

A PARADISE FOR TRAMPS.

Such Lowelling Desires to Make the State of Kansas.

The Only People's Party Governor on Earth Issues a Most Remarkable Public Document to Police Commissioners.

TOPEKA, KAN., Dec. 4.—[Special.] Governor Lowelling to-day issued a circular letter to all boards of police commissioners in this state denouncing the present manner of enforcing the vagrancy law and its special application by those in power to the unfortunate poor who are compelled to travel about from place to place without visible means of support.

He intimates that the city authorities are unnecessarily severe on this class of offenders and overzealous in their efforts to collect revenue for the city by consigning such unfortunates to the "rock pile" and "bull pen," sometimes for the simple offense of "sleeping in a box car." He urges the abolition of the custom as a relic of barbarism and suggests that the law be permitted to become obsolete in all the cities of Kansas governed by the Metropolitan police act. The executive letter is as follows:

To All Boards of Police Commissioners.

In the reign of Elizabeth the highways were filled with the throngs of the unemployed poor, who were made to "move on" and were sometimes brutally whipped, sometimes summarily hanged, as "sturdy vagrants" or "incorrigible vagabonds." In France, just previous to the revolution, the punishment of being poor and out of work was, for the first offense, a term of years in the galleys, for the second offense the galleys for life. In this country the monopoly of labor saving machinery and its devotion to selfish instead of social use, have rendered more human beings superfluous until we have a standing army of the unemployed numbering even in the most prosperous times not less than one million able bodied men. Yet, until recently, it was the prevailing notion, as it is yet the notion of all but the work people themselves and those of other classes given to thinking, that whosoever is able bodied and willing to work can always find work to do, and section 571 of the General Statutes of 1889 is a disgraceful reminder how savage even in Kansas has been our treatment of the most unhappy of our human brothers.

The man out of work and penniless is, by this legislation, classed with "confidence men." Under this statute and city ordinances of a similar import, thousands of men, guilty of no crime but poverty, intent upon no crime but that of seeking employment, have languished in city prisons of Kansas or performed unrequited toil upon "rock piles" as municipal slaves, because ignorance of economic conditions had made us cruel. The victims have been the poor and humble for whom the police courts are courts of last resort—they cannot give bond and appeal. They have been unheeded and uncared for by the busy world, which wastes no time visiting prisoners in jails. They have been too poor to litigate with their oppressors, and thus no voice from this underworld of human woe has ever reached the ear of an appellate court, because it is nobody's business to be his brother's keeper.

But those who sit in the seats of power are bound by the highest obligation to especially regard the cause of the oppressed and helpless poor. The first duty of government is to the weak. Power becomes fiendish if it be not the protector and sure reliance of the friendless, to whose complaints all other ears are dumb. It is my duty "to see that the laws are faithfully executed," and among those laws is the constitutional provision that no instrumentality of the state "shall deny to any person within its jurisdiction the equal protection of the laws." And who needs to be told that equal protection of the laws does not prevail where this inhuman vagrancy law is enforced? It separates men into two distinct classes, differentiated as those who are penniless and those who are not, and declares the former criminals.

Only the latter are entitled to the liberty guaranteed by the constitution. To be found in a city "without visible means of support, or some legitimate business," is the involuntary condition of some millions at this moment, and under the law we proceed to punish them for being victims to conditions which we as a people have forced upon them.

I have noticed in police court reports that "sleeping in a box car" is among the varieties of this heinous crime of being poor. Some police judges have usurped a sovereign power not permitted the highest functionaries of the states or of the nation, and victims of industrial conditions have been peremptorily ordered to leave town.

The right to go freely from place to place, in search of employment or even in obedience to a mere whim, is part of that personal liberty guaranteed by the constitution of the United States to every human being on American soil. Even voluntary idleness is not forbidden. If a Diogenes prefer poverty; if a Columbus choose hunger and the discovery of a new race, rather than seek personal comfort by engaging in "some legitimate business," I am aware of no power in the legislature or in city councils to deny him the right to seek happiness in his own way, so long as he harms no other person.

If men commit offenses let them be arrested and punished, whether rich or poor; but let simple poverty cease to be a crime.

In some cities it is provided by ordinance that if police court fines are not paid or secured the culprit shall be compelled to work out the amount as a municipal slave; and "rock piles" and "bull pens" are provided for the enforcement of these ordinances. And so it appears that this slavery is not imposed as a punishment, but solely as a means of collecting a debt.

Such city ordinances are in flagrant violation of constitutional prohibitions. The "rock pile" and the "bull pen" should never have been used in degrading the friendless and poor.

Let these twin relics of the departed auction block era cease to disgrace the cities of Kansas.

And let the dawn of Christmas day find the "rock pile," the "bull pen" and the crime of being homeless and poor obsolete in all the cities of Kansas governed by the Metropolitan police act.

It is confidently expected that their own regard for constitutional liberty and their humane impulses will induce police commissioners to carry out the spirit as well as the letter of the foregoing suggestions.

L. D. LEWELLING, Governor.