
***Volkszeitung* Recovers Its Mailing Rights: Hays, in Announcinng Restoration of Paper's Status, Declares Post Office Censorship is Gone: Addresses US Press: All Papers Carried in Mails at All are Entitled to Second-Class Rights, is Postmaster's View**

by Laurence Todd

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WASHINGTON, August 14 [1921].— Despite the fact that 3 of its issues since March 4 have been held nonmailable, the *New Yorker Volkszeitung* has again been granted 2nd Class mailing rights.

Postmaster General Will H. Hays took this occasion to declare to the liberal and radical press of this country and the world that censorship of the press is gone, and that except within the narrow limits forbidden by Federal law the radicals may advocate or criticize anything and everything that interests them. He has in mind the complaints of press correspondents who attended the peace conference at Versailles, who found the censorship in France annoying, and he serves notice, in this indirect fashion, that there will be no such difficulty at the disarmament conference in Washington.

Hays' official statement on the *Volkszeitung* case is addressed to "The Newspaper Publishers and Editors of the United States," and reads:

The *New Yorker Volkszeitung* had made a new application for 2nd Class privileges. This application has received the usual consideration of the department and has been approved.

I want again to call the attention of the publishers to the fact that I am not, and will not allow myself to be made, a censor of the press. I believe that any publication that is entitled to use of the mails at all is entitled to the 2nd Class privileges, provided that it meets the requirements of the law for 2nd Class matter. A publication once entered as 2nd Class matter is entitled to the very best and most prompt service and to the least possible interference with its

constitutional freedom of thought and action.

There is, however, placed upon me by certain statutes responsibilities in this connection that must be upheld so long as the law remains as it is. I will at all times act with moderation and consideration for the freedom of the press, but I must and will enforce in good faith, without evoking technicalities, these statutes declaring certain matters nonmailable, one of which is the Act of June 15, 1917 (40 § 230), providing that

Every letter, writing, circular, postal card, picture, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, containing matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

And another of which is Sec. 211 of the penal code, which declares that there shall not be carried in the mails any "obscene, lewd, lascivious, filthy, or indecent" matter, and also "matter of a character tending to incite arson, murder, or assassination."

We intend, however, that there shall be no secrecy in regard to any matter which, under these laws, may be held to be nonmailable. We will have the actual copies of any newspaper or periodical that may be withheld from the mails available to representatives of the press and others interested, together with a complete file of each case. I am not only making these records available, but I hope that the newspapers will not pass unchallenged or unnoticed any case in which, in their opinion, the department goes beyond a fair interpretation of the law, if such case should arise. No one can feel stronger than we do on the importance of upholding the freedom of the press, remembering that I must uphold the specific statutes on the subject to which I have already referred.

This statement followed an interview given the

Federated Press by Mr. Hays, in which the same viewpoint was expressed by him and by Solicitor Edwards, who was called into conference.

At the request of the Federated Press, the Postmaster General caused a tabulation to be made, showing the names, dates, and places of publication of issues of papers and magazines held nonmailable since March 4 [the assumption of office of the Harding administration]. It was found that 43 publications had been involved as to 1 or more of their issues. Eight of these publications are printed in the English language. Since June 1 — the date at which Solicitor Edwards took immediate charge of the work, and instituted the new policy — the number has been 13.

“It is not our purpose or duty,” said Edwards, “to advocate or oppose any school of political thought so long as it does not violate any existing law interpreted liberally to permit mailability.”

The Solicitor’s Problem.

But, the Solicitor asks, what is an unbiased public official to do when a Hungarian daily in New York, for example, publishes an editorial containing these words:

We can never convince the capitalists that it would be more human and also more suitable to their interests if they would give the lands, the mines, the factories, and so forth over to society, which would work them for the good of all society. They must be compelled to do so by arms. And as the bourgeois power is represented by the bourgeois state, the proletariat must crush the bourgeois state and build up its own state, the state of the proletariat.

Or again, what is he to do when there is published that passage from the program of the Communist Party of America which pledges that organization

to “support every revolt of the people of the colonies against American imperialism”?

Should Seek Laws’ Repeal.

Frank discussion of the problem with Hays and Edwards develops the conclusion that the radical press of the United States is barking up the wrong tree; it should be fighting for the repeal of the laws which limit the freedom of political discussion, it wants to propose that “they must be compelled — by arms.”

Hays has restored 2nd Class mailing privilege to the *New York Call*, *Milwaukee Leader*, *Liberator*, *Vorwaerts* of Milwaukee, Philadelphia *Tageblatt*, *Obrana* of New York, *St. Louis Labor*, *Weekly People* of New York, and *The New Age* of Buffalo, in addition to the *Volkszeitung*.

Thus far the publications applying and denied permits are the *Elore* of New York [Hungarian, CPA] and *Solidarity* of Chicago [IWW], with the Ukrainian Daily News in process of adjustment. It appears likely that all of these will finally get the 2nd Class mailing right if they care for it.

Translators in the New York and Chicago offices, who have been identified with the search for “seditious” matter, are in danger of demobilization. Already the last of Burleson’s big staff of “sedition hunters” is gone from Room 23 in the department building here, where they flourished for years.

“Let’s not hide behind rhetoric, but speak honestly in words that cannot have a double interpretation,” says Edwards. “The radical press knows the law, and it knows that it has a perfect right to try to change the law. We ask simply that it face that fact and be fair.”

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