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The Worker

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THE SUPREME COURT AND THE BAKERS' TEN-HOUR LAW.

The History of an Ominous Usurpation of Legislative Power by Appointed Judges.

Unhealthy Condition of Bakery Trade and Long Agitation for Remedial Legislation—Capitalists Defy the Law and Appeal to the Courts to Veto the People's Will—The Legal Points Involved and the Effect and Lesson of the Decision.

By Morris Hillquit.

The trade of bakers was always considered one of the most unfavorable. The occupation is exceedingly unhealthy. They work in ill ventilated, moist cellars. The exposure of the body to the frequent changes of atmosphere, the inhalation of dust particles, etc., undermine the power of resistance of the workmen in that trade, and predispose him to a number of diseases, chief among them being bronchitis, sore eyes, inflammation of the lungs and tuberculosis. Bakers who have followed the trade for several years are, as a rule, hollow-chested, pale-faced and weak; their death rate exceeds that of the agricultural workers in different places from 77 per cent. to 120 per cent., and according to the census of 1900 it is about 3.2 per cent. greater than that of the average industrial worker. In cases of epidemic diseases, the bakers are among the first victims, and under normal conditions they rarely live to be above fifty.

This enfeebled physical condition of the bakers, their lack of power of resistance together with the fact that their trade is not among those classified as "skilled," has made it difficult to build up a proper organization among them, and has rendered them an easy prey to exploitation.

The Workmen's Agitation.

When the bakers finally began to organize in this country, their first efforts were, therefore, directed towards the abolition of the particularly obnoxious features of their trade by legislation. After a good deal of agitation, work and lobbying they finally succeeded in 1880 in inducing the legislature of the state of New York to pass a law for their protection. The law was entitled: "Bakeries and Confectionery Establishments"; it is composed of six separate sections, and was made part of the general labor law of this state. The most important provision of the law is contained in the section known as Section 110, which reads as follows: "No employee shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work." The remaining five sections provide for sanitary drainage and plumbing and proper ventilation of bake shops, cleanliness and proper construction of the same, and the separation of water closets and sleeping rooms from the bake rooms. The bakeries are by the provisions of that law placed under the jurisdiction of the factory inspectors, known as Section 284 L, and which made a violation of any of the provisions of the law relating to bakery and confectionery establishments a misdemeanor. The penalty provided by the said section was as follows: For the first offense a fine of from twenty to one hundred dollars; for the second offense a fine of from fifty to two hundred dollars or imprisonment not exceeding thirty days, or both; for the third offense a fine not less than two hundred and fifty dollars or imprisonment for not more than sixty days, or both such fine and imprisonment.

The Bosses' Defense.

In 1890, however, the bakers of Utica decided to make an attempt to enforce the law, and accordingly they made complaint against one Joseph Lochner, a baker boss of that city, who was persistently violating the said law in compelling his employees to work more than sixty hours a week. On the complaint of some of his employees the said Lochner was tried, found guilty and fined twenty dollars. This penalty did not seem very terrifying to Mr. Lochner, who found it more profitable to violate the law and pay twenty dollars than to live up to its provisions and save the twenty dollars. Accordingly Mr. Lochner continued exacting longer hours of labor from his employees than allowed by law. In the month of April, 1901, Mr. Lochner was again arrested on a charge of a violation of the Bakery Law, as a second offense. This time Mr. Lochner made no defense to the charge, but decided to fight the legality of the law. In this campaign for a nullification of the law in favor of the bakery employees, Mr. Lochner was

conditions upon the enjoyment of property, and exercise of liberty by the citizens, where the safety, health, morals or general welfare of the public so required, but it was contended by the defense that the limitation of the hours of labor in the baking industry did not fall within such powers and could not be justified on these grounds.

The Fiction of "Free Contract."

The arguments above quoted, it will thus be seen, are based entirely upon refined and casuistic reasoning, and presuppose an imaginary state of facts. As a matter of fact, the liberty of "contract" does not exist for the large mass of workmen. In the labor market, the seller of labor power is in almost all instances at a disadvantage before the purchaser of that power. "Contracts" between employer and workmen are not as a rule made by free and voluntary agreement on both sides; the terms of such contracts are dictated by economic necessity on the one side, and greed for profits on the other. The state has the right and duty to regulate the relations of its citizens with a view to the general welfare of the public. It has the right and the duty to curtail abuses practised by one class of the population on the other, and to protect the weak against unscrupulous exploitation and maltreatment. All laws of civilized communities are based upon that fundamental assumption.

The labor power of the workman is not a mere commodity existing outside of him. It is part of his very life and body. It is the "property" of the employer only in the sense in which the body of the chattel slave was the property of the slaveholder, and if it is the "property" of the employee, the legislature of the state has the right to provide against its improper expenditure and injurious uses just as it provides against the mutilation or destruction of the body.

Legal Points Involved.

The provisions of the Bakery Law affected by the decision of the United States Supreme Court are those contained in Section 110 of the Act, i. e., the section limiting the hours of labor of bakery employees to sixty per week. The provisions of the remaining sections of the law were not involved in the controversy and were not passed upon by the court.

In all the courts Mr. Lochner was represented by his attorney, Mr. William S. Miller, who had associated with him in the higher courts Mr. Smith M. Lindsay, while the other side was represented by the District Attorney of Oneida County in all the state courts, and by the Attorney General of the state of New York in the Supreme Court of the United States. The bakery workers as such were practically not heard in the controversy, in view of the fact that the controversy arose in a criminal action in which the complainant was nominally "The People of the State of New York," and not the bakery workers.

The chief argument of Mr. Lochner's attorneys in the court was that the provision of the law limiting the hours of work in the bakery and confectionery trade was unconstitutional. This contention was based upon the provisions of the Fourteenth Amendment of the Constitution of the United States as well as on the provisions of Article 1 of the Constitution of the state of New York.

The Provision of the United States Constitution in Question is as follows: "No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor deny to any person within its jurisdiction the equal protection of the law."

That of the Constitution of the state of New York reads as follows: "No member of the state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. No person shall be deprived of life, liberty and property without due process of law."

To an unsophisticated mind it may appear that both provisions above quoted have no bearing, direct or indirect, upon the issues in the case. But by the ingenious legal construction sought to be placed on them, Mr. Lochner's attorneys argued that the Bakery Law offended against the said constitutional provisions in three points:

Workingmen's Labor-Power Is Employers' Property.

1. That the limitation of the hours of labor of bakery employees deprived the employers of that trade of property without due process of law. The "property" in this case was the labor power of the workmen. In the absence of the legislative restriction, the bakery employer could have his employees work eleven, twelve or more hours per day and derive a profit accordingly, whereas the law in question sought to limit the hours of labor to ten, and would thus deprive the employer of his profits derived from the work of his employees during the additional hours.

2. That the law in question sought to curtail the liberty of the citizens engaged in the baking industry to make contracts, that it deprived both the employer and the employee of the right to agree upon a workday of as many hours as may be mutually acceptable to the contracting parties.

3. That the ten-hour provision of the Bakery Law deprived one class of citizens, to wit: the bakery employees, of the privileges secured to other citizens, to wit: the employers in other trades, i. e., that while the employers in other trades were given the privilege to fix the hours of labor of their employees at such number as they pleased, the bakery employees were limited to sixty hours per week.

It was admitted by both sides that the provisions of the constitution above quoted were limited by "Police Power" of each state, i. e., that each state had the right to impose certain

ANOTHER REPLY TO MR. GOMPERS.

Haverhill Central Labor Union Uses Plain Words.

A Spirited Response to the Circular Issued by the President of the American Federation Advising Withdrawal of Support from the Western Miners.

It seems to us that the real object and purpose were simply to regulate the hours of labor between the master and his employees (all being men, and juris) in a private business, not dangerous in any degree to morals or, in any real and substantial degree, to the health of the employees. Under such circumstances the freedom of master and employee to contract with each other in relation to their employment, and in defining the same, cannot be prohibited or interfered with, without violating the Federal Constitution.

Effect of the Decision.

It will thus be seen that the decision of the United States Supreme Court in the Lochner case was the most radical and far-reaching thus far rendered on the validity of labor legislation. It is the hardest blow ever dealt by the courts of this country to organized labor. Hereafter all demands of labor organizations for legislative limitation of the hours of labor will be a meaningless and hollow phrase, unless the United States Supreme Court reverses itself, or the constitution of the country is amended to obviate the construction placed on it by the courts. As the law stands to-day, the limitation of the hours of labor is only permissible where the welfare of the public at large requires such limitation as, for instance, in the case of railway employees, where the safety of the passengers may be seriously endangered if employees on certain branches of the service should be overworked and fatigued. A limitation of the hours of labor also seems to be permissible where the occupation of the workmen is extraordinarily dangerous or unhealthy, and the power to decide whether such state of danger or unhealthiness exists, is not left with the people through the various state legislative bodies, but to the judges of the United States Supreme Court.

Now You Know Where You Stand.

Organized labor now knows, or at least should know, where it stands. During the last few years one law after the other has been wiped off the statute books of the various states by judicial decisions, and now the very soul of all labor legislation, the shortening of the hours of labor, has been rendered impossible, and the Supreme Court of the United States has served notice on the workmen of this country that it expects to maintain and strengthen its policy of nullification of labor laws.

"The interference on the part of the legislatures of the several states with the ordinary trades and occupations of the people seems to be on the increase," says Judge Peckham. "It is impossible for us to shut our eyes to the fact that many of the laws of this character, while passed under what is claimed to be the police power for the purpose of protecting the public health or welfare, are, in reality, passed from other motives, and that such 'other motives' are viewed with disfavor by the Supreme Court is made apparent in every line of the prevailing opinion of the Supreme Court."

"The Perfection of Reason."

The decision in the Lochner case demonstrated conclusively that the law is very far from being "the perfection of reason," as claimed by the proud jurists. Out of the twenty-two judges who considered the question, twelve were of the opinion that the law was a valid exercise of the police power of the state and perfectly constitutional, while ten argued just as emphatically for the converse proposition.

The following resolutions, adopted by the Boston Cigar-makers' Union No. 97 last Friday and given to the press, are self-explanatory:

Whereas, The daily pages of April 27 printed the names of several of our members as being present at a banquet given by the Civic Federation; and

Whereas, The printing of such names as members of the Cigar-makers' Union would lead the public to believe that they were present at that banquet as representatives of Cigar-makers' Union No. 97; and

Whereas, The Civic Federation is an organization founded for the purpose of continuing capitalist control in the industrial world by keeping the workers unorganized and offering their services during times of strife to betray them, as for example the Boston teachers' strike; and

Whereas, The President of the Civic Federation stands for the scab shop as against the union shop; and by his action has called upon the workers to accept the assistance of the Inter-Union Company demonstrators that he bitterly opposes the efforts of the trade union; be it

Resolved, That we, in meeting assembled, do not allow any of our members to attend as members of Union 97, any meeting that is held under the auspices of the Civic Federation, and be it further

Resolved, That we consider the Civic Federation unworthy of our support and is condemned by organized labor.

THE BOSTON CIGAR-MAKERS' REPUDEATE CIVIC FEDERATION.

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W. F. OF M. IN MINNESOTA.

The Western Federation of Miners has put a foothold in the non-unioning region of northern Minnesota, having recently organized a local with fifty-one members at Eveleth. Several others are expected to follow.

IN SOUTH AFRICA.

Socialism Gradually Gaining Strength There.

Capitalist Schemes for Playing Off Black and Yellow Workers Against Whites Creating a Terrible Situation—Hopes of the African Labor Movement.

The Clarion Fellowship of Natal is publishing a little monthly paper, the "Socialist Spark," for propaganda purposes. This is the first Socialist paper ever issued in South Africa. It has now existed for eight months. The Fellowship is also conducting a campaign of meetings at Durban, the chief town of Natal, with an indoor lecture and an open-air agitation meeting each week.

Another indication of the growing strength of Socialism in South Africa is the fact that Olive Schreiner, well known throughout the English-speaking world as the author of "The Story of an African Farm" and "Dreams," has announced her adherence to the Social Democratic Federation.

Artificial Anarchy.

The need for such a movement is evidenced by the following extract from a letter recently received from a friend now living at Pretoria:

There is a lively state of things over here. As a sample, there were two horse races, and a horse race from an adjoining farm; two Kaffirs fell for dead not far off my store; and in going in for Pretoria I learned that a white man had had an eye and his teeth kicked out and fifteen head of cattle stolen from a kraal. This was all within fourteen days and within a radius of ten miles. I have an explanation of these things, which are the result of British "good government." The original hut tax under the Dutch Boer government was £5 per hut, but they were not very popular. The present government has reduced it to £2 per hut, but they were not very popular. The present government has reduced it to £2 per hut, but they were not very popular.

Making a Proletariat.

The hut-tax system may require some further explanation to American readers. The Kaffirs are accustomed to a simple life, easily satisfying their needs by cattle-raising and rude agriculture; they have little inclination to become wage-workers for the white mine owners, notwithstanding all the efforts of the missionaries to implant upon them the two cardinal principles of "the dignity of labor" and "the blessings of poverty." The capitalists think it a shame that they should have to pay the higher wages demanded by white workmen when there are so many blacks who might be exploited. So the government is called in to compel these natives to become proletarians. The hut tax thus serves a double purpose; it supplies revenue to the colonial government and thus keeps down the rate of taxes on capitalist property; it also compels the Kaffirs to work for wages in order to get money to pay the tax. In so far as it serves this latter purpose, it works harm to the white workmen, as it imports into the blacks, displacing their opportunity of employment and reducing their wages. On the other hand, the black workers in the mines are frightfully driven and abused, so that they die in great numbers; and thus placed between the devil and the deep sea, many of the Kaffirs, from being peaceful neighbors, are turned into vagabonds and criminals.

At present the government, under the dictation of the international gang of capitalists who own the gold and diamond fields, is contemplating even more drastic measures to break up the natives' old ways of life. It is proposed to restrict or even abolish their right to own land, thus sweeping them bodily into wage slavery; and, as it is known that all their habits and customs are such as to make this very difficult, the re-education of the natives' old ways of life is sometimes advocated—all in the name of Christian civilization.

The importation of Chinese coolie labor has the same purpose, of course—to assure a supply of cheap labor under conditions that would make organization and resistance to exploitation impossible. With a mixed mass of yellow contract-laborers, homeless and simple-minded blacks, and poor white men, the capitalists count that their power would be secure.

Room for Hope.

In the face of this terrible condition, it is encouraging to see that the old rancor between Dutch and British workmen is rapidly disappearing, that at least the nucleus of a Socialist movement has been formed among the whites, that there is the beginning of an organized defensive movement among some of the blacks, and that even the coolie-importation scheme has been partially blocked, not so much by the protests of the white labor unions as by the efforts of the Chinese Reform Association, which is warning the Chinese workers at home against trusting the representations of the British agents whose business it is to recruit contract laborers. If the workmen of the three races in South Africa succeed in acting together, it will mark a bright epoch in the history of the international labor movement; and difficult as such co-operation is, there now seems reason to hope for it.

A VOICE FROM THE PULPIT.

Prominent Boston Clergyman Denounces Wage Slavery.

Disturbs Eminent Bostonians by Predicting an Order of Society Which Shall Know Not Hiredlings, Where Men Shall Work Together for the Common Good.

The Rev. W. H. van Allen of the Church of the Advent, one of the wealthiest churches in Boston, raised a good deal of a tempest in the Boston teapots by a sermon preached on May 7, in which he said that the wage system is a slave system and predicted its abolition. Many eminently respectable Bostonians have been deeply pained by this impious declaration.

We quote some passages from Rev. Van Allen's address:

"The hiring feeth because he is a hiredling and careth not for the sheep." I read here Christ's condemnation of the wage system; not that the wage system is what he had, but that it never had its place in the evolution of society, but that it is not a finality, that we cannot rest content with it, and that we must aspire toward its eventual abolition in an order of society which shall know no hiredlings and no slaves—how then shall we get on without workers? How can any system be devised which will do away with the hiring of other men and the taking by us of the larger share of their earnings for our profit?

Labor, according to the wage theory, is a commodity. The wage-workers take it to the market and sell it under economic conditions of buying and selling. The buyer of labor is bound by what men prate of as economic laws to buy that labor at the lowest price possible. He has money, they have not. He has money, they have not. He can dictate terms, because he can afford to wait a little. They, having no money, cannot wait.

The employer has a second great advantage. There are more men selling work than there are places to be filled. Then, again, it is found that the man who has lost to live, the single man is a better man to employ than the man with a wife, and the man with a wife and no children is better than the man with a wife and children. Then, again, the Bulgarian or the Pole or the Armenian is a better man to employ than the single American, because he can live cheaper still, and consequently can afford to work cheaper.

The man who can live on least and do the work sets the standard scale of wages in the work that he is competent to do, and the economist has no answer to that. He calls the iron law of wages, that they tend always to the lowest point upon which the workman can maintain his life and think of to do the work.

Think of workmen, some of them support themselves by their labor. Others go out to work to earn pin money, and not being dependent on what they earn for a livelihood they can afford to work for much less than those who are working for a living. Therefore, they are cheaper for the employer, and they get the standard of wages in the particular line of work. Do you wonder that every year sees, what every year does see, an enormous sacrifice offered by Mammon to Venus, a long procession of those who are unable to support themselves by the wages they can earn, and who therefore turn to that trade, the only one, I think, where notices are better paid than experts?

For every case of poverty caused by drunkenness there are ten cases of drunkenness caused by poverty. We are so afraid of paternalism that we have no standard of wages. Employers to-day don't want men over forty or over thirty-five. White hairs are barriers to a man getting employment as a wage-earner in these days. What has the future in store for the young man if he is going to be an old man if he lives?

Frederick Elliot talks of the "joy of work." It is a catch phrase, and one that is gloriously true of some of us. We do joy in our work, but the reason is because we are not hiredlings, and it is unreasonable to expect a hiredling to joy in his work, because he has no incentive, except fear of starvation, and no reward except a week's reprieve from starvation. Factory methods have destroyed the workman's joy in his work. He has become a "hand."

The fruits of his labor—what part has he in them? They go to another. Think of the thousands his adorners who sweat and sweat in the mines and furnaces of Pennsylvania that Mr. Carnegie may build libraries and eat his bread in the sweat of other men's faces. For my own part, I'd rather read books that are bought by that way. Not that I condemn Mr. Carnegie. He and his wealth are the products of a condition and not the responsible causes of that condition.

The editor of the "Advertiser" has undertaken the job of confuting Mr. Van Allen's argument. He begins by admitting that the wage system is slavery, but says the working people are so lazy that this form of slavery is a necessity and a blessing to society; but it is full of concern for the employer, who has longer working hours, more worry, and less freedom than the workingman, according to this editor's views. Probably his readers can draw their own conclusions.

BRITISH MUNICIPAL ELECTIONS.

The British Socialists and trade unionists have made some important gains in recent local elections. In Edmonton seven seats in the Municipal Council were gained; in Stourbridge, two; Watford, one; Southampton, one; West Ham, three; Mexborough, two; Hebburn Bridge, one; Gorton, two; Horsforth, one; Newcastle-on-Tyne, one; Manchester, one; Saddleworth, one; Altrincham, one; Normanby, two; Wolscott, three; Dartford, one; Southall, two.

WESTERN MINERS' CONVENTION.

The Western Federation of Miners will hold its thirteenth annual convention at Salt Lake City, Utah, beginning on May 22.

SOCIALISM AT CORNELL.

To the Front in Students' Oratorical Contest.

The First Prize is Awarded to Robert P. Butler for an Exposition of the Nature and Purposes of the Socialist Movement.

In the contest of Cornell University students for the Woodford Prize in Oratory, held on May 5, Robert P. Butler won first place with an oration on the theme, Socialism: What Does It Offer? It is significant that of the six orators, four dealt in one way or another with Socialism or Socialist tendencies. Mr. Butler's address in favor of Socialism was admittedly strongest in argumentation as well as in delivery. He spoke as follows:

"Night falls over the great city. In a palatial mansion on Fifth Avenue, surrounded by all that untold riches can secure, a happy family sits down to the evening meal. Priceless rugs, rich tapestries, beautiful paintings; everywhere is luxury and splendor. No want remains unsatisfied. Joy and comfort abound."

"Night falls over the great city. On the East Side, in a squalid tenement whose patched windows look upon misery and wretchedness, a mother and her children kneel beside a cot on which lies the wan and wasted form of the dead. The room is chill and bare. No fire, no food, no helping friend. Behind them years of privation and want. Around them, utter hopelessness. Before them, utter hopelessness."

"These are the logical extremes to which our society has led us. These are the conditions which breed the spirit of social struggle. A few years ago Mark Hanna ventured to predict that the next great political battle in this country would involve the question of Socialism; and he was greeted as a false prophet. To-day we not only see, but we feel and we live the truth of his prediction."

A World-Wide Movement.

"We are part of an international movement of the wage-workers against the employing class. Although neither class has awakened to a full consciousness of this movement, still on every hand are indications of its advance, and the conflict seems imminent."

"This awakening process has come through the wiping out of what we are pleased to call the middle merchant class, the small producer, who for centuries has straddled the line between employer and employed, his sympathies divided, his interests now those of the laborer, now those of a capitalist. But with the latter growth of capitalism the field has been gradually cleared. Each time that capital concentrates a number of small independent industries into one great industry, a corresponding proportion of small producers is thrown from the employing into the wage-working class, and the line of demarcation is more plainly drawn."

"This process has brought with it another interesting result. With the enlarging of the field of labor, and the narrowing of the field of capital, a constantly increasing body of wage-workers is made to depend upon a constantly decreasing body of capitalist employers. That is, the employing class possesses more, the laboring class less of the total wealth of the sources of production each succeeding year. Unequal as is the distribution of wealth already, the inevitable progress is toward a still greater inequality; and exclusive private ownership of the means of employment will plunge society into economic slavery."

The Problem to be Solved.

"Such a condition is intolerable; a reaction is certain. Wealth must be widely diffused, and there are but two feasible means for its accomplishment. Either it will be popular confiscation, which amounts to practically open revolution, or it will be by the operation of political and economic forces, a peaceful evolution. Our choice must lie with one or the other of these movements. This, in brief, is the situation in which the world finds itself in the twentieth century. This is the problem which must be solved, the most vital question confronting the civilized world. Towards its solution what has Socialism to offer?"

"The first striking feature of the Socialistic program, that which sounds the keynote of the modern scientific Socialism, is its recognition of the fact that this is not a petty class quarrel, but a political and economic struggle, to be carried on peacefully and intelligently. Where we might expect to see a demand for immediate and revolutionary changes, we find in Socialism only a determined effort to secure gradual reforms, principal among which are municipal home rule; the complete education of children and their freedom from the workshop; and government ownership and control of the means of transportation, communication and exchange. A careful examination of these propositions will show us just where we agree and disagree with the immediate ends of Socialism."

"The fight for municipal home rule is universal, and its success is everywhere growing. To-day the American citizen rides to his work each morning on his way to pay his municipal water-tax. In the afternoon he meets his children coming home from the municipal school, and later to the municipal park to enjoy a band concert furnished by municipal funds. They all stroll home under the municipal electric lights, and after dinner the citizen whistles away the evening."

Continued on page 4.

The Worker.

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unmixed; to a great extent the evils would reappear in a new form. Let us see why. The tenements would remain private property. The owners would be free to demand such rentals as they chose and to enforce the payment of their rates by eviction. In accordance with the higher cost of the better new-style tenements and the greater amount of land required for a given number of apartments, rents would rise. Indeed, we do not need to say "would," they do rise, as experience has shown. The workmen, who must be the tenants, are still driven by their poverty to seek the cheapest quarters and to offset the high rents by any incidental income they can get. The result is that the practise of taking in lodgers or doubling-up, two families to a flat, is increased. If the apartments are somewhat larger and have somewhat more light and air, the number of persons inhabiting them is also larger and the improvement of the building is largely counterbalanced by the greater crowding.

When we recall the fact that, so long as the proletariat class or its representatives are in possession of political power, such laws are enforced practically only so far as it suits the interests of the proletariat class to have them enforced, it becomes evident that the "housing problem" cannot be solved, that the growth of the tenement evil cannot be stopped, to say nothing of the positive removal of the evil, by mere regulative measures.

This problem will never be completely solved, of course, while capitalism lasts. But the evil can be checked in its growth and to a very great extent relieved by such measures as the Social Democratic Party proposed in its municipal platform. In order that the improvement of the tenements shall not result in a corresponding rise of rents and increase of crowding, it is necessary that the power of private landlords to fix rents shall be met by the action of the municipality as a landlord with no profit-motive to serve.

The Social Democratic Party proposes that the city, while compelling the enforcement of the existing laws and the demolition of tenements which do not comply with those regulations, shall also build dwellings, in accordance with the latest results of sanitary and engineering science, with first regard to the health, comfort, and privacy of the inmates, and let these dwellings at cost—that is, at a rate sufficient to cover the expense of care and maintenance and to repay in a reasonable time the principal investment (not interest upon it) and so continue and extend the work.

It is safe to say for New York, and probably for other large cities, that houses well above the minimum standard fixed by the existing law could be built and let on this principle, at rentals 20 or 30 per cent. lower than those which private landlords now get for ill-lighted, ill-ventilated, ill-drained tenements in violation of every section of the law. Let even a single block of such model dwellings be erected by a Socialist city government and let at such rates, as a beginning, and the effect would at once be felt throughout the city. We should see private landlords everywhere making repairs or reducing rents in fear of this new competition—in this illegitimate cut-throat competition, they would call it—this building of houses for use instead of profit. And the Social Democratic administration would not stop with one block, nor with a dozen, nor with a hundred. The system would be a self-expanding one, the supply growing with the demand.

But, it may be said, the city charter and the state laws would not allow the municipality to do this; it is outside the "sphere of government activity." Very likely. But suppose that, along with our Mayor and Aldermen, we elect a few Assemblymen to go to Albany and a few Judges of the Supreme Court—even a few. The Legislature would take a new view of the functions of government and the courts would find new interpretations of the common law to justify such a concession.

In this, as in other matters, we shall not get even partial relief by politely asking for a little, but only by resolutely demanding all that is rightfully ours.

WAS MR. SHEA'S SPEECH A MISTAKE, AFTER ALL?

Looking at the matter in one way, it seems a pity that the Chicago strike committee should almost gratuitously have given President Roosevelt the chance to evade the real question they put before him and to read them a strenuous lecture on "law and order." Every one ought to know, by this time, that respect for the law is, under existing conditions, a virtue inculcated only for the practise of the working class, while the capitalists hold their profit interests superior to all law and their social privileges paramount to all order. The presence in President Roosevelt's own cabinet of such a confessed law-breaker as Paul Morton—to mention only one point—ought to have been enough to check the flow of his eloquence on that subject. And it would have been if the masses of the workers were sufficiently free from political superstition to see things through their own eyes instead of

through the distorting glasses of capitalist editors and politicians.

As it is, the strike committee's quotation from Ben Butler did give the President and all the capitalist spokesmen in the land a fine opportunity to exhibit a "thrill of horror" and hold up their hands in virtuous indignation at what they construed as a threat of violence. Perhaps the strike committee made a mistake. And perhaps, in the long run, they did not. For they called attention, though bluntly and unskillfully, to a hard fact, a fact that they are not responsible for and cannot control, a menace of danger which does not proceed from the workers' wishes but from the conditions that are forced upon them.

Fasten down the safety-valve while you shovel in coal under the boiler, and you are going to have an explosion, whether anyone wishes it or not. If the engineer doesn't believe the boiler will ever burst, no matter what the pressure, so much the worse for him and for all whose lives are in his hands. The man who warns him in time deserves their thanks. Unfortunately, when nearly all the organs of public opinion are in the hands of a class mad with power, his warning is likely to be misinterpreted as a threat, and when the explosion comes he is accused of having put a bomb under the furnace.

In our opinion that famous speech of Butler's was a piece of splendid folly. But if a man with so much real greatness as he did sincerely counsel violence as he did—for no one can doubt his sincerity or his courage—what do the social philosophers expect of the mass of average men when, year after year, they see their tasks growing heavier, see rents and the price of food mounting skyward while the wages remain stationary or go down, see the army of the unemployed growing larger, see their brothers worn out and cast aside at forty, see their children forced by poverty out of the school and into the shop, see the slums extending while luxury flourishes near by, see their employers breaking the laws with impunity while the club and the bayonet are always ready for discontented workers, see the few palliative labor laws wiped off the statute books one by one, see their organizations crushed by the lockout and the black-and-the-strike-breaking brigade and the injunction and the damage suit and a dozen other forces in combination? What do our wise men expect if they keep on adding fuel to the flame of discontent and denying all redress?

They have no right to expect anything but repeated and ever fiercer outbursts of wrath and despair. We Socialists alone have a right to hope for a better solution, because we are working for such a solution. Trouble is not to be averted by merely crying "Peace, peace!" while the causes of strife remain. For us, we leave the talk of peace to talkers. We work for peace by striking straight at the root of class conflict and disorder.

AN IMPORTANT DISTINCTION. From San Francisco comes the following news dispatch: "San Francisco's Board of Education has taken a determined stand against the admission of Chinese and Japanese pupils to schools where white children are educated. The Board has adopted unanimous resolutions declaring itself opposed to the promiscuous association of white and Mongolian pupils, and declaring its policy to favor in future the establishment of separate schools."

If the report is true, the Board has taken a reactionary step in compliance with an unreasoning prejudice that happens to be associated in many minds with a wise and necessary policy. To restrict or forbid Chinese immigration is one thing; to deny equal rights and opportunities to Chinese who are already here is quite another—and especially to deny such rights and opportunities to their helpless children.

We believe that the Chinese Exclusion Law is right, under existing circumstances. Why? Because Chinese immigration actually means the importation of coolie laborers, of contract slaves with a low standard of living, to compete with the workers of America, under conditions which make it virtually impossible to educate or organize them, conditions which make it certain that the American laborers will suffer, that the coolies themselves will not be benefited, and that the whole advantage will go to the capitalists.

But when we come to the treatment of Chinese who are already here, and whom it is not even proposed to deport, that is quite a different question. The intelligent policy for the American labor organizations with regard to them would be to encourage them to send their children to the public schools, to encourage them to learn the English language, to encourage them to associate with American workingmen, to encourage them to form unions, and affiliate with the American labor movement, and thus to make them a medium of friendly communication with the toiling masses in Asia with a view to removing what is really the only "yellow peril"—the competition of a vast body of workers accustomed to a low standard of living, trained to passive obedience, and estranged from the labor movement of the Western world.

To illustrate by a historic parallel: It was right and wise for the opponents of chattel slavery, while that institution still existed, to favor the abolition of the slave trade, to do all they could to restrict or forbid the importation of more Africans to be slaves; but it is wrong and foolish for unions of white workmen—as many have and some still do—to exclude negroes already here from their organizations or treat them in any way as inferiors. "Strike News Its End; Gompers May Finish It." Such is the headline under which the morning papers last Wednesday announced the arrival of the President of the American Federation of Labor in Chicago. The phrase was apt. Mr. Gompers has something of a reputation at "finishing" strikes, all the way from that of the A. R. U. in 1894 down to that of the New York rapid-transit men this year. No one could be farther than we from relying on the "intellectuals" or upon any force outside the working class to bring the triumph of Socialism. Yet we find it significant that the same week we were able to report such a sermon as that of Rector Van Allen in one of the most aristocratic churches of the East and such an oration as that of Mr. Butler in one of the greatest American universities. Neither of these addresses is an authoritative nor a complete nor an altogether satisfactory statement of Socialist principles, of course; but each of them shows a surprisingly clear understanding of the subject, considering when they came. Even the colleges and the churches are learning what the class-conscious proletariat has to teach.

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NOTE, COMMENT AND ANSWER. There is much talk in Milwaukee of an open combination of the Republican and Democratic parties to defeat the Socialists in the city election to be held next spring. In an interview printed in the "Free Press" Comrade Berger welcomes the prospect. He rightly says that there is no good reason why the capitalists should run two parties, that their combination would make the issues clearer, and that the consideration of such a plan is a confession that the old-party politicians are getting desperate in view of the progress of Socialism. The combination of our opponents, there or elsewhere, if actually carried into effect, may somewhat postpone our triumph at the polls, but it will not prevent our making gains and it will make our gains all the more significant and impressive.

Mayor Frinke of Anaconda, Mont., was not re-elected this spring. The reason for this, as has been stated, was to be found in the fact that a large proportion of the active Socialists had been driven out of the city by a persistent blacklist enforced by the Copper Trust, which comes pretty near being the sole employer in that and several other Montana towns. As Comrade Frinke goes back into private life, he carries a record so clear that even the "Standard," which opposed his re-election, is compelled to say: "No mayor of Anaconda ever served the city better or more intelligently, or more faithfully." Well, either he or another Socialist as good will probably repeat the record, and with stronger support, within a very few years.

The people of Warsaw were compelled to celebrate the name-day of the Empress' "notch" being given that heavy penalties would be imposed on all householders who did not decorate their houses. This sort of compulsory patriotism seems very funny. But, after all, we have the same thing in America, on a somewhat smaller scale, and enforced by a fool mob in place of a fool government. There have been several instances within the last few years of persons being maltreated and refused police protection for having spoken disrespectfully of the flag or having ordered to do so. In Russia or in the United States, the thing is important chiefly as a sign of the times. When the forms of patriotism here to be maintained by penit law or lynch law, it is pretty conclusive evidence that the spirit of patriotism is dead or lingers only as a superstition. And patriotism never dies till it deserves to die—never dies through the fault of the people, but only because the government becomes unworthy of their attachment.

John Bach McMaster, Professor of History in the University of Pennsylvania, is one of the few men in such positions who has had the old-fashioned manliness to raise a voice of protest against a gigantic "beneficence" which transforms the whole teaching body of some hundreds of colleges and universities into prospective dependents of one big profit king. Dr. McMaster says: "I do not believe in pension systems in general, and I am especially opposed to them in the teaching profession. It would be practically the same thing as the police pensioning, and it could not help but lower the standard of the profession."

When one of us enters the teaching profession he does not do it with the expectation of making money; he has an entirely different end in view. This pension system would certainly lower our standard. I believe that in this and in all professions, as in business, each man should stand on his own feet, and on that alone. Personally, I would not accept such a pension, but I think that it might prove acceptable to the majority of the profession. I am only speaking for myself. We have Carnegie libraries and "Carnegie heroes," and now we are to have "Carnegie professors." I do not like it.

Certainly we differ somewhat with Dr. McMaster. We do believe in pensions in general. We believe that men who work during their years of vigor should be assured of comfort in their old age. We believe in it for laborers as well as soldiers, mechanics, as well as professors. We are sure that it is quite impossible in the complex and delicate dependence of our modern world of making for "each man to stand on his own feet, and on that alone." But when it

THE STATION IN WHICH IT HAS PLEASSED GOD TO PLACE YOU.

From John W. Brown's May Day Speech.

The church and the law courts and the great press and the magazines are united on this point: The working people should be satisfied in the position in which "it has pleased God to place them."

Here is a poor fellow out of work. He has travelled from early morn till dewy eve in search of a job; he returns at night to his family, weary and worn of body and sick at heart, yet he must be satisfied in this position "in which it has pleased God to place him."

Take the little children, who should be as sportive as young lambs in spring, flled to overflowing with the joy of life; and yet they are crowded into the factories, mills and mines, their very life blood being ground out of them. Aye, bloodcries, how about these little children? The Nazarene whom you claim to imitate, said: "Suffer little children to come unto me and forbid them not, for of such is the Kingdom of Heaven." Presto, change! The capitalist says: "Suffer the little children to come unto me for of such do I realize greater profit." And the self-appointed interpreter of the Divine will who to-day, as ever in the past, interprets the law in the interests of the ruling class with eyes turned to the roof and with refined hypocritical cant, says: "Amen, These little children should be satisfied in the position in which it has pleased God to place them."

WHOLESALE BRIBERY OF EDUCATORS.

It is doubtful whether any individual ever struck a more dangerous blow at American liberty than that delivered by Andrew Carnegie, when he set aside \$10,000,000 in United States Steel Corporation bonds to pension aged college professors. Back of this generous gift that the professional charity claqueurs are praising, stands the fact that it is wholesale bribe, that the educators of the country will be likely to criticize the trusts and their high-handed robber methods when they become direct beneficiaries, and, in all probability, will become warm partisans of centralized capital's stock-raising, price-raising, and wage-cutting methods. While there has been a great deal of talk about Rockefeller's gift to the mission fund being "tainted" because he drove his middle-class competitors, "the people," out of business, we hear nothing from

bourgeois sources that Carnegie's wealth is stained with the blood and sweat of thousands of oppressed and plundered workers. While Rockefeller is bribing the churches to silence, Carnegie is performing the same act so far as the educators are concerned, and pretty soon the great mass of the American people, the workers, will be assured that loyal obedience to the plutocracy will be the highest form of freedom to which they can hope to aspire, and that a benevolent feudalism, a new form of slavery, is the crowning glory of human progress and happiness. Every self-respecting person who has a horror of mendacity and its concomitant evils should take alarm at the conspiracy that has been set on foot by the rich who make long prayers and rob widows and orphans to perpetuate their iniquitous system.—Cleveland Citizen.

WHY WOMAN WANTS TO VOTE.

The day is fast approaching when the popular prejudice against politics for women will be folded in its winding sheet and laid to rest along with Salem witchcraft and free silver.

Granting that women as a whole do not desire the ballot, they will be eventually driven to demand it whether they want it or not. And the reason is this: The average workman is loud in his denunciation of women's competition with men in the different trades and professions. Let me ask you (with apologies to Mark Twain) why is it thus? In other words, why do women compete with men? Do you think the average woman enters the factories, the shops, the mills, or takes in washing, because she likes to work eighteen hours a day? Say, Mr. workman, is that your idea of the woman who stands beside you every morning waiting for the mill gate to open? Do you think the "lady book-keeper" or typewriter that you see bustling down town with her lunch, disguised in a music roll, keeps books or pounds a typewriter just because she wants to keep you out of a job? You know she does not. She does it for the same reason that you grab your dinner pail and run when the whistle blows.

keeping house for herself and the man she loves, is compelled to compete with you for a chance to earn her own living. And she is not to blame, for she has never had a voice in making that which men call the laws that govern her.

If she marries the man she loves under the impression that what is barely enough for one can be made to do for two, she soon finds out her mistake. But still for awhile she clings to the two poor rooms they call home and tries to squeeze along. But by and by a baby or two comes along and, with sickness and added expenses, the debts and duns begin to trouble them, and the married woman, whose feeble strength should be employed at home, and who ought to be sheltered by her husband's love and care, is found by your side in the mill working for six cents an hour. And why? Is it because her husband is not willing, yes, anxious to work eight hours a day and six days in a week that she may stay home and take care of the children? No. It is because her husband, no matter how willing he may be, cannot earn enough to take care of them all, and so she must help him or see the babies starve at home. And she will work for small wages in order to help her one particular John, regardless of the fact that by so doing she throws some other woman's John out of a job altogether.

And she is not to blame, either, because the ballot which is the only remedy for this great and growing evil is denied to her, and you will not use yours in her defense. Though she sees the evil, she is powerless to record a protest against it. Are you blind that you cannot understand why women want to vote?—Belle Davis, in St. Louis Labor.

comes to private pensioning, and especially for public servants such as college professors, we say it is sure to be found demoralizing and injurious to all—but the small class whose

