

Whose Home Will Be Safe?

THE NEW REPUBLIC.

There are many serious aspects to the recent raids of state constabulary and private detectives on the offices of the soviet mission, the Rand school and the I. W. W. The possibility of reprisals on American citizens in Russia, the interference of state officials in matters that should properly concern only the federal government, and the tendency of the raids will have to drive moderate and law-abiding radical propaganda into underground and desperate channels are among them. But there is one aspect which overshadows every other and should give the most serious concern to all citizens who believe in law and justice: The raids violate not only the statute law of the state, but the constitution of the United States and the fundamental principles of Anglo-Saxon jurisprudence.

Cooley in his Constitutional Limitations puts the theory of the fourth amendment on an unassailable ground when he says that: "It is better oftentimes that crime should go unpunished than that the citizen should be liable to have his premises invaded, his desks broken open, his private books, letters and papers exposed to prying curiosity, and to the misconstructions of ignorant and suspicious persons—and all this under the direction of a mere ministerial officer, who will select them more often with reference to physical strength and courage than to their sensitive regard for the rights and feelings of others." The fourth amendment is of course only a restraint on federal action, and is in protection against outrages on the part of state officials. But the fourteenth amendment prevents state officials from depriving any person of life, liberty or property without due process of law, and there is a recent decision of the New York supreme court and the federal division of Foster, 139 App. Div. 7691, that an unreasonable search or seizure by state officials is a violation of due process of law under the fourteenth amendment.

But it is unnecessary to appeal to the constitution. The civil rights law of the state of New York (which corresponds to the bill of rights of most of the state constitutions) contains almost verbatim the clause against unreasonable search and seizures contained in the United States constitution. Of course no one will deny that in a proper case a search warrant is a necessary and beneficent instrument of justice. The principles of the common law as well as American statutes and decisions have laid down the rules which govern the conditions under which search warrants can be issued without impugning fundamental rights. It is specifically set forth in section 791-799 of the New York code of criminal procedure that a search warrant can be issued only for stolen property, or for property which has been used for committing a felony or for property "when it is in the possession of any person with the intent to use it as the means of committing a public offense." And it "cannot be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the things, and the place to be searched." And the magistrate is required to examine the complainant on oath and take his deposition in writing, in order to satisfy himself of the truthfulness of the charge. The theory is that when adequate proof is laid before a magistrate that specific things, such as a stolen horse, or liquor illegally sold, or a gambling outfit, is being concealed on certain definitely described premises, it is entirely lawful to order the thing in question seized. It is the roving commission given to search and seize generally correspondence and documents, private files and personal belongings, that outrages constitutional rights.

In view of these principles can there be any doubt that the present New York raids were totally illegal and subversive of fundamental American rights? The case of the soviet bureau may be taken as an example. The affidavit upon which the search warrant was issued charges generally that the bureau "is engaged in the distribution of literature calculated to stimulate revolutionary activities in this state." And that through the means of documents, books and papers in its possession "it is the intention of the said bureau to incite to disorder, breach of the peace, violence and general revolutionary activity among the people of this state." There is not a trace of evidence in the affidavit to back up this general charge, and so far as has publicly appeared, the magistrate, in violation of the law, failed to examine the complainant to establish its truth. The only specific fact alleged in the affidavit is that the complainant picked up a typewritten document from the floor of the bureau, entitled "Grooms from Omsk," apparently being a call to the workmen of Omsk to establish a soviet form of government. There is not a shadow of evidence in the affidavit to back up the general charge that this or any other document was to be used for any illegal purpose. This is not "probable cause, supported by affidavit," but the vaguest suspicion.

Thus the necessary constitutional foundation for issuing a warrant at all was totally absent. But even if it existed, the warrant itself was on its face illegal and void. It did not "particularly describe" the property to be seized, but authorized seizure of "all documents, circulars and papers printed or typewritten having to do with socialist, labor, revolutionary or bolshevik activities; all books, letters and papers pertaining to the activities of said bureau; all circulars and literature of any sort, kind or character in said premises." This is no particular description of a thing used for illegal purposes; it is a general

New Profession for Returned Soldiers

Among the "Opportunity Monographs" issued by the federal board for vocational education for the guidance of disabled soldiers in making a choice of training to be furnished without charge by the board, is one on "The Practice of Optometry and the Training It Requires." Optometry, it may be said, is a new profession, although it has been practiced for many years, and is now legally recognized and controlled in 43 states as well as a number of foreign countries and provinces.

much eye fatigue in five hours as others will in 10; and employers are now recognizing their own advantage. Thus the field of usefulness and profit for optometrists is ever enlarging. A Colorado woman who has been practicing optometry for a number of years sums up some of the advantages of this profession in the following words: "There are fewer objectionable features, and more to commend the practice of optometry than in any other profession or semi-profession. No midnight calls, as in the case of the physician; no direct contact, as in osteopathy, or chiropractic; no proximity to offensive breath, as in dentistry. Variety and fascination attach to the work, besides the joy that comes with doing something which relieves suffering and is beneficial to humanity. The time required for preparation and getting established is somewhat less than for other professions; the expense incurred is more moderate."

What Is an Optometrist? An "Optometrist," as explained in this monograph, examines eyes for the detection and correction of visual or muscular defects not requiring surgical attention. He uses no drugs; he does not treat diseases of the eye, nor does he practice surgery. To one not familiar with optical science it may be difficult to comprehend, then, what the work of the optometrist includes. Comparison of his work with two better known and somewhat related vocations—that of the oculist and that of the optician—will perhaps be the quickest method of explaining the practice of optometry. First, let it be understood that the human eye may be considered as a camera, similar to a camera, as well as an organ subject to diseases like any other part of the body. An oculist (a physician who specializes on the eye) deals both with refraction and muscular deficiencies, and with pathological or diseased conditions. An optician grinds the lenses and puts together the necessary fittings to form the eyeglasses prescribed by the oculist or the optometrist.

The word "optometry" is made up of two Greek words; *optos*, visible, and *metron*, a measure, meaning the measurement of the visual powers. Examination for detection of visual deficiencies includes tests by the use of charts and of certain precise measuring instruments. For example, one instrument permits inspection of the interior of the eye; another, measurement of the curvature of the cornea; still another, the field of vision. With the data obtained by the intelligent use of all these instruments the optometrist can determine the nature of the lenses required to correct any refractive errors found. Formerly glasses were given merely as an aid to vision, now they are prescribed for the relief of strain and its resultant symptoms, such as headache, etc. They are also supplied for efficiency and protection purposes to factory employees, for some workmen without glasses will exhibit as



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SAY YOU SAW IT IN THE BULLETIN

TREASURE TAKEN FROM GERMANY

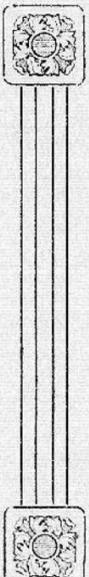
Profiteers and Others Taking Money and Securities Out of Country. Switzerland Is Benefited.

By CARL D. GROAT (United Press Staff Correspondent.) Berlin.—(By Mail).—Switzerland and the Scandinavian countries at present house a vast treasure in German and Austrian securities. Their worth can only be guessed, but it is estimated that they run into many millions of dollars. These securities have been smuggled out of Austria and Germany against the time when their owners would have to help pay the German war indemnities. Because of the movement of these valuable papers, the German government made strong protests in the course of the peace negotiations. It is reported that a vast sum of money had gone out of the country, which, without the aid of the entente in recovering, probably could not be reached. The securities were taken out by wealthy men who desired to escape their share of the burdens arising from peace payments. In some cases, airplanes were used to take out great stores of securities. In other cases, directly after the armistice, it was possible for the wealthy to pack up their tangible assets and move quietly into Switzerland, or some other neutral country, where the securities were safely stored away until the return of the German government. Only today there came news from Vienna of a considerable movement of Austrian and Hungarian paper out of the country. One estimate was that recently \$1,000,000,000 worth of notes and other securities had been smuggled out of the country with quietest discretion. It is said that the movement had the same purpose behind it as the earlier German smuggling. The government is now seeking to it that no great sums of money or paper are allowed to slip through the boundaries unless for legitimate purposes. Germany complains that her ability to meet foreign claims has been materially decreased by the acts of war-swollen profiteers and wealthy citizens who chose to take their wealth away rather than aid in rebuilding Germany, wherein these profits were made. Incidentally, Switzerland and the other neutral countries have made vast profits through the war; while the access of wealthy Germans with their fortunes makes money flow rather freely. Switzerland has been for some time the playground of Europe, owing to the closing of other resorts on account of the war. It is now necessary to obtain special permits to enter the country for pleasure or business purposes.

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