

Here Is Proof That Tax Exemption of Church Property Is a Growing Menace

Written Specially for The American Freeman
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Tax Exemption in Dollars and Cents

In the backwash of Populism there remained in one of the states of the Pacific Coast an old member of the bar whose favorite and oft-repeated peroration to a legal argument was, "That, Your Honor, is the law; if it ain't the law it ought to be, for it's the law in Missouri, where I come from."

So with reference to this subject of tax exemption, if, to paraphrase the old lawyer, it isn't of general public interest, it ought to be, for it is one that is giving deep concern to all who are closely acquainted with it and particularly to the experts and officials who best know its social implications and its practical effects.

"The exemption of local realty from taxation," said the Pennsylvania Tax Commission in 1927, "constitutes one of the serious problems of the state."

In similar vein reads the 1925 report of the Massachusetts Commission of Corporations and Taxation. "Unquestionably," it says, "this exemption practice has developed to such proportions that it may soon become of serious moment to the Commonwealth."

That same year the annual report of the State Tax Commissioner of New York contained this expression of apprehension: "As pointed out in our 1922 report, it is the insidious character of exemptions which is most objectionable. Tax men cannot avoid asking the question, What will be the ultimate result if the past and present growth in exemptions continues?"

The Louisiana Tax Commission stated in 1922 and again in 1925 that one-half of the property of that state escaped taxation and gave as the first one of three reasons for that fact the exemptions allowed by the Constitution.

To the same effect is the 1925 report of the Michigan State Tax Department, which reads: "One of the chief obstacles to bringing about justice and equality in Michigan is the exemption of so much property from taxation. It is conservatively estimated by this Department that at the present time we have not less than \$600,000,000 worth of real estate off the assessment rolls."

From Indiana comes the same cry of alarm. "The exemption of property from taxation," said William A. Hough of that state at the 1927 meeting of the National Tax Association, is one of the three great problems that must be solved. The growth of tax exempt property is becoming a threatening menace, I think, in all of the states of the Union."

So much, then, for the opinions, convictions and fears of some of those best informed regarding the tax exemption problem. With one accord they express alarm over existing conditions and tendencies. That this alarm is justified will be evident to anyone who takes the trouble to examine the facts. As that involves the study of figures and statistics, it is, of course, not an alluring pursuit. But it is so important that this matter should be seen, in the first place, in its dollars-and-cents aspect that the reader's indulgence is craved while he is earnestly invited, at the same time, to attend to what follows at least closely enough to see the general import of the facts and figures which are brought together below. That they are not absolutely accurate must be admitted, for they are exceedingly difficult to obtain; but they are sufficiently dependable to give in a broad way a picture of the general situation, with here and there a close-up view of local conditions.

One of the most reliable sources of information in this field is the National Industrial Conference Board. It has attempted at different times to make available accurate and comprehensive information on this subject; and in 1925 it published a report on Tax Burdens and Tax Expenditures in which it incorporated a previous report on Tax Exemptions. On page 25 of the later report the statement is made that the Board had independently estimated the value of exempt real estate and improvements in the United States, exclusively of the District of Columbia and the national forests, at \$18,400,000,000. According to figures given out by the United States Census Bureau in 1922 (Wealth, Public Debt and Taxation, Part 4) this amount was two billion

dollars too low. The complete table, based on the census reports, is as follows:

Real Property and Improvements Taxed and Exempt, 1922

STATE	Taxed (last 3 ciphers omitted)	Exempt (last 3 ciphers omitted)
United States, total	\$155,908,625	\$20,505,819
Alabama	1,308,247	111,625
Arizona	659,158	156,436
Arkansas	1,401,328	79,829
California	7,378,587	982,035
Colorado	1,388,818	369,623
Connecticut	2,580,042	444,441
Delaware	290,241	38,134
District of Columbia	796,475	478,424
Florida	1,440,203	111,510
Georgia	1,783,798	170,938
Idaho	621,819	276,356
Illinois	11,526,881	1,041,845
Indiana	4,161,777	493,012
Iowa	6,858,269	315,282
Kansas	3,527,241	269,233
Kentucky	1,683,911	181,028
Louisiana	1,351,902	179,333
Maine	932,221	87,725
Maryland	1,719,338	248,951
Massachusetts	6,070,427	1,065,683
Michigan	5,275,505	514,974
Minnesota	4,893,375	310,833
Mississippi	1,042,435	96,524
Missouri	5,426,340	369,966
Montana	990,777	233,158
Nebraska	3,338,929	191,726
Nevada	154,865	100,604
New Hampshire	574,145	90,823
New Jersey	5,225,942	624,621
New Mexico	326,232	114,540
New York	16,741,770	4,016,064
North Carolina	2,209,432	161,933
North Dakota	1,325,490	300,533
Ohio	9,239,962	936,335
Oklahoma	1,706,599	366,399
Oregon	1,729,357	360,154
Pennsylvania	13,249,488	1,664,665
Rhode Island	801,799	110,620
South Carolina	1,073,768	116,186
South Dakota	1,890,843	181,775
Tennessee	2,246,710	252,668
Texas	5,564,437	398,169
Utah	620,856	174,191
Vermont	352,521	42,849
Virginia	2,422,957	349,416
Washington	2,831,228	426,071
West Virginia	3,019,133	231,560
Wisconsin	3,889,870	320,484
Wyoming	283,216	326,530

It is apparent from these figures that the problems arising from the tax exemption of various classes of real property is more acute in some states than in others. As the report referred to points out, "In western states, where the national forests of the Federal Government are especially to be found, the ratio of exempt to total real property is by this circumstance enhanced to an extraordinary degree, amounting to 124 percent in Wyoming, 44 percent in Idaho, 65 percent in Nevada, 35 percent in New Mexico, 28 percent in Utah and 21 percent in Oregon, as will be observed from Table 6. The land and timber of the national forests have recently been appraised by the U. S. Forest Service at above a billion dollars, exclusive of intangible values."

But, as the same report properly notes, the Federal Government contributes voluntarily to the treasuries of the states in which the forest preserves are located, so that these states do not in fact suffer without some recompense the burden of carrying so much tax exempt property within their borders.

"Barring the states in which this peculiar situation prevails," continues the report, "it is found that New York ranks highest among all the states in the ratio of exempt to taxable property, with 24.0 percent. Other states whose ratio of exempt to taxable property is high are: Massachusetts, 17.9 percent; Connecticut, 17.2 percent; Delaware, 13.1 percent; Louisiana, 13.3 percent; Maryland, 14.5 percent; New Hampshire, 15.8 percent; Pennsylvania, 12.6 percent; Rhode Island, 13.8 percent; and Virginia, 14.4 percent."

Every one knows, however, that real estate and improvements alone do not constitute the whole of the tax exempt property. A tremendous amount of personal property is also exempt, particularly securities issued by federal, state and local governments and personal property of institutions, organizations and other units favored by law. Regarding the instant problem as enhanced by this additional factor, the report from which we have been quoting, expresses this conclusion:

If to the total of real property exempt from taxation were added the vast amount of personal property represented in the security holdings of foundations and endowments and in government securities, it may be estimated that the value of property legally exempt from taxation reaches the stupendous figure of \$55.5 billions, the principal and income of which are beyond the reach of the tax collector of state and local governments. This figure is net, after cognizance is taken of duplications in the case of individuals and institutions and in that of government securities held in public sinking funds.

These figures, it must be remembered, are

at least eight years old. Real property meanwhile has increased tremendously in value. Complete figures reflecting current conditions, however, are not obtainable. But there are isolated statistics more nearly up to date in a few states. The New York Tax Commission, for instance, gives the following table as of 1925:

Tax Exempt Property in New York State in 1925

Use	Amount
Educational	\$1,517,000,000
Public Utilities	1,035,000,000
Religious	433,000,000
Administration Buildings	213,000,000
Curative	188,000,000
Defensive	149,000,000
Protective	81,000,000
Fraternal and Benevolent	42,000,000
Charitable	59,000,000
Agricultural	2,000,000
Miscellaneous	109,000,000
New Buildings	805,000,000
Total	\$4,632,000,000

For Massachusetts there is a very complete study that was made in 1927 by Edith Hamilton MacFadden and published under the title "The Next Question." As the assessors in that state are required to report all exempt property, there are available for that state as complete figures as can be found anywhere. Mrs. MacFadden has collated and analyzed these very carefully; and she shows that in 1927 the total assessed value of the real estate and tangible personal property was \$6,632,755,277, and that the total exemptions amounted to \$1,188,768,668. Under the Massachusetts law there are thirty-four items of tax exempt property now. In 1836 there were but five. The increase of exempt property for two successive years:

Annual Increase of Exemption in Massachusetts

1925	\$38,558,742
1926	60,000,000

This gives some idea of the inadequacy of the 1922 census figures in reflecting present conditions. By way of further comparison we may also turn again to the report of the Pennsylvania Tax Commission where we find this statement: "In the entire state the assessed value of all real estate in 1924 was \$9,141,929,946, and the assessed value of exempt realty was \$1,120,565,089, or 12.26 percent."

These amounts, it will be seen, are under the figures given in the Census Bureau table; but that is supposed to represent true values while the sums mentioned by the Pennsylvania State Tax Commission are based on the assessed values, which are materially lower than the true values.

Going into items of exempt property, the Pennsylvania Commission gives us the following figures for Philadelphia:

Exempt Real Estate in Philadelphia in 1925

Church Property	\$8,476,240
Buildings for teachers of parochial schools	1,482,100
Cemeteries	6,983,000
Hospitals	18,172,000
United States Property	60,235,975
City Property	188,444,375
State Property	2,543,400
Colleges, Universities, etc.	59,166,550
Parochial and free schools	8,526,106
Charities	18,602,828
Public Libraries	1,089,000
Property of public and quasi public corporations	17,792,491
School district property	58,861,379
Total	\$480,375,644

For Massachusetts Mrs. MacFadden similarly segregates the items as follows:

Property Exempt in Massachusetts in 1926

United States	148,726,565
Commonwealth	98,437,991
Literary and Scientific	163,469,964
Agricultural	2,616,387
Charitable Institutions, etc.	101,045,517
Churches	122,665,376
Cemeteries	6,411,517
City or town	528,470,631
County	25,315,423
Total	\$1,194,405,297

Illustrating how the exemption laws work in a specific case, we may quote the words of E. A. Farnsworth, councilman from Oskaloosa, Iowa: Speaking before the League of Iowa Municipalities at Cedar Rapids in 1928 he said:

To give you a partial list of what is exempt in our city of ten thousand will say we have six lodges, valued at approximately one hundred and fifty thousand dollars; sixteen churches valued at from fifteen hundred dollars to one hundred thousand dollars each; a Y. M. C. A. at seventy-five thousand, a public library and contents, over a hundred thousand, an armory at seventy-five thou-

(These companies pay a capital stock tax and gross receipts to the state.)

sand, public schools valued at one-half million dollars, a stadium value unknown, a fairgrounds, city, county and state properties, and Penn College with a value of approximately four hundred thousand dollars on buildings and grounds used for school purposes only. Also a hospital valued at one hundred and fifty thousand dollars.

What has been said above will suffice to show the importance of the exemption problem in a general way. Our special interest, however, is in one phase of that problem, namely, that which relates to exempt church property. This, as we shall demonstrate later, is distinct in many respects from the general subject with which we have been dealing thus far. But in order to discuss it understandingly we must see it, on the one hand, as a part of the major problem, and, on the other, as something altogether separate and unique. Hence, the necessity of more statistics.

We have already quoted from official sources the following figures with regard to the exemption of church property:

1. That the value of the religious property exempt in New York State in 1925 was \$433,000,000;

2. That in Philadelphia in the same year the value of the exempt church property was \$58,476,240 and the value of the exempt buildings for teachers in parochial schools \$1,482,100; and

3. That the value of the exempt church property in Massachusetts in 1926 was \$122,665,376.

To this may appropriately be added some illuminating figures for New York City. The value of exempt church property there as put down by the assessors is \$282,659,289, which is, of course, below the real value. In addition there are immense holdings of taxable property. Trinity Church alone has an income of nearly two millions yearly from its investments. St. Paul's Chapel is valued at five millions and Christ Church at a million and a quarter. But the most striking examples of how tax exemption operates to the advantage of fortunate and favored groups occur when organizations owning property in sections of high and rising values sell and with their profits move to localities away from the business districts to more desirable and more convenient residential parts of the city. Thus, a few years ago Temple Emanuel, one of the richest Jewish congregations, realized a clear million dollars on its property at Forty-third Street and Fifth Avenue; and the Madison Avenue Methodist Episcopal Church made \$650,000 by selling its old site for an apartment house and moving around the corner. And, the records show that the plot on which St. Patrick's Cathedral stands has increased ten million dollars since it became church property and tax exempt.

For fuller and more extensive, though less valuable, additional statistics, we shall turn now to a report issued by the United States Census Bureau in 1926 and called "Religious Bodies." It is based on reports made by the churches themselves; and, preceding the tables, it contains this explanation:

The total value of the church edifices owned by 202,930 churches that reported on valuation was \$2,839,500,610. This large total is the more surprising because of the restricted meaning attached to the term. "The value of church edifices" comprised the estimated value of the church building owned and used for worship by the organizations reporting, together with the value of the furnishings and other equipment owned by the churches and actually used in connection with church services. The term excluded (1) the value of investment property, (2) the value of parsonages or pastor's residences and (3) the value of school buildings, parish halls, monasteries, and other property. It therefore becomes apparent that the value of church edifices given in the table is considerably less than the actual value of all church property.

The tables as given below are not the complete tables given in the census report. Only such portions as were thought pertinent here have been copied and reproduced. The heading of each table is sufficiently explanatory without further comment.

Total Value of Church Edifices According to Denominations

Roman Catholic	\$837,271,053
Methodist Episcopal	406,165,659
Presbyterian	338,152,743
Protestant Episcopal	314,596,738
Northern Baptist	185,370,576
Southern Baptist	173,456,965
Congregational	162,212,552
Methodist Episcopal, South	161,986,430
Disciples of Christ	114,850,211
United Lutheran	114,626,248
Negro Baptists	103,466,759
Jewish Congregations	97,401,688
Church of Christ, Scientist	69,416,744
Presbyterian, U. S.	67,798,658
Lutheran, Synod of Mo.	65,318,781
Reformed in U. S. A.	44,662,875
Reformed in America	38,436,822
Evangelical, Synod of N. A.	35,789,581
African M. E.	32,092,549
All others	476,527,978
Total	\$3,839,500,610

Value of Church Edifices by States

Alabama	\$ 47,727,675
Arizona	4,948,775
Arkansas	27,064,498
California	118,961,120
Colorado	22,713,155
Connecticut	73,731,795
Delaware	11,276,836
District of Columbia	32,351,870
Florida	54,297,211
Georgia	52,607,340
Idaho	7,199,660
Illinois	266,708,294
Indiana	109,400,387
Iowa	80,094,921
Kansas	54,746,202
Kentucky	60,245,842
Louisiana	35,746,390
Maine	19,186,647
Maryland	65,641,138
Massachusetts	177,425,721
Michigan	114,314,555
Minnesota	82,460,438
Mississippi	27,602,819
Missouri	110,022,697
Montana	8,367,382
Nebraska	39,377,144
Nevada	1,017,900
New Hampshire	15,116,044
New Jersey	162,654,034
New Mexico	4,361,099
New York	599,055,640
North Carolina	80,471,664
North Dakota	14,726,580
Ohio	255,063,123
Oklahoma	37,610,599
Oregon	17,326,819
Pennsylvania	439,937,704
Rhode Island	22,981,162
South Carolina	37,109,027
South Dakota	17,285,800
Tennessee	54,537,168
Texas	109,736,370
Utah	13,546,969
Vermont	12,235,165
Virginia	74,633,081
Washington	26,748,137
West Virginia	11,058,955
Wisconsin	58,150,909
Wyoming	3,857,900

Total Value of Parsonages According to Denominations

Roman Catholic	\$135,815,739
Methodist Episcopal	60,724,434
Presbyterian in U. S. of A.	35,808,613
Protestant Episcopal	34,616,887
Methodist Episcopal, South	24,914,300
Northern Baptist	18,279,770
Congregational	17,059,739
Southern Baptist	15,185,725
United Lutheran	14,701,040
Lutheran, N. Synod	12,449,574
Presbyterian, U. S.	9,844,140
Disciples of Christ	7,982,310
Evangelical Synod of N. A.	5,931,291
Reformed in U. S.	5,894,055
Evangelical Church	5,298,245
Reformed in America	5,002,275
African M. E.	4,857,996
United Brethren in Christ	4,764,191
Norwegian Lutheran	4,617,621
All others	53,047,751
Total	\$475,436,746

For purposes of comparison and computation the following table of alleged church membership is taken from the Christian Herald of April 26, 1930:

Table of Church Membership for 1929

Denominational Bodies	Communicants
Catholic, Western, 3 bodies	17,299,147
Methodist, 16 bodies	9,162,280
Baptist, 15 bodies	9,141,356
Lutheran, 19 bodies	2,777,617
Presbyterian, 9 bodies	2,698,132
Disciples of Christ, 2 bodies	2,006,959
Catholic, Oriental 10 bodies	749,125
Latter-Day Saints, 2 bodies	687,095
Reformed, 3 bodies	567,660
United Brethren in Christ, 2 bodies	415,443
Brethren (Dunkard) 4 bodies	166,867
Adventist, 5 bodies	159,787
Friends, 4 bodies	106,230
Mennonites, 13 bodies	100,505
All others	3,967,863
Total	50,006,566

These figures should be sufficient to convince any thoughtful reader that, as was said in the beginning, he ought to be interested in the question to which this paper is devoted, that he ought to be interested from the standpoint of what it means to his pocket. But the dollars-and-cents appeal has been stressed here only because of the knowledge that it is the one that is typically American. As a matter of fact, the real importance of the subject lies not at all in its economic aspects. The thing really at issue has nothing to do with money. It cannot be measured in silver or gold. It is the principle of religious liberty, of which more anon!

[This series of four articles will be continued in the next issue of The American Freeman.]

Facts Clearly Prove Mooney Is America's Dreyfus--A Victim of Corrupt and Hypocritical Officials

By Marcet Haldeman-Julius

Three witnesses, who played important roles in the conviction of Warren K. Billings, did not appear at the trial of Thomas J. Mooney. They were: John Crowley, Estelle Smith and Louis Rominger. The testimony of these three witnesses was a deciding factor in the Supreme Court of California's recent refusal to recommend Billings' application for a pardon.

The absence of these three witnesses from the Mooney trial is, in itself, significant.

Estelle Smith and Rominger were dropped because they placed Mooney and Billings at 721 Market Street at the exact time at which the photographs, taken by chance by Wade Hamilton, showed Mr. and Mrs. Mooney to be on the roof of the Eilers Building—1:58, 2:01, and 2:04.

At the time of Billings' trial, the defense had not yet come into possession of the films of these photographs. At first their existence had been known only to the prosecution and it had suppressed them. When, at the conclusion of the state's evidence, the defense demanded the films, the prosecution furnished blurred enlargements in which the figures on the clock were too indistinct to be read. It was only after the trial and conviction of Billings, and upon the written order of Judge Griffin, that the defense secured the films and had the 2x4 negatives enlarged until the time could be seen, and, in this way, Tom and Rena Mooney's perfect alibi established.

John Crowley was dropped because at Billings' trial he had flatly testified that Billings was at Steuart and Mission Streets "positively sure, at 1:55 p. m. and Mooney wasn't with him." Also, he testified that immediately after the explosion, he saw Billings, not with Mooney, at Steuart and Mission Streets. As the theory of the prosecution depended upon connecting Mooney with Billings, it had no further use for Crowley. With Billings convicted,

Crowley had served his purpose. Yet the Supreme Court of California still lays stress on Crowley's testimony and gives it, and their belief in its truth, as one of the reasons for keeping Billings in prison!

Mooney was able to present sixteen witnesses who testified to seeing both Tom and Rena Mooney in, and around, the Eilers Building all day and on the roof at least ten minutes before the picture was taken at 1:58. In addition to the Wade Hamilton photographs, five other photographs, taken by two other photographers, showed the Mooneys on the roof.

Oxman's Perjuries Convicted Mooney

A witness, Frank C. Oxman, not used at all in the Billings trial, was chiefly responsible for Mooney's conviction. Since then, Oxman has been completely exposed and his testimony conceded to be worthless. John McDonald's self-confessed perjury is all on which Governor Young can base his continued refusal of Mooney's pardon.

Judge Griffin, Mooney's trial judge, in his letter to the Attorney General of California (dated April 25, 1917), urging a new trial for Mooney, wrote:

In the trial of Mooney there was called as a witness one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant. Indeed, in my opinion the testimony of this witness was far the most important adduced by the people at the trial of Mooney.

Again, in his letter to Governor Stephens, dated November 27, 1918, urging a pardon and a new trial for Mooney on one of the other indictments for the same crime pending against him, Judge Griffin says:

In the trial of Mooney there were four witnesses and four only, who connected him with the explosion which occurred at Steuart and Market Streets. They were John McDonald, Frank C. Oxman, Mrs. Melodie Edeau, and her daughter, Sadie. Of these, Oxman and McDonald placed Mooney at the scene of the

crime and the Edeaus testified to his presence at 721 Market Street from which point, the prosecution avers, Billings, Weinberg, Mooney, and his wife, drove in Weinberg's jitney with an unidentified man to the place of the crime.

Oxman was by far the most important of these witnesses. His testimony was unshaken on cross-examination and his very appearance bore out his statement that he was a reputable and prosperous cattle dealer and land owner from the state of Oregon. There is no question but that he made a profound impression upon the jury and upon all those who listened to his story on the witness stand and there is not the slightest doubt in my mind that the testimony of Oxman was the turning point in the Mooney case and that he is the pivot around which all the other testimony in the case revolves.

Of the four witnesses, to whom Judge Griffin alludes, two—Mrs. Melodie Edeau and her daughter Sadie—may now be eliminated. They were used for the same purpose in Mooney's trial that Estelle Smith and Louis Rominger were used in Billings': to connect the Mooneys and Billings with each other, at, or in front of, 721 Market Street. When Mooney's trial had been reached, the prosecution had to have its witnesses see these people together at a time on the afternoon of the explosion early enough to enable them to arrive at Steuart and Market at about 1:40. Otherwise Oxman's testimony would be valueless.

It is not necessary to go into the flagrant discrepancies between the testimony of the Edeaus at the Billings trial and the Mooney trial. These women have been so thoroughly impeached that even the justices of the Supreme Court (who still insist upon believing the testimony of the thoroughly impeached Estelle Smith and equally impeached Louis Rominger) say in their "opinion" denying Billings' recommendation for pardon:

As to the testimony of Melodie Edeau and her daughter, we think it was sufficiently discredited by the affidavit of William Smith of the Oakland Police Department, as well as by her own later retraction to be wholly disregarded upon this inquiry.

But at the time of Tom Mooney's trial, the evidence of these two women was taken at face value and, taken together with Oxman's testimony, played its terrible part in placing Mooney in the grave from which it seems so incredibly hard to rescue him, even now that the truth of his innocence is plain.

McDonald, let me remind you, had testified that Billings placed the suitcase and conversed with Mooney at the corner of Steuart and Market Streets about 2 o'clock; that he, McDonald, saw them from some time after twenty minutes to two until approximately 2:06—although the Hamilton photographs show Mooney on the Eilers Building at one minute past two and four minutes past two.

The Perjuries Disagree

According to McDonald Mooney and Billings arrived on foot and left the scene soon to be so horrible, in a northerly direction, while Oxman had Mooney, Billings, Mrs. Mooney, Weinberg and Nolan all arrive in Weinberg's jitney and leave in a southerly direction.

In his clear and brilliant abstract of the case presented to Governor Young and now before him, Henry T. Hunt points out:

It will be noticed that the evidence of McDonald and of Oxman is contradictory. If McDonald is believed, Oxman cannot be. If, as McDonald relates, Billings placed the suitcase at about two o'clock at a point on Steuart between Mission and Market each crossed Market Street to the northeast and northwest, it is incredible that Oxman could have seen the jitney arrive fifteen minutes earlier, seen Billings and another man carry the suitcase south on Mission, place it at the same point, both conversing with Mooney at the same corner, and then see Billings and Mooney enter the jitney and disappear on Steuart Street driving south toward Mission.

Did Billings get out of the jitney at Mission and Steuart, go back, secure the suitcase, carry it south on Steuart to the point where McDonald saw him, turn and proceed north again and replace the suitcase at the same place? If so did Mooney also get out of the jitney, in which he was speeding to safety, go back to the corner, get in the saloon and come out in time to again converse there with Billings, and departing, about 2:04, to the north side of Market when his home is on the south side and he must get there before 2:01 p. m. Waiving the discrepancy about the time, what could be the meaning of such fantastic proceedings?

Yet on such fantastic discrepancies, and the perjured evidence of such meaningless proceedings, have Tom Mooney and young Billings been robbed of fourteen of the best years of their lives. What is worse—on such fantastic discrepancies and exploded evidence about such meaningless performances Governor Young stubbornly refuses, not only to grant Mooney a pardon, but even to consider his application for one. Although Oxman was not used at all in the Billings trial, and it was chiefly on Oxman's testimony that Mooney was convicted, the finding of the Supreme Court in the Billings case is also to decide the Mooney case.

I wonder if, as you read the comments carried by the daily press about the case, you really comprehend what the Supreme Court and Governor Young pretend to believe—since the photographs of the Mooneys on the Eilers Building (of Mrs. Mooney at 1:58 and of both Tom and Rena Mooney at 2:01 and 2:04) cannot be denied?

I doubt if you do. No one can put it more succinctly than Hunt has done. If you will digest this carefully I believe you will be convinced of the hypocrisy, both of the four justices who signed the majority opinion, and of Governor Young. (As for Sidney Sutherland's taxicab tests of which he told so sentimentally in Liberty magazine, and which he took to show that the trip could be made from the scene of the explosion to the roof of the Eilers Building in the time that the prosecution said it was done—they simply become too absurd for words. Because he had made these tests, so called, I went to the Eilers Building when I was in San Francisco intending to get permission to go on the roof so that I might also make them. While I was still in the process of securing this permission, I suddenly realized the foolishness of such an attempt to compare a trip from one spot to another in a taxicab through ordinary traffic, with what the prosecution contended that Mooney and Billings did. One's common sense shouts the impossibility of their contention.) Listen to this:

According to the prosecution the following events happened and happened in these twenty-three minutes or less. Mooney and Mrs. Mooney overtake Weinberg's jitney which has stopped at a point out of Sadie Edeau's sight. They board it. Some time, somewhere, Billings with the suitcase also boards it, but out of sight of the Edeaus. The unidentified man got in when Weinberg did. The jitney proceeds up perhaps the entire route on Market in the face of the parade. (At 1:52 Mulligan saw his staff at the head of the parade west at Steuart and Market heading west.) At 1:40 the bench and bar division is some five or six blocks west of Steuart and Market

and the head of the parade still further west. Or perhaps Weinberg turned south off Market and proceeded east on Mission. But he must get back on Market and drive east on Market at least from Spear Street to be seen by Oxman. The parade was advancing west on Market when Oxman saw the jitney coming east on that street. Searched by no one of the police stationed at the corner or elsewhere on Market, the jitney arrived at Market at the southwest corner of Steuart and Market before 1:45. It "works its way through a mass of people." It stops. Billings gets out, goes to the front of the car, and takes the suitcase from Mooney. The second man gets out, comes on the sidewalk, and takes the suitcase from Billings. They push their way through the crowd attracting no one's attention but Oxman's. So far as appears from the testimony, Billings, leading the other, proceeds past the iron doors, turns, walks back a few steps, takes the suitcase from the other and sets it down south of the iron doors, both return to the corner. Meanwhile (?) the jitney has turned the corner and made a second stop on Steuart Street near the corner. They join Mooney, they look for someone, they go in the saloon, they come out, Mooney and Billings talk. Billings gives the other man something. Billings gets in the car. Mooney looks at his watch and at the Ferry clock, he glances toward the point where the suitcase is. Mooney gets in the car. The car proceeds south on Steuart in the face of the marching paraders. So far as appears from the testimony in the Mooney trial, no one except Oxman sees it. Then the jitney proceeds by Mission or otherwise to the vicinity of 925 Market, a distance of a mile and a third. Mr. and Mrs. Mooney get out. Billings disappears. The Mooneys must walk to 925 Market which is in the middle of the block. They ascend by the elevator, let us say, to the seventh floor. They walk to the roof by the stairs at the rear, walk to the front, and Rena Mooney is photographed there at 1:58. In twenty-three minutes or less they have traveled two miles and two-thirds through crowded streets, part way at least on Market Street in the face of the parade. The jitney has made its way through a mass of people at Steuart and Market Streets, it has stopped there a minute and a half and made at least two other stops on the journey. They have also walked at least one block in this time. Furthermore, their haste has been so smoothly disguised that they have attracted no one's attention but Oxman's.

Oxman a Hardened Liar

Oxman, as I have explained to you, has been completely exposed—both as a person, and as a witness in the Mooney case. The bitter tragedy of it all lies in the fact that this exposure was not accomplished until after Mooney had been sentenced to hang. It did, however, bring about the commutation of his sentence from death to life imprisonment. The big, "honest" looking cattle man of 72 was shown to have contracted a bigamous marriage, to have been indicted for fraud in a case in which judgment for fraud had been recovered against

him, and to be known among his neighbors as untruthful in both big and little matters. As for his testimony in the Mooney case, it was shown when Oxman himself was brought to trial, that he had not even been in San Francisco at 1:40, much less at Steuart and Market Streets. At 1:40 he was in Woodland, Calif., at the home of Mr. and Mrs. Earl Hatcher.

He had come to Woodland to see Hatcher about a cattle deal. They sat in the lobby of the Byrns Hotel discussing cattle until shortly before lunch time, when they walked seven blocks to Hatcher's house arriving there about 11 o'clock. After lunch Oxman went into the bedroom and laid down to rest explaining that he had not slept any on the trip down from Portland. After he got up, he and Hatcher walked to the station together and at 2 or 2:15 Hatcher saw him leave Woodland on the train for San Francisco. Yet, it was this man's testimony as to what occurred at 1:40 in San Francisco that was chiefly responsible for Mooney's conviction.

The truth was brought out through letters written by Oxman to F. E. Rigall of Grayville, Ill., and received in San Francisco by the bomb defendant's attorneys on April 11, 1917. An expert in handwriting passed on the genuineness of Oxman's in these letters and that same evening Fremont Older published them in an extra edition of the Bulletin.

Proof of Oxman's Corrupt Nature

Up to this time Older, himself, had been convinced of the guilt of Mooney and Billings, but these letters were the turning point for him, as they must be for any honest, unprejudiced person who will take the time and trouble to study the bare facts of the case. Here they are:

No. 1.
Mr. Ed. Rigall,
Grayville, Ill.
Dear Ed:

Has been a long time since I hurred from you. I have a chance for you to cum to San Francisco as an expert witness in a very important case. You will only have to answer 3 or 4 questions and I will Post you on them. You will get mileage and all that. A witness can draw pobby 100 in the clear so if you will come ans me quick (second sheet begins here) in care of this Hotel and I will mangle the Balance it is all O. K. but I need a witness Let me know if you can come Ja. 8 is the date set for trile Please keep this confidential.

Yours truly,
F. C. OXMAN.

Answer hear
No. 2.
Dec. 18, 1916
Dear Ed:
Your Telegram Received I will wire you Transportation in Plenty of time also expcs money Will Route

yu by Chicago Omaha U. P. Oreden S. P. San Frisco. I thought you can make this trip and see California and save a little money—

(Second sheet as follows)
As you will be allowed to collect 10c Per Mile from the stake which will Be about 200 I can get your expence and you will only hafta say you saw me on July 22 in San Frisco and that will be easy dun. I will try and meet you on the way out and talk it ovr the state of California will pay you but I will attend to the expces The case wont come up until Jan. 3 or 4 1917 so start about 29 off this month.

(Third sheet as follows)
You know that the silent Road is the one and say nothing to any Body the fewer People no it the Better when arrive Register as Evansville Ind little more mileage.

Yours truly
F. C. OXMAN.

No. 3.
Mrs. J. D. Rigall
Grayville

Dear Mrs. Rigall:
As I am sending Ed transportation tomorrow 26 it might be that I can use you also about the 10 if so I can obtain you a ticket that you can see California if you would like the Trip address me care this hote tell F. E. to say nothing until he see me Can probly use a Extry witness Been a long time I dont see you

F. C. OXMAN.
It later was shown that Oxman had offered this same Rigall as a perjurer in another case. (The Spain case.) Rigall did actually come to San Francisco and was coached by Oxman in the part he was to play and the testimony he was to give, but at the last moment got cold feet and went back to Grayville.

As soon as the authenticity of the letters was established an effort was made to secure a warrant for Oxman's arrest for subornation of perjury. In a public statement issued October 30, 1917, Fremont Older says: "Feeling was running very high at the time against the bomb defendants, and the courts were largely under the influence of the District Attorney's office. Therefore, it was a difficult matter to decide on a judge who would be at all likely to issue the warrant. It was finally agreed, however, that Mr. Maxwell McNutt and myself should call upon Judge Dunne, show him the letters, and ask him if he would not act.

"We made an appointment with the judge and met him in his chambers, and Mr. McNutt handed him the letters to read. After reading them, he said that the letters could be perfectly honest letters. I called his attention to the

LETTER CLUB

For Ladies and Gentlemen
Big list (FREE). Send for one.
AMERICAN FRIENDSHIP SOCIETY
Box 100-Z, Detroit, Mich.

The American All-Radical Party Greeted Warmly by Lovers of Freedom and Justice

It is gratifying to read the hundreds of letters pouring in commending the platform and principles of the newly organized American All-Radical Party. The American Freeman struck a timely note when it announced a political party that will come into the 1932 national campaign with a program certain to appeal to all honest citizens who are sick and disgusted with the capitalistic tactics of the two old parties.

There is no doubt in our minds that there is a great future in store for The American All-Radical Party, if the movement is pushed with intelligence and vigor. The American Freeman is able to engineer the assault on political corruption and economic tyranny, but we must face the obvious fact that this wonderful response to the American All-Radical Party's program comes at a time when The Freeman itself is in a fight for its very existence.

As we have explained elsewhere, The Freeman's deficit is running at about \$30,000 per year, which has been made up during the past five years by the Little Blue Book Department. As already outlined, this policy cannot continue. The Freeman must free itself of this deficit before it can enter on great campaigns for social justice.

It is a very arduous thing to do, we admit, but we simply are forced to insist that this financial problem be solved before The American Freeman can be permitted to give all of its energies to the numerous causes calling for attention.

If our readers will accept our suggestion and purchase liberal quantities of Freeman sub cards at only 25c each our problem will soon be disposed of and the deficit removed. Fortunately, this Freeman sub card proposition works in two directions at this moment. A purchaser of four sub cards for only \$1 not only helps The Freeman wipe out its deficit but enables the purchaser to become a member of The American All-Radical Party. For that reason it is important that as many readers as possible make immediate use of the blank below. You help The Freeman and you give the American All-Radical Party a start towards its immediate goal of 1,000 charter members.

The American Freeman, Girard, Kansas

I want to become a member of the American All-Radical Party and at the same time help The Freeman wipe out its deficit.

I Want to Join the American All-Radical Party and Help The Freeman

I enclose \$1 for 4 American Freeman sub cards, each good for 25 weeks. This entitles me to admission into the membership roll of the American All-Radical Party. Send me a membership card.

I understand that I am to purchase one sub card each month at 25c each, in order to remain a member of the American All-Radical Party. I want to pay up now for months, at 25c each. I am enclosing an additional remittance for this purpose, for which please send me sub cards, each 25c. It is understood that these sub cards have printed on them the regular price of 50c, at which price I can sell them, and since they cost me only 25c I am to be permitted to keep the profit of 25c on each card as a reward for my services.

Name Address
City State

The Freeman's Deficit Must Be Wiped Out! Will You Help?

Our readers who have been following The American Freeman during the past few years know that this weekly organ of libertarian principles has been operating at a serious deficit. This annual deficit of \$30,000 has been met from our Little Blue Book department. Needless to say, such an unhealthy condition cannot long continue, and we have reached the point where we must say definitely that either the deficit will be wiped out or you will lose The American Freeman.

America cannot well spare this liberal organ of opinion. There are too few free journals in this country of capitalistic journalism. If The American Freeman fails to wipe out its \$30,000 deficit it will have to suspend publication. That will mean the loss of one periodical of national circulation that has never failed to take the side of justice and humanity.

The American Freeman will not suspend if its friends will rush to the rescue. The American Freeman is at the parting of the ways: Either it will go ahead to bigger jobs and more vigorous fights or it will curl up and die! There is no other alternative.

You have it in your power to save The American Freeman. All you need do is to order a batch of Freeman sub cards at 25c each, good for 25 weeks. These sub cards may be sold at 50c each, leaving you a profit of 25c on each card you sell. By doing this simple service you not only save The American Freeman from suspension but you actually put some real money into your pocket. This proposition is so easy and fair that if there is no response we will justly conclude that the people of the United States are afraid of a free, radical, anti-clerical journal of rationalistic opinion.

What a tragedy it would be if The American Freeman were to fail to wipe out its deficit! The Little Blue Book Department cannot carry the burden any longer. The Little Blue Books must take care of themselves. That leaves the burden where it belongs—with the readers of The American Freeman. The situation is serious. It is critical. Fail to answer this appeal and we will have to do the inevitable—quit. We hate the very idea of such a calamity, but we are not given to putting on blinders.

We therefore call on the readers of The American Freeman to use the blank below IMMEDIATELY. Will you do your share? We shall see!

I Want to Help in Wiping Out The Freeman's Deficit!

The American Freeman, Girard, Kansas

The Freeman must not suspend publication. It is needed in the war on present-day evils in our national life. I want to do my share. I enclose \$ which is payment for Freeman sub cards, at 25c each, good for 25 weeks per card, said cards to be sold to prospective readers of The American Freeman at 50c each. The Freeman must be self-supporting!

Name Address
City State

clause in one of them in which Oxman suggested to Rigall that he register from a town in Indiana farther away than Grayville, which would entitle him to more mileage. I asked Dunne if he thought that was honest, and he replied, "Oh, that's a thing that anyone might do." The upshot of the meeting was that Dunne flatly refused to issue the warrant.

Oxman's Perjuries Defended by Mooney's Enemies

However, on the next Wednesday morning a warrant was issued. (By Judge Brady.) Meanwhile, there had been various consultations and meetings between the defense attorneys and those of the prosecution, for it was assumed at first, that when such a flagrant effort at subornation of perjury could be shown even anyone as corrupt as Fickert would, if only to save his face, wish to admit the facts and discredit Oxman as a witness. Older's statement continues:

"Immediately after Oxman's arrest, Fickert took Oxman to the office of Samuel M. Shortridge and engaged Shortridge as Oxman's attorney. Shortridge is the personal attorney of John D. Spreckels, Jr., who is the foreman of the present grand jury."

Yet, later on that same afternoon, Fickert asked Older for a meeting and McKenzie, O'Conner (defense attorneys), and Cunha and Fickert (prosecution attorneys) Stafford, a friend of Fickert's and Older met at the Olympic club to discuss the matter. Fickert left them with the impression that he would prepare "a perfectly frank, honest statement of the case, alleging that Oxman had undoubtedly committed a grave offense, and that he (Fickert) was now in favor of a new trial for Mooney."

"What really happened," concludes this statement of nearly fourteen years ago, "was that within two hours after Fickert left the meeting he appeared, with his deputy, Attorney Cotton, in the rooms of the grand jury, and asked for a hearing, and then and there started a movement in the grand jury to whitewash himself and Oxman. This, the grand jury subsequently did."

In spite of the fact that Judge Clark, designated by the Attorney General to take charge of the proceedings, advised the grand jury

that the evidence was overwhelmingly sufficient to indict Oxman, the grand jury not only refused to do so but passed a resolution congratulating Fickert upon his "courage." This courage, Cochran points out in the brief submitted by him to President Wilson's commission in 1913, consisted in "obtaining and presenting against a fellow creature accused of capital crime the evidence of a man who was shown to be an attempted subornator of perjury."

In this same brief Cochran continues:

Oxman's trial was brought on before Judge Dunne. It is but simple justice to say that this magistrate's manner of trying the case was in full accordance with the belief in Oxman's innocence which he had previously proclaimed. The appalling feature of this situation was the universal belief that Oxman's arraignment before Judge Dunne meant his acquittal regardless of the evidence which would be offered before him. This view was openly expressed in the newspapers and the result vindicated its accuracy.

The District Attorney and his aides openly labored for his acquittal.

Nevertheless, the exposure of Oxman was so complete that Mooney's own trial judge, outraged that his court should have been used in such a brazen attempt at lynching, began to make every possible official effort to bring about a new trial. In these efforts he was seconded by the Attorney General, of California, Ulysses S. Webb.

The difference between the attitude of Judge Griffin, Mooney's trial judge, and the attitude of Judge Dunne, Billings' trial judge, is startling. Cochran has this to say of Judge Dunne, still a judge in the Superior Court of San Francisco:

Before Oxman's case came to Judge Dunne's court, Mrs. Mooney was arraigned for trial before him. "He had taken occasion to denounce from the bench the proceedings against Oxman which were not pending before him and to declare his belief in the guilt of the defendants (in the bomb case). His right to sit in Mrs. Mooney's trial was challenged. Under the law of California the challenge was submitted to himself for decision. He overruled it on the ground that the belief he had expressed was belief in the guilt of Billings only and Billings was not then on trial. But as the evidence against all the accused was precisely the same, it is impossible to understand how belief in the guilt of one did not embrace belief in the guilt of all." (Petella Smith at Billings' trial testified she saw Bil-

Let Us Now Remedy This Heart-Breaking Situation!

By E. Haldeman-Julius

Our business office, as you know, has been telling readers of The American Freeman that all subscribers in arrears must pay up and send an additional dollar for a year in advance. The individual in charge of this work advises me that almost 12,000 readers have paid up in full, which will enable us to put into operation among Freeman readers the same policy that has always prevailed in The Debunker department—that is to say, all names are to be taken off the list unless we receive a renewal in advance.

But all is not cheer and laughter. The Freeman circulation manager has just placed on my desk an immense pile of letters. He tells me there are 1,000 letters in the batch, but to look at them I'd imagine there must be ten times that number. I take the very first letter that comes to hand. It is from C. W. B., Oregon, and to read it would give anyone's heart a fierce tug. Here it is:

Replying to your notice that subscriptions must be paid up, let me say I am unable to keep up payments on The American Freeman, much as I shall miss it and would like to read it. I am an old man without means for support. I make a little garden to help along with our living. Wife and I are alone. I have been a reader of this paper from about 1894 or almost from its beginning by J. A. Wayland. I like the advanced ideas of The American Freeman. Some day it will be acknowledged by many who now oppose it, as a forward movement in human life. I wish I might be able to read it. When time counts us among the aged we can but submit.

I know you get the ring of reality out of that letter. I go through the pile of letters and find about a thousand friends and readers of The American Freeman bemoaning the fact that Hoover prosperity has hit them so hard that they cannot afford to pay even the dollar bill needed to pay for a single year. I find the letters, in the main, come from unemployed workers (skilled and unskilled), farmers who suffered crop failures, particularly in the Middle West, men and women in prisons, hospitals and public institutions, old soldiers in both Federal and Confederate Old Soldiers' Homes, and the aged and dependent ones who are too old to earn.

As you perhaps know, the postoffice department does not permit second-class mailing matter to go out unless it is paid for. For that reason we had to insist on our subscribers paying up their arrears and placing their subscription account in good order by sending a dollar for a year in advance. But it wasn't that alone. The American Freeman wants to run in a business-like way, so it is only fair that its readers should pay the expense—a small expense when it is divided among the army of readers.

But surely something can be done! It is heartbreaking to see these 1,000 readers clamoring for help—too poor to pay \$1. I have decided to put the matter up to my readers, and suggest to them a plan which I hope they will act upon. I am immediately establishing the Freeman Mutual Aid Fund, to which all readers are requested to make contributions. This Freeman Mutual Aid Fund will be used for only ONE purpose—to pay for the subscriptions of those readers who are too poor to renew their subscriptions. This money will NOT be used to put on new subscriptions. It will go only to those who are already on the list and who write to the Freeman Mutual Aid Fund that they cannot afford to renew. Rest assured, dear readers, no individual will do that unless it is absolutely necessary. And remember, you who are paid up this year may be in the same fix at some future time. I appeal to all friends of the cause of justice and freedom to help get this fund started. Contribute at least \$1. Send as much more as you can afford. If you send \$10 you will have the satisfaction of knowing that ten poor Freeman readers will not be deprived of the reading they have grown to love.

I have instructed the circulation department to save these 1,000 letters from impoverished readers. They are to be kept in a separate file, and as the Freeman Mutual Aid Fund gets remittances from its readers who are willing to help in this noble work, we shall take names from the list of poor readers and put them back on the subscription roll. And remember, this is not a charity. Under no circumstances will we print the names of the persons who receive this help. This Freeman Mutual Aid Fund will be conducted by myself, and I promise faithfully to see to it that every dollar sent in will go to pay for renewals of readers in bad financial circumstances.

I hope my readers will give serious consideration to this new work that is now being done by The American Freeman. Address your contributions to: E. Haldeman-Julius, director of The American Freeman Mutual Aid Fund, Girard, Kansas. The contributions will be acknowledged in The American Freeman's Army column. Incidentally, a contribution to this cause will put your name in The Freeman Army, and if your name is already there it will mark up another good deed to your record, as it is our policy to keep a careful record of the good help given by all members of The Freeman Army. Your card, if we have one with your name on it, shows exactly what you have done for the various campaigns of humanitarianism that we have conducted. I now leave the matter in the hands of all readers who have the means not only to pay their own way but have a little, or a lot, for the fellow who happens to be down. Remember, this is not charity. This is common decency. No pauperism is implied. It is just plain friendliness.

Billings and Tom and Rena Mooney and Weinberg together at 721 Market. McDonald testified at both trials that he saw Billings and Mooney at Steuart and Market placing the suitcase. At Mooney's trial the Edeaus testified they saw Billings and Tom Weinberg together at 721 Market and Oxman that he saw all of them in Weinberg's jitney at Steuart and Market. "While Judge Dunne did not sit he did designate Judge Seawell to sit."

The State's Case Collapses

This same Judge Seawell is one of the justices who signed the majority opinion on July 2, 1930, refusing to recommend Billings' pardon to Governor Young. Yet, Mrs. Mooney was acquitted before him. Certainly, if she was innocent (and she was), the same evidence should convince him that Mooney and Billings and Weinberg were. Weinberg was, in point of fact, acquitted on the 27th of October, 1917. The plain fact is that, as with time facts have come to light, Fickert's frameup case has simply dissolved. There was no case against Rena Mooney. There was no case against Israel Weinberg. For the same reasons there is no case against Billings, nor Mooney.

Remember always that it was after the conviction of Billings and Mooney that Rigall disclosed Oxman's perjury; that the lawyers for the defense discovered and presented the evidence (suppressed by Fickert) of eighteen police officers stationed on Market Street in the path Weinberg's jitney was supposed to have taken; and that upon clever cross-exami-

man and the testimony of the Edeaus are now distanced, it is on McDonald's testimony, and his alone, that Governor Young keeps Mooney at San Quentin.

What a dramatic trio these three men make; the conscience-stricken delinquent, the powerful, but cowardly Governor and—their victim.

Why Mooney Refuses a Parole

It is significant that Mooney has been told "not to high-tail a parole." In a parole the admission of his guilt is implicit. In a pardon, on the other hand, is implicit the admission of the frameup and of a monstrous injustice so long drawn out and so flagrant that it is no wonder the officials of any state shrink from the ugly task of proclaiming it to a shocked world.

It is easier to publicly exonerate Fickert and the other officials of any wrong or improper methods! And this the Supreme Court did on July 2.

Nearly twelve years ago, in that brilliant brief to President Wilson's commission, Bourke Cochran wrote words, the truth of which cannot be challenged. On the contrary time has underscored them:

One feature of this prosecution is peculiarly significant of its entire character. Though it embraces four persons, Mooney alone is its capital object. The others have been included because their inclusion was found necessary to make plausible the accusation against Mooney. Nothing in the evidence explains this particular ferocity against Mooney. The explanation can be found in the events preceding the explosion.

It is believed that the true cause of the explosion will be discovered by thorough examination of all the circumstances surrounding the following facts, no one of which is open to dispute.

All the evidence shows that Mooney's destruction was eagerly desired by officers and agents of the Railway corporation, not merely to terminate his activities in attempting to organize the employees, but to serve as a terrible example of what others might expect who would venture to continue his agitation.

It is beyond dispute that the dreadful catastrophe which caused the death of ten human beings has resulted in crowning with a terrible measure of success the pursuit, long continued but hitherto fruitless, by powerful corporations of a person whom they regarded as hostile to their interests and dangerous to their property. The head of the secret service maintained by the corporation for its own purposes was allowed to take complete charge of the local agencies charged with the duty of investigating the explosion. No bona fide inquiry into causes was ever made. Information given by citizens of undoubted respectability was disregarded. The names of these persons were withheld from the public. The District Attorney personally caused the sidewalk to be mulled, with the result (as stated by the police officer in charge) the evidence of capital importance was destroyed. These defendants, without a shadow of proof tending to show their guilt were arrested. The law was suspended in attempts to fasten the crime on them. A large reward was offered for testimony that would convict them and the underworld was searched for wretches who would swear away any number of human lives for a share of it. The testimony they gave shocked every idea of verisimilitude. The District Attorney suppressed a statement made to him by a public officer vitally impeaching the testimony of two important witnesses for the prosecution.

All this peculiar procedure might be attributed to mistaken or misdirected zeal. But when one of the chief witnesses is found suborning perjury and his guilt is established by the testimony of a person whose credibility as a witness the District Attorney himself has vouched in a capital case; when in addition to this we find the prosecution themselves asserting readiness to murder these defendants, is it extravagant to suggest that some tool of the corporation which maintains the system be put to work to destroy the evidence which forms the basis of this prosecution for the purpose of fastening it on Mooney, all other efforts to effect his ruin having proved abortive?

Mooney Is the Object of Powerful Hatred

This candidly is the opinion of many people familiar with the case and labor struggles which preceded it. Others believe that, while the bomb was thrown by some fanatic, Swanson simply seized upon the opportunity that came ready-made to fasten this ghastly crime on Mooney. In the East, recently, a man, who was a stranger to Mooney, made a dying confession to throwing the bomb. Certainly in that period of war hysteria many influences were at work which might have been responsible for the actual act. But nothing is surer than that those in power did not wish to find the real perpetrator. The United Railroads, The Pacific Gas and Electric Company, The Law and Order Committee of the Chamber of Commerce and the District Attorney's office were all determined that one person—and as many others as was necessary to involve

him—should be proven guilty—Tom Mooney.

Can you imagine the bitterness that must be Mooney's when now, that McDonald is found, Governor Young positively refuses to give Mooney's case any consideration? On July 27, 1930, Mooney wrote to me:

The Governor positively and point-blank refuses my counsel and McDonald a hearing—said he would be guided solely by the Supreme Court's finding in the Billings case. The Supreme Court has told Wash that they have nothing to do with Mooney—Mooney is not an issue before this court, said Chief Justice Waite to Wash. Wash will have no status before the Supreme Court in the Billings hearing tomorrow, and the Governor will not hear him or McDonald on my petition. Keep this in mind. I am really being denied a right to present my case—yet, a decision will be rendered in the Billings case by another body, and their findings will hold against me and the Governor will deny me without letting me present my case to him.

By which you can see that California's justice in 1930 is not so different from her justice in 1916.

If one's to keep one's faith in human nature there can be only one conclusion—the great mass of people in California are still unfamiliar with the facts which I have tried to make clear to you in this series of articles.

Mooney Is America's Dreyfus

At one time, Tom Mooney lost hope, and it was then that his health failed, he grew to look like an old man and those who loved him feared his present living grave would become his eternal tomb.

Then, quite by chance, Mary Gallagher, experienced, capable, level-headed, visited him in San Quentin and undertook to organize and become the active Secretary of the new, or at least re-vitalized, Mooney defense league.

Once again publicity, in a slow but steadily increasing tide, began to wash on people's consciousness. This was due, not only to the publicity that the League, itself, sent out, but to the publicity which it was able to set in

motion. Mooney took new courage, his health improved and with it some of the years fell away. He became again what he is now, this American Dreyfus: a valiant fighter under fire.

His fate involves us all. It involves "the whole fabric of civilization, for the whole purpose of civilization is protection of life, which the agencies of civilization are here conspiring to destroy."

Meanwhile, even as I write this, the Supreme Court rehearing is in progress. The hearings are held all day and nearly every day and may last two weeks longer. Perhaps, by the time this is in print and you read it, the second decision will have been rendered. I hear from those who are attending the hearings that it is hard to say yet what the result will be—although Tom Mooney, himself, fears the worst.

Will California continue to back up the Swanson-Fickert frameup? Or, now that McDonald's reappearance has stirred public opinion from coast to coast, will the Supreme Court make belated restitution for the terrible crime committed against these two labor leaders?

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You can get the first five number of The Joseph McCabe Magazine (thus having your subscription begin with Vol. 1, No. 1) if you subscribe immediately on the blank below. The regular subscription price is \$6 a year, payable \$1 down and \$1 a month for five months. However, if you want to subscribe for a whole year in advance the price is only \$5 in one payment. The magazine is issued twice a month and contains 30,000 words. It is a beautiful job of printing. As for its contents, completely written by Joseph McCabe, they are the best to be had anywhere. Bear in mind that McCabe, the world's greatest scholar, writes exclusively for this magazine. Subscribe now and yet the first five numbers.

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Serious Deficit Threatens to Strangle The American Freeman!

The American Freeman is not given to belly-aching. It does not indulge in calamity howling. Can any of you remember The American Freeman saying, in the past, that it contemplated suspension? Of course not! We went right on paying the large deficit from other sources in order to keep this organ of free opinion functioning. But we have reached the end of the lane. The deficit must be removed at once.

For the first time in The American Freeman's history it is using words like "quit" and "suspension." We hate those words. We want them removed from our vocabulary.

Will you help us? This is no cry of "Wolf! Wolf!" The danger is close to our door.

The Freeman is pocketing its pride and coming to its readers with the harsh, stark, bad news—unless it removes its burdensome deficit it will have to suspend! There is a remedy, but will our friends respond? That is the question!

The remedy is for every lover of this free organ of opinion to rush forward with an order for at least four sub cards at only 25c each. These cards can be sold to your friends, neighbors and shopmates. You will thus

get your money back, and not only that but you will be making a profit for these sub cards have the regular 50c price printed on them.

Do your part in the work of saving the only nationally circulated periodical that fights for justice and liberty.

Each individual should put his shoulder to the wheel. We are not asking the impossible. We are not making any sort of an unreasonable request. All we ask you to do is to order at least four Freeman sub cards at 25c each. Order eight for \$2; 12 for \$3; 20 for \$5; 40 for \$10. Order as

many as you can afford to take. The money will be used to wipe out our deficit and put the paper on a self-sustaining basis.

We appeal to every member of the Freeman Army to rush to arms! We appeal to every single reader of this newspaper. We appeal to all of you. Rush in at least \$1 for four sub cards. Send as much more as you can spare. The next few weeks will tell the story. If there is no generous response to this appeal we will take the lesson to heart—we will do what we shudder at—quit publishing The American Freeman. If you want The American Freeman to die, then by all means

ignore this appeal for friendly cooperation. If you want the Freeman to survive and gird its loins for new battles, then rush to our support.

If you are not able or willing to offer the sub cards for sale, then take this suggestion: Send us your order for at least four sub cards at 25c each and tell us the following: "Use the sub cards I am paying for in any way you see fit. Give them to poor people who cannot afford to subscribe for The American Freeman." That method will help poor people get on our subscription list and at the same time you will be doing a service in the campaign to save

The American Freeman from suspension.

In other words, order some sub cards for yourself, which you will sell to prospective readers or pay for some cards and instruct us to put them where they will do the most good. We will be glad to do this because we have many names of persons who are too poor to renew their subscriptions. We have at least 1,000 letters from readers who have asked us to take their names off our mailing list, not because they did not want The Freeman but because Hoover prosperity hit them so hard that they cannot afford to pay their way. Such individuals

should be helped, and you now have it in your power to help them by paying for their subscriptions.

There really is nothing more to add. We have told you the whole bitter truth. It is for you to decide whether this crisis shall be met in a manly, generous manner. The fate of The American Freeman rests with you readers. In this issue of The Freeman will be found a special order blank which you may use at once if it is your desire to do something in this campaign to save America's liveliest and more fearless organ of free opinion.

America needs The American Freeman.

The Outlook Controversy Continues

August 26, 1930.

Editor the Outlook and Independent, New York City.
Dear Sir:

In your issue of August 27 Mr. Louis Adamic says that he has a letter from Upton Sinclair "in which he characterizes Haldeman-Julius' treatment of a certain writer as 'a shame.'" This, of course, is a difficult charge to answer, when he fails to mention the name of the "certain writer."

His next charge is a little more definite. He says he has a letter written by Frank Harris to his wife in which I am called "unquotable names" "for the treatment he has suffered at his hands as a writer." I am sure Mr. Harris has no complaint. I have had dealings with him, but not in the past eight years. Back in 1922 I paid Mr. Harris \$500 for the right to reprint ten of his works in Little Blue Book form. Since then I have used only seven of the ten works to which I was entitled. But Mr. Harris, who is a very old man and who does not keep copies of his letters, has to write me now and then to call me a pirate and to be told that the Little Blue Books carrying his name are being published with his permission. Sometimes he even hires a lawyer to go through the same process. I try to be patient with him. It is fortunate that I keep copies of all letters and that we file all cancelled checks.

But speaking of authors, I grant quite willingly that in Mr. Adamic's own case I paid him a rate lower than my regular authors. This was done because he was a beginning author whose copy gave me a great deal of trouble. His percentage of rejections was extremely large. But he did get across once in a while, when I'd have to give a half day to taking out the rotten spelling, punctuation and construction. This soured my temper and made me send the author a smaller check than usual. But he seems to have made some headway since then, and I am delighted, for I was his first publisher, and even though he refuses to flatter me with a little gratitude, I still have the professional satisfaction of seeing one of the boys I worked hard over go into the wide world and make good.

Mr. Adamic says he called his article "Voltaire from Kansas" because "the man himself considers himself a Voltaire." I can answer this silly thing only by asking the writer to name the article or editorial or whatnot in which I made that comparison. If he can find it I'll reward him with a million free copies of the Little Blue Books. I almost said a million dollars, but I caught myself in time, for it is possible that I may have said so foolish a thing—and I haven't a million dollars!

Sincerely,
E. HALDEMAN-JULIUS.

Gleanings

BY JULIA C. COONS

A news story recently sent out by the Seventh Day Adventists, declaring the end of the world is again at hand, listed, among other "signs," "the darkening of the moon and the sun and the falling of the stars."

"These are the same 'signs' that

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In the World of Books

Weekly Reviews and Other Literary Ramblings
Isaac Goldberg

THE BOOK WAR

There was excitement at the Convention of publishers held recently in New York City. A quintet of bookmen suddenly startled their brothers—that is, their competitors—with the announcement that there was to be a drastic reduction in the price of books, especially fiction. Novels that hitherto had sold for \$2 and \$2.50 were to be priced immediately at \$1. Nor were they to be the sort of cheap fiction that is dear even at a time. No, Simon & Schuster rushed into the ring with such names as Salten, the author of *Bambi*; Schnitzler, and gentlemen of that stamp. It is, then, to be a real reduction in price without a lowering of standards.

What is the explanation? Philanthropy or bad business? Most likely, the latter. The publishing business deals, after all, in luxuries; people don't have to read, and many of them don't want to. Luxuries are the first to feel the impact of hard times.

I remember, as a kid, haunting a place on Hanover Street, Boston, called the "Nickelodeon." Not even the sentimentality that comes with reminiscence can make me forget that the place was nickel-odorous, too. For five cents you saw anything from the Siamese twins, card magicians and men who could drink buckets of water without collapsing, to bearded women and other derelicts of the circus days. Another nickel, and you were admitted to the stage show. The stage was about two by four, and held a burlesque chorus of some dozen creatures who had once been women. That chorus! It offered few attractions even to my inexperienced eye, and must have been composed of wharf-rats off duty. A few winks to a drunk in the audience, and an assignment was made. Likely as not to be held in some back alley. Ah, yes. It was nickel-odorous. Well, why do I go back like this to my childhood? Because, over the entrance to this palace of pleasures was a sign that read: "Fast Nickles Are Better Than Slow Dimes."

Some such wisdom, if wisdom it proves to be, must have come to the publishers through the seven lean years. The fraternity, however, is by no means unanimous as to the advisability of slashing book-prices. Knopf, for example, predicts that within six months, the price-reducers will be wearing sackcloth and ashes, and will return to the fold. Stokes asserts that the reduction measures are little short of suicide, and will

lead straight to the mourner's bench of bankruptcy.

Book-publishing, besides being a business, is also a gamble. Sometimes it takes on the semblance of what has come to be known as a "racket." The public hears of phenomenal sales and easily assumes that there is a fortune in book publishing. Sometimes there is. But for every hit, how many failures? It is, on its own scale, comparable to the business of sheet music. Three pages of words and tune can sometimes bring a fortune for the authors and publishers. \$75,000 . . . \$100,000. But for every popular stupidity like "Yes, We Have No Bananas," how many worthy songs go careening toward oblivion? It's a gamble, and that gamble holds a strange fascination for the investors.

If the low prices are to continue, the American public will have to become accustomed to paper-bound books. Here is Charles Boni, the enterprising founder of the Paper Books club, which gives a monthly volume of substantial stature for \$5 per year; now he announces novels, paper-bound, at 50 cents. And, with proper support, he—or any other publisher—can do it.

There are other considerations beside the publisher and his public. What of the author? The author, on the initial sales of a book, makes 10 percent of the retail price of each book. From this is deducted the advance received from the publisher, usually on delivery of the manuscript, the advance being charged against the royalties. If the book sells beyond three thousand copies or so, the royalties rise to 12½ percent; after the fifth thousand, the royalties go to 15 percent and there remain. A novelist who has been accustomed to earning, on each book sold, something like 25 to 50 cents, does not consider with equanimity the prospect of being forced down to 10 cents. On the other hand, as the publisher doubtless pointed out to such writers, the sales of his work are likely to be more than doubled, so that, in the long run, he will achieve that *roseate desideratum* of authors, a vast public and big earnings.

This is not so quixotic as it may appear. I do not believe that the full potential book-public, or anything like it, has yet been reached by the publisher. There are still other considerations: The reduction move may be aimed at smaller publishers—to drive them out of competition. For, if human nature is still what it has been for centuries, our price-reducers will return to higher prices as soon as they can. One of the conditions of such a return would be the elimination of competition.

Meantime, we shall see what we shall see, and read what we shall read. Most books should be bound in paper, anyway. Few of them are meant for immortality; fewer still achieve a semblance of everlasting life. The paper bindings that such houses as Simon & Schuster and Charles Boni have put out are eminently serviceable. I have given some of these publications hard wear for a number of years, and they hold up well under the strain. In the phonograph business, a similar price reduction, based upon a similar turn in business, has given us the 15-cent Durium record. Unless one wants his popular music done by the very best orchestras, such as Whiteman, Lopez, Bernie and that familiar, melodious crew, these 15-cent records are highly serviceable. Indeed, you can mis-handle them in a way that would ruin the regular makes of record, and still get music out of them. Eventually, these low-priced rec-

ords will compel a reduction in the price of the standard makes. Either that, or they will be bought out by the large companies. But, back to our books.

Anything that makes for a wider diffusion of good literature is a boon. Undoubtedly, readjustments are taking place in the publishing trades. If, without injuring the business, those readjustments can be made to benefit the reader, that would be a wise move on the part of the publishers. Readers, and especially, active book-purchasers, after having tasted the pleasures of lowered prices, will not be readily won back to a rise.

I should like, before closing, to draw attention to one who has been an important factor in this situation. None other than our friend Haldeman-Julius. His large-scale production of low-priced classics made millions of readers book-minded. First, good material; then his readers could graduate into the class of those who love good typography, good binding, and those other arts that make of a book a treasure. And I wonder whether even Haldeman-Julius has reached the vast armies of potential readers that await proper approach.

Let us not deceive ourselves. That army is a mob, with all the traits of the regimented, undifferentiated herd. It must begin at the bottom. But precisely because

it must begin there, it can progress in only one direction—upwards. Yes, slowly, provokingly slowly. But none the less surely. And while our presidents plead guilt to a passionate interest in ordinary detective and crime tales, let us not be too hard upon the mob.

Cheaper books? It is well worth trying. But let the cheapness apply only to the price and not to the subject matter.

COMPLAINTS

I was a charter subscriber to the 14th edition of the *Encyclopaedia Britannica*. I looked forward to its arrival, and when the set came I looked backward. I consulted a few articles as a test and wasn't at all thrilled by the results. Perhaps, said I to myself, I am too finicky; or, as was more likely, I was unreasonable in expecting such a work to keep up with the latest special investigations in any particular subject. There were marked deficiencies in the history of our various theatrical entertainments; the sections on Yiddish culture were thin and in spots absolutely in error, not to speak of bad judgment and a ridiculous sense of proportion and values; the portions on the national music could have been improved; there were certain grievous sins of omission. Then it occurred to me that, since I, in consulting entries that had to

do with the various subjects in which I was competent to pass judgment, found so much to complain about, there might be others who had gone through a similar experience.

A mining geologist told me that the geological section wasn't at all a contribution to marvel at. A psychologist told me that he had copied out the article by Freud on Psychoanalysis and that little else in the mastodon work was worth while. That is, so far as his special interests were concerned. A child told me that he liked the pictures.

I have no axe to grind. I need encyclopaedias in my work, and I use them. But my general impression, after long testing of the new Britannica, is that it can stand a thorough overhauling. More than any of its predecessors, it seems to me, the 14th edition was commercial in nature, and it shows the traits of such a predominant consideration.

If you like the new crusading spirit of The American Freeman, please get us a club of subs. You can put 10 friends on our list for 10 weeks each at only 10 cents per name. And your doing that makes you a member of The Freeman Army.

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