

"The Right to Live Unmolested"

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Chairman: H. Larkin Osborn, Auditor, Industrial Surveys Co.

For two or three generations there has been kept in a safe in our office a letter written from Chicago in 1849 to my grandfather, Curtis Kooser, by his brother, Benjamin. Uncle Ben was disappointed in Chicago. He found it a place of swamps, infested with mosquitoes and Indians, and subject to outlandish storms and blizzards; and he wrote it would never make a real city. So he went on to California, and published a newspaper there, until his death.

Judge of my astonishment on my first visit to Chicago during the Columbian Exposition in 1893 at the sheer massiveness and magnificence of this midcontinent metropolis. What hath man wrought? It was overwhelming, one of the memorable sights of my life; but with it was a feeling bordering on alarm. Who, and of what, were these hurrying men, in rivers of humanity greater than I had ever seen, extending beyond the range of vision, north and south, east and west, from the corner of State and Madison—men five or six feet in height, mere midgets, beside buildings towering over them, in stone and steel and glass, hundreds of feet? It seemed a crushing disparity, almost a subjection.

The Will of Man

The real fact was and is, that the greatest power on earth, or in the universe, the power of comparison and choice, was in these little men; and the vast constructions in granite and concrete, and the vast framework of municipalities, states and nations, were his creatures, the works of the hands and brains of these same men, small in stature, sometimes apparently helpless in mobs of their own making. Must man, as heretofore, fall down and worship his creatures, as his Molochs and his Juggernauts? Should man serve them, or should they serve him?

This is the substance of the remarks I shall try to make today. What is man, and over what shall he have dominion, and what shall he put under his feet? The Psalmist made a comparison of man, not with cities and states, machinery and buildings; but with the very heavens, the work of the Almighty's hands, the moon and the stars; and he said of man, all these things have been put under his feet. How true is this, or shall we fail this truth?

Origin of Rights

My text is a legal one, written by one of the foremost jurists of American history. It reads: "The right to live unmolested is a natural and indestructible right, which human government may protect, but can neither give nor take away." It is from an address on religious liberty delivered by Jeremiah Sullivan Black, former Chief Justice of Pennsylvania, and former Attorney General of the United States, whose record as an advocate in important litigation in state and federal courts, I believe, has never been excelled.

You will recognize the quotation "The right to live unmolested is a natural and indestructible right" as a restatement in legal terms of the Golden Rule: "Whatsoever you wish men should do to you, do so to them," or, as it is engraved above the entrance to the offices of the Supreme Court of the United States at Washington: "Equal Justice under Law." If we are to live without molestation, A must not molest

B, and equally so B must not molest A. I insist it is as simple as that. Not merely because it is a precept professed by all great religions of the world, and by our Declaration of Independence and constitutions; but because it is a principle as old as human life, and as necessary to just conduct of human affairs as that one plus one makes two.

Who
Has the
Better Right?

Between two sane adult persons no power exists in nature to determine which has superior, and which has inferior rights; nor which has power to execute his will upon the other except a power seized by autocratic force. We accept this rule of reason, or we submit to the rule of might.

The first question that arises in the mind of the normal man upon whom violent hands are laid or threatened is, by what right? What right can be shown for the use of force against a fellow man but a necessity to protect one's own or some other one's person or property from attack? Let us be clear about this, and see what are the implications.

What is attack, what is trespass, what is tort, when do we wrong a neighbor? Crimes as common offences, are generally defined in exact words by law. The definitions do not end the desire to rob and beat and defraud; but they give warning of them, and they do restrain and prevent to a large extent. And in the myriad variety of incidents daily arising in human affairs the courts find answers, and decree remedies under the common law, to any possible complaint in trespass by any citizen against any other, by applying this general principle, the right to live unmolested, free of attack and threat and false pretense, the rule of equal justice to prince or pauper.

Majorities
Do Not
Justify Wrong

If the principle of immunity, or personal inviolability, is correct, and if it is true that, when unoffending, A should be free from attack by B, why should not A also be free from attack by C, and D, and E, and all the other persons B can summon to join him in the attack. Why should not every man be free from trespass, from molestation, by any number, class, group, association, or mass of men? Numbers of participants can not justify a wrong. A looting by Jesse James, or by his brothers or by two thirds of all the people of a country, would be looting just the same. It would despoil the victim by the same amount.

Sad perversions have been made of the idea of majority rule; and of a fine slogan, "government of the people, for the people and by the people," sometimes called democracy. In their ignorant misuse, the underlying purpose of rule and government are disregarded; that is, the purpose to protect the life, the liberty and the earnings of each person, including the least and the feeblest, from despoliation and tyranny. By abuse of these catch phrases we substitute the means for the true purpose of just rule and government, viz: the security of each and every citizen. We sanctify the machinery; and go so far in bowing down to majorities as to say the voice of the people is the voice of the Almighty. The worship of the party line, "the party line," the goosetep imbecility, or conspiracy, here, in Germany, in Italy, in Russia, everywhere, is always tending to prevail. It puts numbers on our collars, and gives our leaders the power to dictate, to plan and control our lives and affairs.

Robbery
under
Forms of Law

If political gangsters, or call them more respectfully partisans, disregard the rights of others to live unmolested; and slyly repudiate constitutional restraints where they exist; and confiscate the earnings of their victims, to the limit they can extort with safety to themselves and to their jobs; and appropriate the proceeds to their own upkeep, or to promote their projects and their follies; such gangsters or partisans are obtaining money and advantages from others by

violence, by means of seizures, arrest and imprisonment by tax collectors, or the threat thereof.

When the City of Topeka proposed to lay a tax to help build an iron-bridge works for a local company, professed to promote the prosperity and welfare of the city, the Supreme Court of the United States said: "To lay such levy, and bestow it upon favored individuals," I quote the words exactly, "is none the less a robbery because it is done under the forms of law, and called taxation." (Citizens Savings etc. Association, City of Topeka, 87 U.S. 655.) The Supreme Court was not then a party-line organ.

And when mobs of men blockade a highway or place of business, and by violence or threats, prevent other people from passing, entering or leaving, it is plain and arrogant molestation. They start a rule of terror.

For the striking union mobster, who thinks he is refused adequate wages, and so obstructs or closes the operation of the mill or mine where years of his life have been spent in labor, something can be said in explanation, although not in justification, of his conduct. If someone takes his job, maybe he is turned out upon the street or upon the waste places to get his living. He may feel baffled and bewildered. The opportunities to help himself may be preempted by prior holders of titles to the fields and forests and resources of the earth from which he might support himself. Therefore, fundamental to all settlements, and to freedom of industry and life, is a land system wherein opportunity to produce shall be available to all on equitable terms; and tenures shall not originate in conquest and seizing, nor continue merely for certain ones because they command the arms and munitions to enforce their claims. Struggle for the possession of land and territory has been at the bottom of most mass slaughter of the race from beginning of history, and application of the right remedy remains the basic problem of civilization. Witness the Ruhr, Berlin, Palestine, Iran, Korea, etc. today.

Freedom
for
Whom?

We understand that men tend to gratify their desires by as little effort as possible, and man is a gregarious animal. He travels with the crowd; and millions have no thought but to attach themselves to some job and leadership that will produce their food and clothing and supplies with the best prospect for ease and safety. For the most part, loyal to their jobs or factions, men follow their leadership without question. They are the party-liners in America, as well as in the balance of the world. They excuse their performance by the thought that all other parties are out after the same game. But, when they seize the agencies of the state to beat and jail their opposition, it is something else.

From infancy to adult age (and where is the dividing line?) myriads depend on others for support. Independence of thought or action is a common dread because it means self-dependence, self-support. Is the sense of dependence on the mass and system, on the powers that be, more pressing in the great cities? Certainly many party-liners in America as well as in Russia that are bawling loudest for freedom are merely bawling, like children, for more feed from someone else. Is freedom only for the courageous and competent?

Confiscating
the
Public Funds

When public funds are commonly regarded as legitimate object of loot, and every thrifty and zealous go-getter, and every pressure group he can organize or log-roll to cooperate, get away with all they want from the common stock, each wanting as much as the most, and each wanting to live at ease off the efforts of the others, and when enough succeed in the foray, national bankruptcy must result.

The true test of merit of any law making is not whether it will be economically beneficial as invariably professed. There will always be two sides to

that. The correct first question is whether there is involved a purpose to confiscate from some to finance others; that is, to use force, or threat of force, the guns and clubs of the state, to procure a privilege, an advantage, for the promoter or for his co-conspirators, over the victims of his game. Inspired by party interest or delusion, the faction procures the forces of the state to take advantage of their fellow citizens. It is seizure, usurpation; and they take because they have the power, or course denying the iniquity. The catch is the use of force or threat of force, legalized violence, in molestation for gain. The one common and distinctive characteristic of fascism, nazism, phalangism, communism, and I do not hesitate to add new dealism, and tyrrany everywhere, is that the earnings and produce of some are seized by force or threat for benefit of others. I regard them all as rackets. They are the substance of tyrrany, and the incitement of rackets. Every new deal on such basis becomes a new tyrrany.

"Subtraction
Division
Silence"

Why are these truths so persistently denied? The answer was given by Demetrius, the silversmith, nearly two thousand years ago: "Sirs, ye know that by this craft we have our wealth; and that, not only our craft, but the temple of the great Goddess, Diana, is in danger." So, much excitement was raised in the city, and the radicals had to get out pronto to save their lives. But the temple of the Great Goddess was destroyed nevertheless. I once also heard the answer by William Jennings Bryan in discussing the tariff: "It is of no use to argue with a man set in its favor; all you can do is to search him." The masters, lords and rulers dare not risk their privileges and advantages to be questioned, and will prevent the criticism if they can. Exposure of legal advantages and iniquities may result in reprisals, and disposition to suppress discussion is natural.

Molestation
by
Majorities

It is apparent we need a clearer application of the simple principle of the right to live unmolested, a clearer ethical orientation in all the affairs, not only of individual molestation, but especially of mass molestation; and not only of outlaw mass molestation, but of legalized mass molestation, and threat thereof, upon the inherent inviolability of each person from the use of force or insult. We need a realization that mass stealing is no better than individual stealing.

And this involves enactment and declaration of laws on the basis of ethical tests, rather than economic tests; on the basis of freedom and justice and equality of rights as the paramount consideration, rather than upon the question as to how laws will pay out in dollars and cents. The right is innate in man, the expedencies are for adjustment to it. When men are free to produce and free to market their production, we can feel sure they will do their best work; at least they will have it in their power to pursue their happiness in that regard as they wish to do. Surely this has been shown in America to be the best condition for greatest abundance.

Free
Men
Free Markets

At any rate to the person of spirit, escape from subjection into freedom is a goal worth all the effort in intelligence and strength he can muster. Surely the endowment of intelligence and volition in the human spirit has some meaning. Personally, I think it has a purpose. I think it is for intelligence and good will to accomplish the salvation of the race from the butcheries and destructions that have attended it from the dawn of time.

This brings us to our conclusion. Certainly the happiest person must be the one that can employ his energies to his own liking, and grants such choice to his neighbors in his way. No rule but equality can effect this end.

There are just two ways in which freedom and equality of rights are destroyed: the first is to compel the subject to acts and services against his will; the second

is to restrain him from performing these acts that suit his will. Compulsion and restraint make slavery, their removal makes freedom. In the foundation of America, under conditions unique in the history of the world, the Declaration of Independence, the Constitution of the United States, and its Bill of Rights, were adopted. Roger Williams, William Penn, and Cecil Calvert sought in America a land wherein they could secure their rights to the exercise of their religion, free from the persecutions and interferences of other people. Section I of the Frame of Government of Pennsylvania, prepared with the collaboration of John Locke, was brought to America by William Penn with his first coming. It expressed the purpose of the founding of his colony, and it said: "No man shall be molested for his conscientious persuasion, nor compelled to frequent nor maintain any religious worship." This declaration has been carried in the constitution of Pennsylvania from that time to the present. It has been written into article one of the Amendments stating the Bill of Rights of the Constitution of the United States. There it reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Unfortunately it applies merely to religious molestations.

Extending
Our
Freedom

But there is no reason why coercions and restraints that were removed from religious molestations do not apply with equal force to economic molestations. A man may be a slave or victim to economic compulsions and restraints just as much as he may be to religious compulsions and restraints. But to release him from economic restrictions and coercions is to release his labors and his earnings from the power and disposition of his masters and rulers, whether they be called commissars, politicians, trade unionists, capitalists, monopolists or dictators, or by any other name. They will resist his emancipation to the end. But why should they have legalized power over him to take his earnings, to gratify their ambitions, and to promote their projects? Why should he subject himself to any force except what is necessary to secure the right to every citizen to live unmolested? The use of any other force, with the threat of guns, jails or clubs against him, is not consistent with peace, justice and good will in the world.

It seems to me a Constitutional Amendment, stating "Congress shall make no law respecting an establishment of business, or prohibiting the free operation thereof," would be a start in the right direction.

Additional copies of this speech may be obtained from
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