many similarities with my own experience with other Health Boards, that I at once sent him a copy of my own description as printed in OUR HOME RIGHTS, and also wrote him a letter, which he answered in his own peculiar way, and it seemed as if a warm friendship

was cemented from that moment. A daily correspondence followed, and I would often receive three letters from him in one day. Thinking that my type-written lessons on the laws of right living might be of interest to him, I sent him a copy.

Any one may imagine my surprise when I got his reply, after reading the lessons, that it was the best thing he ever read. I tried to dispute him, but he stuck to it. He declared that he was bound to realize on some real estate he had in order to get the means to put my lessons into our public schools.

As our correspondence grew we seemed to open up our secret thoughts to each other, and I finally asked him a number of questions in regard to his mode of living. He outlined everything before me with a clearness and firmness that struck me very favorably, and still I ventured to contradict this man of an iron will. I told him that, provided his health would permit, he should change his life, he should leave his cell of 6 x 8, in which he had lived for years, and go with me all over the country teaching the people *the Truth*. I wound up my letter by saying that he would accept all my propositions. He did in the most enthusiastic manner, saying, "You are the biggest man I ever ran across, or you could not have changed me." I tried to reason him away from this opinion, but he would not give in. He reluctantly

agreed for us to meet ; he had not met any one—with a few exceptions for a few minutes—for many years.

I came on to New York in November, and we had daily interviews from two to five hours a day. "Most remarkable!" he would exclaim. Every time I would appear, he would clap his hands together and his eyes would throw out a peculiar fire, and he would say: "I am so glad you have come, I have been waiting for you. We are so much alike, we had to meet. It could not be otherwise." To say that the employees at Mills Hotel, where he lived, were surprised at my daily long visits, is expressing it mildly. The elevator man, who had orders to take me up at all hours, was the most surprised man in the world.

Perhaps the world will never know what Train and I discussed, but, anyway, we perfected a mammoth campaign. Read the announcement as coming from his remarkable brain, and printed in OUR HOME RIGHTS, on the second page in the last two issues.

In conclusion I will say Train made a deep impression upon my mind. I feel I am a better man for having met him, and I cannot help thinking how queer that we should meet, plan, and arrange, and then part in such a manner. I am writing this in bed, yet weak in body, and my first duty to perform after I get out will be to learn the particulars of the last moments of my friend Train.

FREE SPEECH LEAGUE OF NEW YORK.

In practically giving over this issue of OUR HOME RIGHTS to the Free Speech League of New York to be able to lay the John Turner case before our readers, we think we have served the cause of freedom in a manner that will be appreciated.

There are comparatively few people in the country to-day who know that a member of the President's cabinet has the power to arrest a respectable foreigner for the expression of a thought. And what will become of the fundamental principle of our free government, if this infamous attempt to interfere with free thought is not crushed out in the beginning?

As John Turner says in his letter: "Whether I am deported or not makes very little difference, but the safe and permanent establishment of this measure means the beginning of an era of attempted suppression, which would soon menace every minority in the United States."

Here we have the peculiar sight that a gentleman who, in Great Britain, Ireland, France, and Belgium, has remained unmolested when acting precisely the same as in the United States. All liberty-loving citizens ought to assist the Free Speech League of New York in paying the expenses in bringing this test case before the United States Supreme Court. It is the intention of the League to introduce a bill in Congress which will amend the obnoxious law under which Mr. Turner was arrested.

IMMANUEL PFEIFFER.

LUCIFER AND THE POST-OFFICE DEPARTMENT.

In the middle of January, Dr. E. B. Foote, Jr.,—that chip of the old block, the world-known philanthropist, Dr. E. B. Foote, who so worthily is walking in the footsteps of the father,—came to me one day and in his frank, open manner said to me, “Will you go to Washington and try to do something for *Lucifer* [as our readers may know, *Lucifer* is a weekly reform paper of Chicago, Ill., which in the month of December was informed that it had lost its second class mail privilege] if I pay your expenses?” Without hesitation I answered, “I will go.” As soon as I had sent in my card to General Madden, Third Assistant Postmaster-General, I was admitted. I was received in the most courteous manner, and after I had stated my business we agreed upon Friday, Jan. 15, for a hearing. As I called on Wednesday, Jan. 13, we must admit this was very quick work, and the General said that if I insisted on it he would give me a hearing on the 14th, although he would rather be excused, that day being very busy. I told him I was perfectly satisfied with Friday. Before I went to the hearing I called on the Hon. H. M. Bacon, Superintendent of the Division Department under the Third Assistant Postmaster-General. He is the gentleman who handles the details of the second class matter, and I

cannot call to mind ever having met a more friendly, courteous official in many years' dealing with the public. He at once telephoned to the General that I had arrived and that we were ready. The answer came back, "Excuse me a little while, there is a Congressman here." Those creatures are specially favored and can walk into the Departments at any time. In a short time we were admitted, Mr. Bacon carrying with him all the papers and correspondence in the case. A stenographer was called and I was informed that those hearings were carried on just the same way as in a court. I had the opening, and I pleaded the *Lucifer* case with all the force I could command. I was answered by General Madden several times, and in my closing I think I convinced General Madden that I had a good case, although I was willing to admit that from his standpoint he had a right to act as he did. *Lucifer* with its at least four pages of close advertisements out of its sixteen pages, and its numerous notices giving reasons why the advertised books and pamphlets ought to be bought, gave it the appearance of a strictly advertising sheet. In connection with this I will say that a plain, kind letter was sent to *Lucifer* from the Department, setting a day for a hearing to give reason why it should not lose its second-class privilege, saying, "If it is not convenient to appear in person, we can

assure you that full attention shall be given to any written statement just as much as if you appeared in person." This letter was entirely ignored, and not until some time after the case had been closed did *Lucifer* write a letter to the Department, to which the Department of course paid no attention. A busy department of course cannot keep cases open forever, but must have some system to go by. As the remark was made, the probabilities are that *Lucifer* would not have lost its second-class privileges if a reasonable argument had been made at the time. We have a class of people who cry "Persecution" and call officials hard names without knowing what they are talking about.

At one time I had a grievance against the Post-office Department. I insisted upon my rights, and after I had convinced the Department I was right, I was treated with every consideration and was given full satisfaction. The statement was made to me: "We treat everybody alike, and aim to be just to all, but of course we can make mistakes as well as anybody else, but we are at all times ready to rectify them." I believe this to be true, and the impression I got from all I saw and heard is that the Government has not any more faithful, able, and efficient gentlemen in its employ than General Madden and Hon. H. M. Bacon. They are both in their right

places ; but General Madden's remark to me, is significant : "Those who get what they are after call us good fellows, and those who don't get what they want call us hard names. We are used to it."

Here is something that may be of general interest. While in the midst of our hearing, in stepped a Congressman. The General excused himself to me and stepped up to him. He held a letter in his hand from one of his constituency, a man who published five Republican newspapers. This man was very indignant because General Madden had caused letters to be written to several parties asking if they were his subscribers. The publisher claimed that the Department should have asked him. General Madden replied that his rule was, when complaint was made of a publisher that he sent his paper to people who were not subscribers, to instruct the Postmaster to write to a limited number of the names and ask them if they were subscribers. If they say yes, there is no harm done, and if they answer in the negative there seems to be ground for an examination. "If we should refer the matter to the publisher, it would give him a chance to build up his fences and correct his list," said General Madden, "and our efforts would be worthless." He told the Congressman that everybody was used the same in his department, and that he could tell his friend that although there appar-

ently was evidence that he had violated the postal laws, he would be given a hearing before the case was decided against him. This showed to me that politics had nothing to do with the actions of the Post-office Department.

After the Congressman had departed, we resumed our hearing, and General Madden promised to give his decision as soon as he could, saying it would have to take its turn. Then I proposed that *Lucifer* make an application for a new entry. This the General was opposed to, and remarked that anyway the Postmaster at Chicago would not now accept an application from *Lucifer*. It was here Mr. Bacon came to my assistance by remarking that he could write a letter to the Postmaster ordering him to accept the application. General Madden then gave his consent.

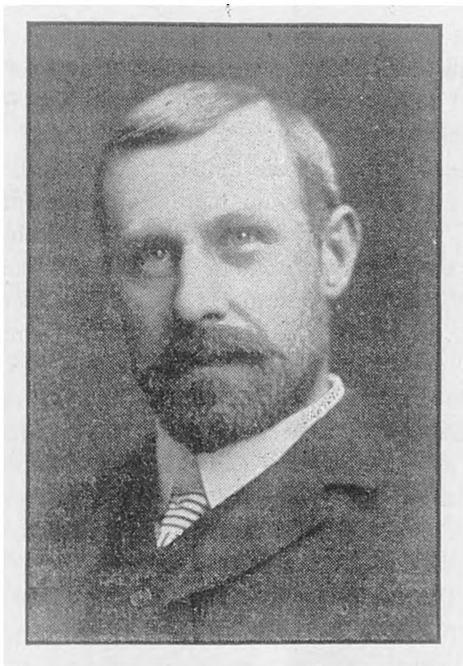
At this writing, March 1st, I have just received notification that *Lucifer* has been admitted to second-class mail privilege. There were very few people who believed I would succeed in my effort to have *Lucifer* reinstated. I told Dr. Foote and others that I felt sure I would succeed. My advice to my friends is: Don't condemn anybody before you have evidence. And I don't know of anybody I would rather have dealings with than the Post-office Department at Washington.

IMMANUEL PFEIFFER.

JOHN TURNER LIBERATED.

For nineteen weeks John Turner, the labor reformer, was stored away in a cage, like a wild beast, by order of the Secretary of Commerce and Labor, the Circuit Court having confirmed the Secretary's opinion that Turner was a very dangerous man (although his whole life has shown him to be a most peaceful man). The Free Speech League laid the case before the United States Supreme Court, and that highest Judiciary Tribunal determined that Turner should be liberated, and on the fourth of March, Barton Hall, Esq., and Dr. E. B. Foote, Jr., signed his bond for \$5,000. The United States Supreme Court further decided that the Turner case was of sufficient importance to advance from the October term to the April term. Thus the Free Speech League won its first victory in this memorable fight for freedom. May it long live to uphold American ideas. I. P.

The New Thought Federation, with Rev. R. Heber Newton, D. D., as President, and Eugene Del Mar as Secretary, has its office at New York. Post-office address is box M. I. The purpose of the Federation is to aid human development through unfoldment of its consciousness of unity, and in the manifestation of this consciousness by way of co-operation; to stimulate faith in and study of the higher nature of man in its relationship to health, happiness, and character. The Federation will hold a convention this fall at St. Louis. Membership fee \$1.00. Write the secretary, at the above address, for further information. I. P.



JOHN TURNER.

The march of imperialism in the United States is rapidly accustoming the people to the practicality of vicious methods against which the establishment of our federal government was originally intended as a protest and a barrier. But not even the usurpation of the power of censorship of the press and mails,

flagrant as it is, has aroused in the American breast such universal indignation as the treatment of a respected foreigner, Mr. John Turner, by our federal authorities.

Under a law as insane as Czolgosz himself, a law enacted as a sequel to the murder of President McKinley, the Secretary of Commerce and Labor assumes the power to exclude Mr. Turner from this country, and holds him to be returned to his native country, England, on the ground that his presence here is prohibited by this insane law because of the condition of his opinions, it being charged against him that he disbelieves in organized government. He is not charged with any affirmative heresy, but simply that he is, in the language of the law, a disbeliever.

THE ARREST.

Mr. Turner was arrested at a meeting he was about to address in New York City, Oct. 23, 1903, on a warrant which had been issued to federal officers by Secretary Cortelyou before a word spoken in public by Mr. Turner, and taken at once to Ellis Island, where a secret inquisition by Mr. Cortelyou's subordinates was held without the presence of any counsel, witness, or friend on behalf of Mr. Turner, and a report returned, on which the Secretary ordered his deportation to England.

HABEAS CORPUS.

A writ of *habeas corpus* was obtained, on return of which the government rested its case upon so much of Section 38 of the law as reads: "That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining or teaching such disbelief in or opposition to all organized government . . . shall be permitted to enter the United States."

Judge Lacombe, before whom the writ was returned, decided against Mr. Turner, holding that as laws excluding aliens for insanity or contagious diseases or other physical causes had been declared constitutional, "it is not perceived why the principles laid down in a long line of decisions do not apply equally to a person who is differentiated by the possession or advocacy of specific beliefs as to the conduct and regulation of society."

APPEAL.

From this decision an appeal has been taken to the Supreme Court. It was necessary that this appeal should act as a stay of deportation, for if Turner had gone back to England the matter could not have been brought before the court. Bail was refused, so that to test the constitutionality of the law he has to stay in prison on Ellis Island, not being allowed to see friends or his counsel, except in the presence of

officials, who make notes of the conversation. He is kept in a little cell except when allowed daily exercise in the company of guards.

Thus a clean-cut question is presented to the court how far government is authorized to enquire into the private opinions, or lack of opinions, of a person applying for admission to our country, and incidentally a question is presented to the people how far such authority may be extended by future legislation to endanger the liberties of our own citizens whose opinions do not conform to orthodox standards.

MR. TURNER'S PERSONALITY.

Mr. Turner is forty years old, and for half his lifetime has been connected with progressive movements. He was a member of the English Secular Society, and a friend and associate of Charles Bradlaugh. He was associated with William Morris in the Socialist League, of which he was financial secretary and a member of its executive committee, and from which he went in 1889 as a delegate to the International Socialist Congress in Paris. He was also an active and efficient member of the Defense Committee who resisted the attempted blackmailing of George Bedborough, editor of *The Adult*. He organized the Shop Assistants' Union, and was its president for nine years, carrying its affairs to a phenomenal success, and representing its interests at the Interna-

tional Congress in Brussels as well as in the London Trades Council. He has been actively connected with such publications as *The Commonwealth* and *Freedom* and his zeal and activity in all matters of human progress have been tireless. He is a man of a forceful as well as a most lovable personality, as is evidenced by his self-sacrificing readiness to remain in confinement to work out a problem of individual liberty for the benefit of a nation of which he is not a citizen, and in which he has no other interest than that like Thomas Paine he regards the world as his country, and to do good his religion.

Something of the temper and disposition of the man may be discerned in his letter to the secretary of the Free Speech League read at a meeting held by the League at Cooper Union, Dec. 3, 1903, to protest against the treatment of Mr. Turner.

MR. TURNER'S LETTER.

DEAR MR. PLEYDELL :—

I shall be grateful to you if you will convey to the Free Speech League, as also to all those who have in any way assisted, my very high appreciation of their efforts on my behalf. But while I am quite unable to adequately express how I value their personal feeling of friendship, I am still more concerned that the whole force of public opinion shall be brought to

bear, with a view to abrogating this law under which I was arrested and am now detained for deportation.

That is the question of principle to keep steadily in sight, and my personality is only incidental to it. Whether I am deported or not makes very little difference, but the safe and permanent establishment of this measure means the beginning of an era of attempted suppression of opinion, which would soon menace every minority in the United States.

What is there about America that can cause it to fear the ideal of one who in Great Britain and Ireland, France or Belgium remained unmolested? Is the new democracy more fearful of opinions than the older European countries? I hope for the credit of the United States, honest opinion will not be permanently barred out by ill-conceived legislation, and that lovers of liberty will not rest till they have again placed America among those liberal countries that do not use political discrimination against the stranger at their gates.

Very sincerely yours,

JOHN TURNER.

THE LAW.

The statute under which this outrage is justified contains thirty-eight sections and is an assembling and certification of a good deal of mischievous legislation previously enacted with a large infusion of

anarchist scare matter. It was passed just thirty years after the initial blackmail law §3893 U. S. Rev. St., to which dates back the present blackmailing system in the Post-office Department, March 3, 1903. The very date of the statute lays it liable to suspicion as being passed hastily and unadvisedly in the closing hours of Congress, but this statute is more flagrant in its disregard of the canons of honest and dignified legislation than anything preceding in the history of imperialistic aggression.

Among those forbidden to land in this country the statute includes anarchists along with idiots, epileptics, paupers, convicts, and persons having loathsome or contagious diseases. It will be seen at once that this classification excludes from our land persons of such noble character and eminent worth as Tolstoy, Ibsen, Reclus, Kropotkin, and hosts of other devoted servants of humanity. Moreover, any citizen who should aid or assist any of these humanitarians to land here would be subject to a fine of \$5,000 or to imprisonment for five years, or both. This penalty would apply to every member of a literary or scientific society which should invite any one of these noted men to come to the United States. Under this statute the obnoxious alien may be deported within three years, though during that time he may, under the laws of the several States, have become a

freeholder, a voter, an officer of the court, such as an administrator or executor, and demonstrated the best qualifications of citizenship.

The whole power of executing this abominable statute is vested in one man, and the statute is drawn with utter disregard of the notion that the victim of attack may have any standing in our courts. Indeed the courts cut a very insignificant figure beside the inquisition erected by this statute. The same man is given power to make rules and regulations. We have seen that the usurpation of the law-making function under the pretense of making rules and regulations, is the foundation of the present abuses in our postal system. Wise legislators would have avoided a repetition of this mischief. The statute also provides for the erection of a spy system in foreign countries, by means of which our political healers may enjoy foreign travel at government expense.

One section of the statute is particularly objectionable as inspiring blackmailing attacks upon citizens, for it affixes a penalty of one thousand dollars for agreeing with an alien in his own country for his services to be performed here, and gives the person who first sues the right to recover that amount. This form of legislation has long been discarded in all intelligent communities.

The secret inquisition expressly authorized by this statute has already been referred to, and its working upon Mr. Turner demonstrated.

The penalties imposed are brutally disproportioned to the offenses forbidden, and the fixing of a minimum penalty is a violation of all right principles of legislation.

Objections to this statute might be multiplied did space permit.

CONDEMNATION OF THE LAW.

The meeting at Cooper Union, above referred to, brought out some protests notable for their vigorous and exalted patriotism. From among editorials and letters of prominent citizens we make the following extracts :—

[*The Independent*, New York, Dec. 10, 1903.]

How many Americans know that a law of the United States forbids admission to this country of any person "who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining or teaching such disbelief in or opposition to all organized government"? It has been supposed that the American was born to a heritage of freedom of belief, and that he was guaranteed the right of freedom of speech so long as he did not slander or incite to

violence. That the national government could proscribe any class of philosophical opinions, however reprehensible in themselves, would not have been believed in this country a generation ago. . . .

It is not necessary, however, to defend these doctrines in ever so slight a degree before protesting against a law that proscribes opinion and its reasonable expression. Let opinions be beyond any doubt reprehensible ; they cannot be eradicated or suppressed by a governmental policy. Wrong opinion can be overthrown only in the atmosphere of freedom. It must come to the light in frank expression, and be attacked by the weapons of reason and conscience. The whole history of civilization is a demonstration of the superior wisdom of untrammelled discussion. As we have more than once remarked in these columns, the postulate upon which the whole doctrine of repression rests is inherently absurd. It is the assumption that mankind is not, on the whole and in the long run, amenable to reason and sensitive to moral appeal. If this were true, popular government would be in the nature of things impossible, and the stupendous social mechanism of church and university, with all the agencies that they are bringing to bear upon the conduct of men, would be both meaningless and futile.

A case has arisen that we earnestly hope will be

carried through to a decision by the Supreme Court. John Turner, an English anarchist, is held at Ellis Island because of utterances in England and elsewhere, that come within the *mala prohibita* of this reactionary law. Happily, it has aroused a vigorous protest by men whose words carry weight in the community. A great mass meeting was held at Cooper Union a few nights ago, to voice their opposition. Edward M. Shepard sent a fearless and manly letter that admirably stated the true American doctrine of liberty of thought, and John De Witt Warner placed himself on record in a speech marked by breadth and good sense. The list of vice-presidents of the meeting included many of the most eminent and respectable names in thought and affairs in New York City.

We were sorry to see Bishop Potter, in a public address a day or two after, taking the position that no one "could blame the Government for excluding a man from this country who boasted that he did not believe in any Government." With Bishop Potter objecting to liberty of opinion, and Bishop Burgess characterizing Wagner's "Parsifal" as sacrilegious, it would seem that the people must for the present look to others than our ecclesiastical dignitaries for the wisest guidance in matters that pertain to the great things of liberty and idealism.

[*Register*, New Haven, Conn., Dec. 5, 1903.]

It would be a sorry state of affairs if there was no one left to protest against these occasional abuses of the constitution, and it is of no consequence that the beneficiary of the outburst is in himself worthy of personal regard or not. . . .

Freedom of speech has its drawbacks and rebates, but the abandonment of the principle which supports it would be disastrous both to good government and free institutions. It is a passion with most men to desire to express their opinion. Very few of them meditate action as a consequence of their views. Having unloaded, as it were, they settle back in the knowledge that they have done their duty, and leave the rest to logic. The profoundly wise theory of this country has been to permit each man or set of men to discuss freely the faith which moves them, and the result has been in every case the ultimate establishment of a truth.

John Turner should be released with an apology, and permitted to talk to his heart's content. He could not have worse luck than Prophet Dowie had.

[*Republican*, Springfield, Mass., Dec. 6, 1903.]

The mass meeting alone was enough to demonstrate that the enforcement of the clause of the law under which it is proposed to deport Mr. Turner is

sure to propagate doctrines which the majority of people deem dangerous, rather than to repress or discourage them. We cannot afford to associate the principle of academic or philosophic anarchy with the cause of free thought, because free thought is in itself enough to sanctify, in many persons' minds, the most repulsive heresies. Forbid by law the holding of certain beliefs and you will surely popularize those beliefs. The long struggle for intellectual liberty, from the middle ages down to the opening of the nineteenth century, stands for too much agony and sacrifice in human history to be repudiated in our own time. The principle won at such great cost cannot be attacked without arousing a violent protest, of which the Cooper Union meeting was but the first sign. . . .

The labor unions of America, to whose work and principles Mr. Turner has been devoted, might take up this affair to good advantage and press it upon the attention of Congress. . . .

The conclusion cannot be avoided, that in prohibiting the presence in this country of men simply because they "disbelieve" in the government which exists in this stage of civilization, Congress acted without realizing the effect and bearing of its legislation. A man like Turner cannot be driven out of America, as Roger Williams was driven out of Massa-

chusetts two and one-half centuries ago, without increasing his influence and importance a thousand-fold, and thus defeating the very purpose which Congress had chiefly in mind.

[*The Outlook*, New York, Dec. 12, 1903.]

Last week a remarkable number of prominent citizens of New York risked popular misconstruction of their views in order to protest against so much of the new immigration law as requires the arrest and deportation of immigrants who "disbelieve in organized government." Vital public interest in this statute, it will be recalled, was aroused by the arrest of John Turner, an English trades unionist, while addressing a meeting in this city the latter part of October. Turner was tried before the Federal Board of Inquiry without counsel or witnesses, and his deportation ordered solely because he answered in the affirmative when asked if he was an Anarchist. It was not alleged that he had approached any nearer to the advocacy of violence than by expressing satisfaction that the workers of Europe were organizing for a general strike to obtain their rights. . . .

The inquiry into Turner's personality proved him to have been an organizer of the English Shop Assistants' (retail clerks) Union, a man with a refined and attractive face, who had for years addressed meetings

in England without ever having been the subject of arrest. His arrest here he accepted with equanimity, and when asked whether he was willing to remain in prison in order to make possible a test of the constitutionality of the law under which he was arrested, he cheerfully decided to remain. This attitude on his part gave to many people new personal interest in his case, and when a meeting was called last week to protest against the statute under which he had been arrested, the hall of Cooper Union was packed with sympathizers. Nearly half the audience appeared to sympathize with most of the views of Turner, indicating that already his arrest was having the effect of making more popular the visionary ideas proscribed. Had Turner addressed audiences in every city and town in this country, his arraignment of organized government could not have aroused the discontent with such government that the single act of his arrest had stirred.

Fortunately, the speakers at the meeting all kept on strong conservative ground. Ex-Congressman John De Witt Warner, the first speaker, reviewed the various features of the new law, and contrasted them to their disadvantage with the Alien and Sedition Laws, a century ago, which brought down upon the Federalist party the indignation of the American public. He admitted that there was no express provi-

sion in the Constitution forbidding laws abridging freedom of thought, but said that the absence of such a provision was because the framers of the Constitution, who guarded so jealously freedom of speech, never conceived that any of their descendants would attempt to restrict the freedom of thought. Not only did he arraign the section of the new immigration law penalizing disbelief in organized government (unaccompanied by any advocacy of disorder), but also those sections providing for trial by executive processes without the presence of judge, jury, or counsel. Under the statute, he pointed out, any American who in any way abetted the presence of Count Tolstoy or Prince Kropotkin in this country could be fined five thousand dollars or imprisonment for one year, or both. Mr. Ernest Crosby recalled the utterances of one great American after another who had condemned organized government in sentences hardly less radical than those which Turner had used. Henry D. Thoreau, Ralph Waldo Emerson, and Thomas Jefferson were among those whose condemnations of government by force were read with telling effect.

The Outlook is in entire sympathy with the resolution passed at this mass meeting which calls upon Americans everywhere to petition Congress for an amendment of the immigration law so that it shall con-

cern, in so far as it concerns political immigrants at all, only those immigrants who advocate the use of violence or force to overthrow existing government.

[*New York Evening Post*, Dec. 4, 1903.]

The mass meeting, held at Cooper Union last evening, was called together to protest against an un-American law which is aimed at an opinion, or a state of mind. Under one of its provisions, John Turner, a theoretical anarchist, is detained at Ellis Island, and would have been sent back to England ere this had not his lawyers begun proceedings to test the constitutionality of the law. As we have already pointed out, Mr. Turner was arrested in true Russian style, while making an address upon trade unionism at a hall in this city. The sole reason for the interference of the federal authorities, by direction of Secretary Cortelyou, was some speeches which Mr. Turner had delivered in England, and to which the British authorities had never deemed it worth while to pay any attention. Under this law the gifted Prince Kropotkin, who was entertained at some of the best homes in this city a year or two ago, could be turned back at the pier—not because he has ever advocated a resort to violence or a physical attack upon governments as now organized, but because he

is a disbeliever in government based upon force. Tolstoi himself would probably be barred out.

The objectionable clause of the law passed on March 3 of this year is numbered thirty-eight. It prescribes that no person shall be permitted to enter the United States "who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining or teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the government of the United States or of any other organized government, because of his or their official character." . . . Plainly, the intention of the framers of this law was to exclude anarchists who land upon the docks with bombs in their right hands and daggers in their left. With this aim no one will quarrel. But as the law is drawn, it not only, as was well said last night, places high-minded and well-intentioned men of the Kropotkin type on the same plane with the midnight assassin and the dynamiter, but "attacks every principle of free thought, let alone free speech, that our land has held sacred."

If there is one ideal associated with the history of the United States it is the right to free thought and

free speech. There was no other motive behind the coming of the Pilgrims than the desire freely to worship as they pleased. Since their day the United States has seen one fantastic theory of government after another proposed and championed in all seriousness. The Quakers, it must not be forgotten, like John Turner, advocated a government which should not be founded on force. Communism in a dozen different forms has been not only urged, but actually attempted.

These experiments involved the breaking down of organized government as that term is universally understood. Yet the men who preached and practised these vagarious doctrines were never arrested or punished for their beliefs, nor were their recruits turned back when *en route* from foreign shores. The wise and far-sighted American policy has been to let Communists and Socialists of one school or another have their say. The country has recognized that free speech is the best safety-valve in any free land. It has hitherto always declined to follow the example of the French republic in punishing men for their political views.

It seemed, moreover, to have profited by the experience of other lands, notably Russia and Germany. Whenever those nations have sought to put down the men who taught the overthrow of modern govern-

ments by force, they have signally failed. Where one man has gone to Siberia for his beliefs or died in the dungeons of St. Peter and St. Paul, another—and often two—has risen to take his place. All the autocratic powers of the Emperor of Germany and his government have availed nothing in the attempt to stop the growth of anarchistic doctrine. There are checks in plenty to the spread of such a pernicious and unreasoning propaganda, but they include neither chains nor banishment nor the scaffold. Why should the United States seek, then, to deny its shores to peaceful men who conscientiously believe that the government of the future is to rest upon an entirely different foundation from that which now supports it? And what, if the line is now drawn at men who call themselves anarchists, is to prevent another Congress, stampeded perhaps by the assassination of a high official, from proscribing men known as Socialists either of the radical or of the moderate German type? In this as in other matters it is the first step that costs. If the act of a crazy, native born assassin can move Congress to expel or deport foreign visitors for their opinions and forbid their naturalization, to what lengths would it go if goaded on by a similar assassin of foreign birth? As Mr. Shepard asked, why single out men who hold philosophic theories of government, and overlook men who believe in des-

potism, religious persecution, or polygamy? As for those who believe in government by oligarchy, the United States would have its hands full to expatriate those who seem at least by their actions to prefer this form of government.

The truth is that the statute as now worded, whether intentionally or because of carelessness, savors of the Middle Ages, of the days of religious intolerance and persecution, and is a blot upon the country's good name. It puts sweeping powers into the hands of a government official which he ought never to possess, and cannot be trusted with, as Secretary Cortelyou has shown. It will inevitably bring with it a system of espionage at home and abroad. It involves already deportation after a secret hearing in which the accused man is made the main witness against himself; and from the decision of a commissioner he has no appeal save to a Cabinet officer. The wrong is plainly so monstrous that Congress cannot refuse to amend the law so that it shall apply only to those persons who come here advocating the commission of violent crimes. If the case is fairly and clearly presented, we are confident that few Congressmen will wish to go on record as opposed to freedom of belief and utterance.

[*New York Daily News*, Dec. 4, 1903.]

The law under which the immigration officials are holding John Turner a prisoner without bail, preparatory to deportation, was passed in a senseless panic, and is as stupid a piece of legislation as Congress has achieved for several years. Its unconstitutionality is obvious. The Supreme Court may, perhaps, say otherwise, but any law abridging freedom of thought and speech is in violation of the spirit of the Constitution, and no amount of legal sophistry can make it anything other than what it is.

This fool law essays to pry into the mind of a foreigner arriving at a port of the United States, and to judge him by what he believes or disbelieves. If he disbelieves in the wisdom of governments, says the law, he is dangerous and must be kept out of this peaceful, orderly land, lest he corrupt the minds of our simple people or run amuck and destroy the government.

Ostensibly the law was enacted to prevent the entrance of dangerous persons, revolutionary anarchists, bomb-makers, and violent cranks generally. It was passed because the country was in hysterics over the killing of a president, all hands forgetting that every one of our assassins up to date was a native-born American. Of course, the law would be no barrier to a really dangerous conspirator who desired

to get into the country with evil intent. It is a barrier to honest, open-minded men, who say what they think and mean harm to nobody. It could be invoked to keep Herbert Spencer from setting foot on American soil.

The law making "disbelief" in anything a disqualification for admission to this country is contrary to the spirit of the Constitution. If government dictate political opinion, it can control religious belief. If it be permitted to deport John Turner because of his opinions—not his acts nor his character—there is no constitutional limit to the power of Congress over the speech and thought of the individual.

Besides, in applying the law to a man like Turner, who is an industrial organizer and a man of brains and character, this government is making a particularly conspicuous exhibition of folly, and, worse than being wrong, is being ridiculous.

[Extracts from Letter of Edward M. Shepard to Cooper Union Meeting.]

I am not able to accept the invitation to speak at the meeting this evening to protest against the deportation of John Turner. But I feel bound to express my deep sympathy with the purpose of the meeting, which I understand to be the promotion of sound, orderly, law-abiding freedom.

I do not know Mr. Turner, nor do I know anything of his speeches, writings, or beliefs except as they appear in the proceedings against him. They have now resulted in the order of a cabinet officer of our Republic that he be excluded by force from our country for believing in a theory of human society different from that held by you and me and the great majority of Americans and other civilized men, and in an order of a federal court that there is no judicial power to interfere with that order. To my mind the order of Secretary Cortelyou is thoroughly un-American, and is dangerous to the future prosperity and dishonors the true and useful glory of our Republic.

In the brief submitted to Judge Lacombe in behalf of the government, no assertion, not even a hint, is made against Mr. Turner's character. He is not accused of desiring or seeking violence. The whole charge is, he has called himself an anarchist. The able contention of his counsel is not disputed that he is an anarchist only in the sense of those who believe that peace and virtue and happiness do not need the exercise of governmental force.

The sole defense of the government is that Mr. Turner "disbelieves in all organized government." Secretary Cortelyou applies a statute evidently intended to exclude persons who threaten violence, or murder, to the case of a man merely holding in his

own conscience and mind, and who in the freedom of his own England has expressed, a belief that human progress and safety do not need the aid of armies or police. In my opinion the conclusion of the Commissioner of Immigration and of his Board ought never to have been permitted by the administration. Upon every theory of constitutional or statutory interpretation prevailing in our country, the statute ought to have been interpreted strictly to favor and not to disfavor freedom of opinion.

I must frankly say that the action of Secretary Cortelyou seems to me to have been only of a piece with much else indicating a temper in our administration and possibly (though I believe not) for a time dominant in American life, of hostility to freedom and favoring those narrow, arbitrary, obstructive, militaristic theories of public administration against which the very birth of our Republic was a protest, theories which all countries, as they have grown more intelligent and more prosperous, have left behind.

Is it not intolerable that our government should admit freely a man who believes in despotism, religious persecution, or who supports polygamy (for mere belief in polygamy does not exclude) ; but that, on the other hand, men should be excluded for holding doctrines long preached and even practiced by many of the Quaker and other sects greatly respected

by us all, doctrines held to-day by Tolstoi,—doctrines the very holding of which implies a certain nobility and generosity of temper and faith? For me those beliefs are as yet impracticable and unsound; but I am far from saying or believing that they are more impracticable than much of the doctrine formulated in the Sermon on the Mount.

The erection in this country of a secret inquisition for any purpose, the methods of which are not distinguishable from those of the religious inquisitions of Spain and Italy which so retarded the civilization of those countries and brought misery to their people, is a movement to be earnestly resisted by all patriotic Americans.

On account of the gravity of the situation the FREE SPEECH LEAGUE has undertaken to present the case of Mr. Turner to the highest judicial tribunal in the country for its determination, and at the same time to procure the most obnoxious features of this infamous statute to be expunged. To carry on this work and to ensure that Mr. Turner and his family shall not suffer while he is restrained of his liberty and that the matter shall not drop out of public notice, money is needed. *Subscriptions for this purpose should be sent to*

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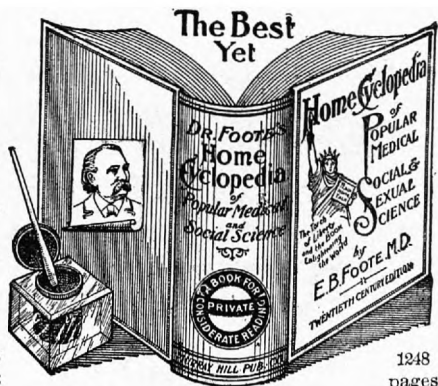
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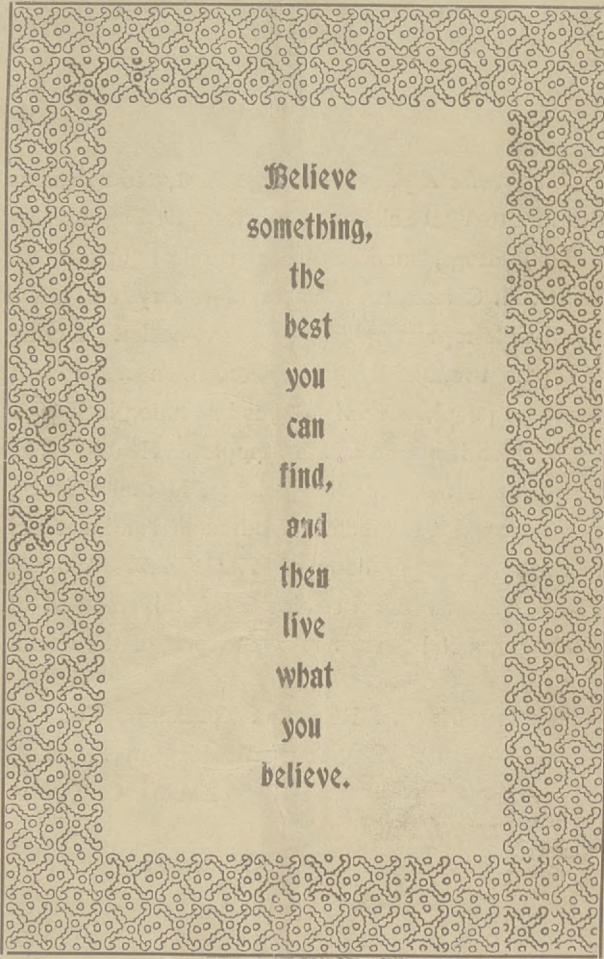
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