

# THE DEBS DECISION

*By*  
SCOTT NEARING

Published by  
THE RAND SCHOOL OF SOCIAL SCIENCE  
New York City.

Copyright  
RAND SCHOOL OF SOCIAL SCIENCE  
7 East 15th Street  
New York  
1919

# THE DEBS DECISION

*By*

SCOTT NEARING

---

## 1. THE SUPREME COURT

The Supreme Court of the United States on March 10, 1919, handed down a decision on the Debs case. That decision is far-reaching in its immediate significance and still more far-reaching in its ultimate implications.

What is the Supreme Court of the United States?

Article III, Section I of the Constitution provides as follows:

“The judicial power of the United States shall be vested in one Supreme Court. . . . The judges shall hold their offices during good behavior.”

The judges are appointed by the President and confirmed by the Senate (Article XII, Section II). That is all the constitution provides with regard to the Supreme Court.

At the present time, there are nine judges on the Supreme bench. It might interest you to know some facts about the nine. All of the judges are men. The chief justice is Edward D. White, who was born in 1845 and admitted to the bar in 1868. He is seventy-three years of age. His birth-place was Louisiana. He served in the Confederate Army, in the State Senate, in the State Supreme Court and

in the United States Senate. He has been a member of the Supreme Court for twenty-five years. Joseph McKenna, is the second member in point of seniority. He was born in 1843. He was admitted to the bar in 1865. His birth-place is Philadelphia. He was a county District Attorney, a member of the State Legislature, a member of the national House of Representatives, attorney-general of the United States and a United States Circuit Judge. He has been a member of the Supreme Court for twenty-two years. Oliver W. Holmes, the Justice who read the Debs decision, was born in Boston in 1841. He is seventy-seven years of age. He was admitted to the bar in 1866. Justice Holmes served in the Union Army; he was a member of the Supreme Court of Massachusetts and a member of the Harvard Law School Faculty. He has been a member of the Supreme Court for seventeen years. Those are the three oldest men on the Supreme bench. They are the three men who have been on the bench longest, but their political background is typical of the political background of the other members of the Supreme Court, with the single exception of Justice Louis D. Brandeis, who as far as I know, held no public office at all before he was appointed a justice of the Supreme Court three years ago.

The nine members of the Supreme Court are all old men. Four of them were born before 1850; eight of them were born before 1860; one of them was born since 1861, that is, James C. McReynolds, who was born in 1862. There is not a single member of the Supreme Court bench born since the Civil War. The oldest man on the bench is Justice Holmes, seventy-seven; the youngest man on the bench is Justice McReynolds, fifty-seven; the average ages of the justices of the Supreme Court is sixty-six years. These men all began practicing law while we were children, or before we were born. Three of them

began the practice of law before 1870; six of them began to practice law before 1880; nine of them before 1884. The last member of the Supreme bench to be admitted to the practice of law, Justice McReynolds, was admitted in 1884.

The Supreme Court Justices were educated in the generation preceding the modern epoch of financial imperialism. They were mature when the industrial order as we know it today, was established. They are the men whose word is the word of final authority in all the affairs concerning the government of the United States.

The Supreme Court, not because the Constitution grants it the power, but because successive decisions of the Court have established that precedent, has the right to veto any piece of legislation passed by Congress and signed by the President. The Supreme Court is the voice of final authority in the affairs of the government of the United States. After it has spoken, there is no further authority under the machinery of this government.

The Debs Case came before the Supreme Court. The Supreme Court has given its decision. Eugene V. Debs goes to jail for ten years. Under the existing order of government, there is no appeal from this decision, except an appeal to arbitrary executive clemency.

## 2. THE CANTON SPEECH

The Debs Case arose over a speech made by Debs in Canton, Ohio, June 16th, 1918. The speech was made before the State Socialist Convention, where Debs was talking to his comrades in the Socialist movement. The main parts of this speech, as printed in the indictment under which Debs was convicted, are as follows:

“I have just returned from a visit from yonder, (pointing to workhouse) where three of our most loyal comrades are paying the penalty for their devotion to the cause of the working class. They have come to realize, as many of us have, that it is extremely dangerous to exercise the constitutional right of free speech in a country fighting to make democracy safe for the world. I realize in speaking to you this afternoon that there are certain limitations placed upon the right of free speech. I must be extremely careful, prudent, as to what I say, and even more careful and prudent as to how I say it. I may not be able to say all I think, but I am not going to say anything I do not think. And I would rather a thousand times be a free soul in jail than a sycophant or coward on the streets. They may put those boys in jail and some of the rest of us in jail, but they cannot put the Socialist movement in jail. Those prison bars separate their bodies from ours, but their souls are here this afternoon. They are simply paying the penalty that all men have paid in all of the ages of history for standing erect and seeking to pave the way for better conditions for mankind.

“If it had not been for the men and women who, in the past, have had the moral courage to go to jail, we would still be in the jungles.

“Why should a Socialist be discouraged on the eve of the greatest triumph of all the history of the Socialist movement? It is true that these are anxious, trying days for us all, testing those who are upholding the banner of the working class in the greatest struggle the world has ever known against the exploiters of the world; a time in which the weak, the cowardly, will falter and fail and desert. They lack the fibre to endure the revolutionary test. They fall away. They disappear as if they had never been.

“On the other hand, they who are animated with the unconquerable spirit of the Social revolution, they who have the moral courage to stand erect, to assert their convictions, to stand by them, to go to jail or to hell for them—they are writing their names in this crucial hour, they are writing their names in fadeless letters in the history of mankind. Those boys over yonder, those comrades of ours—and how I love them—aye, they are our younger brothers, their names are seared in our souls.

“I am proud of them. They are there for us and we are here for them. Their lips, though temporarily mute, are more eloquent than ever before, and their voices, though silent, are heard around the world.

“Are we opposed to Prussian militarism? Why, we have been fighting it since the day the Socialistic movement was born and we are going to continue to fight it today and until it is wiped from the face of the earth.

“The other day they sent a woman to Wichita Penitentiary for ten years. Just think of sentencing a woman to the penitentiary for talking. The United States under the rule of the plutocrats is the only country which would send a woman to the penitentiary for ten years for exercising the right to free speech. If this be treason, let them make the most of it. Let me review another bit of history. I have known this woman for ten years. Personally I know her as if she were my own younger sister. She is a woman of absolute integrity. She is a woman of courage. She is a woman of unimpeachable loyalty to the Socialist movement. She went out into Dakota and made her speech, followed by plain-clothes men in the service of the government, intent upon encompassing her arrest, prosecuted and convicted. She made a certain speech and that

speech was deliberately misrepresented for the purpose of securing her conviction. The only testimony was that of a hired witness. And thirty farmers who went to Bismark to testify in her favor, the judge refused to allow to testify. This would seem incredible to me if I had not some experience of my own with a Federal Court. Who appoints the Federal Courts? The people? Every solitary one of them holds his position through influence and power of corporation capital. And when they go to the bench, they go there not to serve the people, but to serve the interests who sent them. The other day, by a vote of five to four, they declared the Child Labor Law unconstitutional; a law secured after twenty years of education and agitation by all kinds of people, and yet by a majority of one, the Supreme Court, a body of corporation lawyers, with just one solitary exception, wiped it from the Statute books, so that we may still continue to grind the blood of little children into profit for the Junkers of Wall Street, and this in a country that is now fighting to make democracy safe for the world. These are not palatable truths to them. And they do not want you to hear them and that is why they brand us as traitors and disloyalists. If we were not traitors to the people, we would be eminently respectable citizens and ride in limousines. It is precisely because we are disloyal to the traitors that we are not disloyal to the people of this country.

“How short-sighted the ruling class is. The exploiter cannot see beyond the end of his nose. He has just been cunning enough to know what graft is and where it is, but he has no vision. You know this is a great throbbing world that speaks out in all directions. Look at Rockefeller. Every move he makes hastens the coming of his doom. Every time the capitalist class tries to hinder the cause of Socialism they hurt themselves. Every time they strangle

a Socialist newspaper they add a thousand voices to those which are aiding Socialism. The Socialist has a great idea. An expanding philosophy. It is spreading over the face of the earth. It is as useless to resist it as it is to resist the rising sun. Can you see it? If you cannot you are lacking in vision, in understanding. What a privilege it is to serve it. I have regretted a thousand times I can do so little for the movement that has done so much for me. The little that I am, the little that I am hoping to be, is due wholly to the Socialist movement. It gave me my ideas and my ideals, and I would not exchange one of them for all the Rockefeller blood-stained dollars. It taught me how to serve; a lesson to me of priceless value. It taught the ecstasy of the hand-clasp of the comrade. It made it possible for me to get in touch with you, to multiply myself over and over again; to open the avenue; to spread out the glorious vistas; to know that I am kin with all that throbs; with all who become class conscious. Every man who toils, everyone of them, is my comrade. To serve them is the highest duty of my life. And in their service I can feel myself expanding. I rise to the stature of a man. Yes, my heart is attuned to yours. All of our hearts are melted into one great heart which throbs to the response of the people.

“Here I hear your heart beats responsive to the Bolsheviki of Russia. (Applause) Yes, those heroic men and women, those unconquerable comrades, who have by their sacrifice added fresh lustre to the international movement. Those Russian comrades who have made greater sacrifices, who have suffered more, who have shed more heroic blood than any like number of men and women anywhere else on earth. They have led the first real convention of any democracy that ever drew breath. The first act of that memorable revolution was to proclaim a state of peace

with an appeal not to the kings, not to the rulers, but an appeal to the people of all nations. They are the very breath of democracy; the quintessence of freedom. They made their appeal to the people of all nations, the Allies as well as the Central Powers, to send representatives to lay down terms of a peace that should be lasting. Here was a fine opportunity to strike a blow to make democracy safe to the world. Was there any response to that noble appeal? And here let me say that appeal will be written in letters of gold in the history of the world. While it has been charged that the leader made a traitorous peace with Germany, let us consider this proposition briefly. At the time of the revolution, Russia had lost 4,000,000 of her soldiers. She was absolutely bankrupt. Her soldiers were without arms. This was what was bequeathed to the revolution by the Czar. For this condition, Leon Trotsky was not responsible nor was the Bolshevik movement, but the Czar was.

“When Leon Trotsky came into power, he found the secret treaties made between the French government and the British government and the Italian government which was to divide the territory of the Central Powers if the Allies were victorious, and these secret treaties have not been repudiated up to this time. Very little has been said about them in the American newspapers. This shows that the purpose of the Allies is exactly the purpose of the Central Powers.

“Wars have been waged for conquests, for plunder, and since the feudal ages, the feudal lords along the Rhine made war upon each other. They wanted to enlarge their domains, to increase their power and their wealth and so they declared war upon each other. But they did not go to war any more than the Wall Street Junkers go to war. Their predecessors declared the wars, but their miserable serfs

fought the wars. The serfs believed that it was their patriotic duty to fall upon one another, to wage war upon one another. And that is war in a nut shell. The master class has always brought a war and the subject class has fought the battle. The master class has had all to gain and nothing to lose, and the subject class has had all to lose and nothing to gain. They have always taught you that it is your patriotic duty to go to war and slaughter yourselves at their command. You have never had a voice in the war. The working class who make the sacrifices, who shed the blood, have never yet had a voice in declaring war. The ruling class has always made the war and made the peace.

“Yours not to question why,  
Yours but to do and die.

“Another bit of history I want to review is that of Rose Pastor Stokes, another inspiring comrade. She had her millions of dollars. Her devotion to the cause is without all consideration of a financial or economic view. She went out to render service to the cause and they sent her to the penitentiary for ten years. What has she said? Nothing more than I have said here this afternoon. I want to say that if Rose Pastor Stokes is guilty, so am I. If she should be sent to the penitentiary for ten years, so ought I. What did she say? She said that a government could not serve both the profiteers and the employees of the profiteers. Roosevelt has said a thousand times more in his paper, the *Kansas City Star*. He would do everything possible to discredit Wilson’s administration in order to give his party credit. The Republican and Democratic parties are all patriots this fall and they are going to combine to prevent the election of any disloyal Socialists. Do you know of any difference between them? One is in, the other is out. That is all the difference.

“Rose Pastor Stokes never said a word she did not have a right to utter, but her message opened the eyes of the people. That must be suppressed. That voice must be silenced. Her trial in a capitalist court was very farcical. What chance had she in a corporation court with a put-up jury and a corporation tool on the bench?

“Every Socialist on the face of the earth is animated by the same principles. Everywhere they have the same noble idea, everywhere they are calling one another ‘comrade,’ the noblest word that springs from the heart and soul of unity. The word ‘comrade’ is getting us into closer touch all along the battle line. They are waging the war of the working class against the ruling class of the world. They conquer difficulties; they grow stronger through them all.

“The heart of the international Socialist never beats a retreat. They are pressing forward here, there, everywhere, in all the zones that girdle this globe. These workers, these class-conscious workers, these children of honest toil are wiping out the boundary lines everywhere. They are proclaiming the glad tidings of the coming emancipation. Everywhere they are having their hearts attuned to the sacred cause; everywhere they are moving toward democracy, moving toward the sunrise, their faces aglow with the light of coming day. These are the men who must guide us in the greatest crisis the world has ever known. They are making history. They are bound upon the emancipating of the human race.

“Few men have the courage to say a decent word in favor of the I. W. W. I have. (Here several in the crowd yelled, ‘So have I.’)

After long investigation by five men who are not Socialists: John Graham Brooks, Harvard University, Mr. Bruere, Government investigator (other

names not noted). A pamphlet has been issued called "The Truth About the I. W. W."

"These men investigated the I. W. W. They have examined its doings, beginning at Bisbee, Arizona, where the officers deported five hundred. It is only necessary to label a man, 'I. W. W.' to lynch him. Just think of the state of mind for which the capitalist press is responsible.

"When Wall Street yells war, you may rest assured every pulpit in the land will yell war. The press and the pulpit have in every age and every nation been on the side of the exploiting class and the ruling class. That's why the I. W. W. is infamous.

"The I. W. W. in its career has never committed as much violence against the ruling class as the ruling class has committed against the people. The trial at Chicago is now on and they have not proven violence in a single solitary case, and yet, one hundred and twelve have been on trial for months and months without a shade of evidence. And this is all in its favor. And for this and many other reasons, the I. W. W. is fighting the fight of the bottom dog. For the very reason that Gompers is glorified by Wall Street, Bill Haywood is despised by Wall Street. What you need is greater organization.

"In the shop is where the industrial union has its beginning. Organize. Define your capacity. Act together. And when you organize industrially you will soon learn that you can manage industry as well as operate industry. You will find that you do not have to take work from them; you give them work to do. You can dispense with them. You ought to own your own tools. Organize industrially. Make the organization complete. Unite in the Socialist party. Vote as you organize. Stand with your party. See that that party improves the working

class, especially this year when the forces will clash as they have never clashed before. Take your place in the ranks. Help to inspire the weak and strengthen the faltering. Then, when we vote together we will develop the supreme power of the one class that can bring peace to the world. We will transfer the title deeds of the railroads, of the telegraphs, the mines and the mills. We will transfer them to the people. We will take possession in the name of the people. We will have industrial, social and political democracy. This change will be universal.

“And now for all of us to do our duty. The call is ringing in your ears. Do not worry over the charge of treason to your masters, but be concerned about the reason that involves yourself. This year we are going to sweep into power and in this nation we are going to destroy capitalistic institutions and recreate them. . . . The world of capital is collapsing. We need industrial builders. We Socialists are the builders of the world that is to be. We are inviting you this afternoon. Join and it will help you.

“In due course of time we will proclaim the emancipation of the brotherhood of all mankind.”

### 3. THE DAY BEFORE THE TRIAL

These were the essential parts of the speech which Debs made at Canton. He was indicted. On Monday, September 9th, the case went to trial in Cleveland.

I happened to be out West at the time, and on Sunday, September 8th, I had the opportunity of spending the afternoon with Debs and his attorney and of hearing him review the case. The case was discussed, the attorneys presenting the various possibilities. Debs made it quite clear that there was

only one thing he could do and that was to repeat his Canton speech. He said, "I have nothing to take back. All I said I believe to be true. I have no reason to change my mind. I have no reason to change my position." His lawyers knew and he knew on Sunday that the following week would see him sentenced to the penitentiary.

He spoke of it in his quiet way as his simple opportunity to serve the cause. He said that he had always felt like a member of the rank and file, and now he had his chance to travel along the road the ordinary man had to follow, under ordinary circumstances—to go right on along the road and ignore the difficulties that were ahead. He was an old man, broken in health, facing, without flinching, without budging an eyelid, a possibility of twenty years in jail.

I remember leaving the Hotel that afternoon and walking down to the station and saying to myself: "If that man can behave as he does, there is surely no excuse for us younger chaps" and I felt then as I have felt ever since that I never in my life came in contact with so radiant a spirit as I did that afternoon when Debs was getting ready to take his place in the Federal Court and receive a penitentiary sentence.

#### 4. DEBS ADDRESSES THE JURY

When the prosecution had finished with its case, the defense rested, and Debs addressed the jury in his own behalf. In that speech to the jury he said again the things that he had said at Canton, and then he added other things that a jury of old men, who had never heard about Socialism, should know about the purposes of the Socialist movement. Here are some of the more important passages as taken from the records of the court stenographer:

“May it please the Court, and Gentlemen of the Jury:

“For the first time in my life I appear before a jury in a court of law to answer to an indictment for crime. I am not a lawyer. I know little about court procedure, about the rules of evidence or legal practice. I know only that you gentlemen are to hear the evidence brought against me, that the Court is to instruct you in the law, and that you are then to determine by your verdict whether I shall be branded with criminal guilt and be consigned, perhaps to the end of my life, in a felon’s cell.

“Gentlemen, I do not fear to face you in this hour of accusation, nor do I shrink from the consequences of my utterances or my acts. Standing before you, charged as I am with crime, I can yet look the Court in the face, I can look you in the face, I can look the world in the face, for in my conscience, in my soul, there is festering no accusation of guilt.

“Gentlemen, you have heard the report of my speech at Canton on June 16th, and I submit that there is not a word in that speech to warrant these charges. I admit having delivered the speech. I admit the accuracy of the speech in all of its main features as reported in this proceeding. There were two distinct reports. They vary somewhat but they are agreed upon all of the material statements embodied in that speech.

“In what I had to say there, my purpose was to educate the people to understand something about the social system in which we live, and to prepare them to change this system by perfectly peaceable and orderly means into what I, as a Socialist, conceive to be a real democracy.

“From what you heard in the address of counsel for the prosecution, you might naturally infer that I am an advocate of force and violence. It is not true. I have never advocated violence in any form. I always

believed in education, in intelligence, in enlightenment, and I have always made my appeal to the reason and to the conscience of the people.

“I admit being opposed to the present form of government. I admit being opposed to the present social system. I am doing what little I can, and have been for many years, to bring about a change that shall do away with the rule of the great body of the people by a relatively small class and establish in this country an industrial social democracy.

“In the course of the speech that resulted in this indictment, I am charged with having expressed sympathy for Kate Richards O’Hare, for Rose Pastor Stokes, for Ruthenberg, Wagenknecht and Baker. I did express my perfect sympathy with these comrades of mine. I have known them for many years. I have every reason to believe in their integrity, every reason to look upon them with respect, with confidence, and with approval.

“I have been accused of expressing sympathy for the Bolsheviki of Russia. I plead guilty to the charge. I have read a great deal about the Bolsheviki of Russia that is not true. I happen to know of my own knowledge that they have been grossly misrepresented by the press of this country. Who are these much-maligned revolutionists of Russia? For years they had been the victims of a brutal Czar. They and their antecedents were sent to Siberia, lashed with a knout, if they even dreamed of freedom. At last the hour struck for a great change. The revolution came. The Czar was overthrown and his infamous régime ended. What followed? The common people of Russia came into power, the peasants, the toilers, the soldiers, and they proceeded as best they could to establish a government of the people.

“It may be that the much-despised Bolsheviki may fail at last, but let me say to you that they have writ-

ten a chapter of glorious history. It will stand to their eternal credit. Their leaders are now denounced as criminals and outlaws. Let me remind you that there was a time when George Washington, who is now revered as the father of his country, was denounced as a disloyalist, when Sam Adams, who is known to us as the father of the American Revolution, was condemned as an incendiary, and Patrick Henry, who delivered that inspired and inspiring oration that aroused the colonists, was condemned as a traitor.

“They were misunderstood at the time. They stood true to themselves, and they won an immortality of gratitude and glory.

— “When great changes occur in history, when great principles are involved, as a rule the majority are wrong. The minority are right. In every age there have been a few heroic souls who have been in advance of their time, who have been misunderstood, maligned, persecuted, sometimes put to death. Long after their martyrdom monuments were erected to them and garlands were woven for their graves.

— “I have been accused of having obstructed the war. I admit it. Gentlemen, I abhor war. I would oppose the war if I stood alone. When I think of a cold, glittering steel bayonet being plunged in the white, quivering flesh of a human being, I recoil with horror. I have often wondered if I could take the life of my fellow men, even to save my own.

“Men talk about holy wars. There are none. Let me remind you that it was Benjamin Franklin who said, “There never was a good war or a bad peace.”

“Napoleon Bonaparte was a high authority upon the subject of war. And when in his last days he was chained to the rock of St. Helena, when he felt the skeleton hand of death reaching for him, he cried

out in horror, "War is the trade of savages and barbarians."

"I have read some history. I know that it is ruling classes that make war upon one another, and not the people. In all of the history of this world the people have never yet declared a war. Not one. I do not believe that really civilized nations would murder one another. I would refuse to kill a human being on my own account. Why should I at the command of anyone else or at the command of any power on earth?

"Twenty centuries ago one appeared upon earth whom we know as the Prince of Peace. He issued a command in which I believe. He said, "Love one another." He did not say, "Kill one another," but "Love one another." He espoused the cause of the suffering poor—just as Rose Pastor Stokes did, just as Kate Richards O'Hare did—and the poor heard him gladly. It was not long before he aroused the ill-will and the hatred of the usurers, the money-changers, the profiteers, the high priests, the lawyers, the judges, the merchants, the bankers—in a word, the ruling class. They said of him just what the ruling class says of the Socialist today. "He is preaching dangerous doctrine. He is inciting the common rabble. He is a menace to peace and order." And they had him arraigned, tried, convicted, condemned, and they had his quivering body spiked to the gates of Jerusalem.

"This has been the tragic history of the race. In the ancient world Socrates sought to teach some new truths to the people, and they made him drink the fatal hemlock. It has been true all along the track of the ages. The men and women who have been in advance, who have had new ideas, new ideals, who have had the courage to attack the established order of things, have all had to pay the same penalty.

“A century and a half ago, when the American colonists were still foreign subjects, and when there were a few men who had faith in the common people and believed that they could rule themselves without a king, in that day to speak against the king was treason. If you read Bancroft or any other standard historian, you will find that a great majority of the colonists believed in the king and actually believed that he had a divine right to rule over them. They had been taught to believe that to say a word against the king, to question his so-called divine right, was sinful. There were ministers who opened their bibles to prove that it was the patriotic duty of the people to loyally serve and support the king. But there were a few men in that day who said, “We don't need a king. We can govern ourselves.” And they began an agitation that has been immortalized in history.

“Washington, Adams, Paine—these were the rebels of their day. At first they were opposed by the people and denounced by the press. You can remember that it was Franklin who said to his compeers, “We have now to hang together or we'll hang separately bye and bye.” And if the Revolution had failed, the revolutionary fathers would have been executed as felons. But it did not fail. Revolutions have a habit of succeeding, when the time comes for them. The revolutionary forefathers were opposed to the form of government in their day. They were denounced, they were condemned. But they had the moral courage to stand erect and defy all the storms of detraction; and that is why they are in history, and that is why the great respectable majority of their day sleep in forgotten graves. The world does not know they ever lived.

“At a later time there began another mighty agitation in this country. It was against an institution

that was deemed a very respectable one in its time, the institution of chattel slavery, that became all-powerful, that controlled the president, both branches of congress, the supreme court, the press, to a very large extent the pulpit. All of the organized forces of society, all the powers of government, upheld chattel slavery in that day. And again a few appeared. One of them was Elijah Lovejoy. Elijah Lovejoy was as much despised in his day as are the leaders of the I. W. W. in our day. Elijah Lovejoy was murdered in cold blood in Alton, Illinois, in 1837, simply because he was opposed to chattel slavery—just as I am opposed to wage slavery. When you go down the Mississippi River and look up at Alton, you see a magnificent white shaft erected there in memory of a man who was true to himself and his convictions of right and duty unto death.

“It was my good fortune to personally know Wendell Phillips. I heard the story of his persecution, in part at least, from his own eloquent lips just a little while before they were silenced in death.

“William Lloyd Garrison, Garret Smith, Thaddeus Stevens—these leaders of the abolition movement, who were regarded as monsters of depravity, were true to the faith and stood their ground. They are all in history. You are teaching your children to revere their memories, while all of their detractors are in oblivion.

“Chattel slavery disappeared. We are not yet free. We are engaged in another mighty agitation today. It is as wide as the world. It is the rise of the toiling and producing masses who are gradually becoming conscious of their interest, their power, as a class, who are organizing industrially and politically, who are slowly but surely developing the economic and political power that is to set them free. They are

still in the minority, but they have learned how to wait, and to bide their time.

“It is because I happen to be in this minority that I stand in your presence today, charged with crime. It is because I believe as the revolutionary fathers believed in their day, that a change was due in the interests of the people, that the time had come for a better form of government, an improved system, a higher social order, a nobler humanity and a grander civilization. This minority that is so much misunderstood and so bitterly maligned, is in alliance with the forces of evolution, and as certain as I stand before you this afternoon, it is but a question of time until this minority will become the conquering majority and inaugurate the greatest change in all of the history of the world. You may hasten the change; you may retard it; you can no more prevent it than you can prevent the coming of the sunrise on the morrow.

“My friend, the assistant prosecutor, doesn't like what I had to say in my speech about internationalism. What is there objectionable to internationalism? If we had internationalism there would be no war. I believe in patriotism. I have never uttered a word against the flag. I love the flag as a symbol of freedom. I object only when that flag is prostituted to base purposes, to sordid ends, by those who, in the name of patriotism, would keep the people in subjection.

“I believe, however, in a wider patriotism. Thomas Paine said, “My country is the world. To do good is my religion.” Garrison said, “My country is the world and all mankind are my countrymen.” That is the essence of internationalism. I believe in it with all of my heart. I believe that nations have been pitted against nations long enough in hatred, in strife, in warfare. I believe there ought to be a

bond of unity between all of these nations. I believe that the human race consists of one great family. I love the people of this country, but I don't hate the people of any country on earth—not even the Germans. I refuse to hate a human being because he happens to be born in some other country. Why should I? To me it does not make any difference where he was born or what the color of his skin may be. Like myself he is the image of his creator. He is a human being endowed with the same faculties, he has the same aspirations, he is entitled to the same rights, and I would infinitely rather serve him and love him than to hate him and kill him.

“We hear a great deal about human brotherhood—a beautiful and inspiring theme. It is preached from a countless number of pulpits. It is vain for us to preach of human brotherhood while we tolerate this social system in which we are a mass of warring units, in which millions of workers have to fight one another for jobs, and millions of business men and professional men have to fight one another for trade, for practice—in which we have individual interests and each is striving to care for himself alone without reference to his fellow men. Human brotherhood is yet to be realized in this world. It never can be under the capitalist-competitive system in which we live.

“Yes; I was opposed to the war. I am perfectly willing, on that count, to be branded as a disloyalist, and if it is a crime under the American law punishable by imprisonment for being opposed to human bloodshed, I am perfectly willing to be clothed in the stripes of a convict and to end my days in a prison cell.

“The War of the Revolution was opposed. The Tory press denounced its leaders as criminals and outlaws. And that is what they were, under the divine right of a king to rule men.

“The War of 1812 was opposed and condemned; the Mexican War was bitterly condemned by Abraham Lincoln, by Charles Sumner, by Daniel Webster and by Henry Clay. That war took place under the Polk administration. These men denounced the President; they condemned his administration; and they said that the war was a crime against humanity. They were not indicted; they were not tried for crime. They are honored today by all of their countrymen. The War of the Rebellion was opposed and condemned. In 1864 the Democratic Party met in convention at Chicago and passed a resolution condemning the war as a failure. What would you say if the Socialist Party were to meet in convention today and condemn the present war as a failure? You charge us with being disloyalists and traitors. Were the Democrats of 1864 disloyalists and traitors because they condemned the war as a failure?

“I believe in the Constitution of the United States. Isn't it strange that we Socialists stand almost alone today in defending the Constitution of the United States. The revolutionary fathers who had been oppressed under king rule understood that free speech and the right of free assemblage by the people were the fundamental principles of democratic government. The very first amendment to the Constitution reads: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” That is perfectly plain English. It can be understood by a child. I believe that the revolutionary fathers meant just what is here stated—that Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

“That is the right that I exercised at Canton on the 16th day of last June; and for the exercise of that right, I now have to answer to this indictment. I believe in the right of free speech, in war as well as in peace. I would not, under any circumstances, gag the lips of my bitterest enemy. I would under no circumstances suppress free speech. It is far more dangerous to attempt to gag the people than to allow them to speak freely of what is in their hearts. I do not go as far as Wendell Phillips did. Wendell Phillips said that the glory of free men is that they trample unjust laws under their feet. That is how they repeal them. If a human being submits to having his lips sealed, to be in silence reduced to vasalage, he may have all else, but he is still lacking in all that dignifies and glorifies real manhood.

“Now, notwithstanding this fundamental provision in the national law, Socialists’ meetings have been broken up all over this country. Socialist speakers have been arrested by hundreds and flung into jail, where many of them are lying now. In some cases not even a charge was lodged against them—guilty of no crime except the crime of attempting to exercise the right guaranteed to them by the Constitution of the United States.

“I have told you that I am no lawyer, but it seems to me that I know enough to know that if Congress enacts any law that conflicts with this provision in the Constitution, that law is void. If the Espionage law finally stands, then the Constitution of the United States is dead. If that law is not the negation of every fundamental principle established by the Constitution, then certainly I am unable to read or to understand the English language.

“War does not come by chance. War is not the result of accident. There is a definite cause for war, especially a modern war. The war that began in

Europe can readily be accounted for. For the last forty years, under this international capitalist system, this exploiting system, these various nations of Europe have been preparing for the inevitable. And why? In all these nations the great industries are owned by a relatively small class. They are operated for the profit of that class. And great abundance is produced by the workers; but their wages will only buy back a small part of their product. What is the result? They have a vast surplus on hand; they have got to export it; they have got to find a foreign market for it. As a result of this, these nations are pitted against each other. They are industrial rivals—competitors. They begin to arm themselves to open, to maintain the market and quickly dispose of their surplus. There is but the one market. All these nations are competitors for it, and sooner or later every war of trade becomes a war of blood.

“Now, where there is exploitation there must be some form of militarism to support it. Wherever you find exploitation you find some form of military force. In a smaller way you find it in this country. It was there long before war was declared. For instance, when the miners out in Colorado entered upon a strike about four years ago, the state militia, that is under the control of the Standard Oil Company, marched upon a camp, where the miners and their wives and children were in tents. And by the way, a report of this strike was issued by the United States Commission on Industrial Relations. When the soldiers approached the camp at Ludlow, where these miners, with their wives and children, were, the miners, to prove that they were patriotic, placed flags above their tents, and when the state militia, that is paid by Rockefeller and controlled by Rockefeller, swooped down upon that camp, the first thing they did was to shoot those United States flags into tatters. Not one of them was indicted or tried because he was a

traitor to his country. Pregnant women were killed, and a number of innocent children slain. This in the United States of America,—the fruit of exploitation. The miners wanted a little more of what they had been producing. But the Standard Oil Company wasn't rich enough. It insisted that all they were entitled to was just enough to keep them in working order. There is slavery for you. And when at last they protested, when they were tormented by hunger, when they saw their children in tatters, they were shot down as if they had been so many vagabond dogs.

“And while I am upon this point, let me say just another word. Working men who organize, and who sometimes commit overt acts, are very often condemned by those who have no conception of the conditions under which they live. How many men are there, for instance, who know anything of their own knowledge about how men work in a lumber camp—a logging camp, a turpentine camp? In this report of the United States Commission on Industrial Relations, you will find the statement proved that peonage existed in the state of Texas. Out of these conditions springs such a thing as the I. W. W.—when men receive a pittance for their pay, when they work like galley slaves for a wage that barely suffices to keep their protesting souls within their tattered bodies. When they can endure the condition no longer, and they make some sort of a demonstration, or perhaps commit acts of violence, how quickly are they condemned by those who do not know anything about the conditions under which they work.

“Five gentlemen of distinction, among them Professor John Graham Brooks, of Harvard University, said that a word that so fills the world as the I. W. W. must have something in it. It must be investigated. And they did investigate it, each along their

own lines; and I wish it were possible for every man and woman in this country to read the result of their investigation. They tell you why and how the I. W. W. was instituted. They tell you, moreover, that the great corporations, such as the Standard Oil Company, such as the Coal Trust, and the Lumber Trust, have, through their agents, committed more crimes against the I. W. W. than the I. W. W. have ever committed against them.

“I was asked not long ago if I was in favor of shooting our soldiers in the back. I said, “No. I would not shoot them in the back. I wouldn’t shoot them at all. I would not have them shot.” Much has been made of a statement that I declared that men were fit for something better than slavery and cannon fodder. I made the statement. I make no attempt to deny it. I meant exactly what I said. Men are fit for something better than slavery and cannon fodder; and the time will come, though I shall not live to see it, when slavery will be wiped from the earth, and when men will marvel that there ever was a time when men who called themselves civilized rushed upon each other like wild beasts and murdered one another, by methods so cruel and barbarous that they defy the power of language to describe. I can hear the shrieks of the soldiers of Europe in my dreams. I have imagination enough to see a battlefield. I can see it strewn with the wrecks of human beings, who but yesterday were in the flush and glory of their young manhood. I can see them at eventide, scattered about in remnants, their limbs torn from their bodies, their eyes gouged out. Yes, I can see them, and I can hear them. I look above and beyond this frightful scene. I think of the mothers who are bowed in the shadow of their last great grief—whose hearts are breaking. And I say to myself: “I am going to do the little that lies in my power to wipe from this earth that terrible scourge of war.”

“If I believed in war I could not be kept out of the first line trenches. I would not be patriotic at long range. I would be honest enough, if I believed in bloodshed, to shed my own. |But I do not believe that the shedding of blood bears any actual testimony to patriotism, to love of country, to civilization. | On the contrary, I believe that warfare in all of its forms is an impeachment of our social order, and a rebuke to our much vaunted Christian civilization.

“And now, gentlemen of the jury, I am not going to detain you too long. I wish to admit everything that has been said respecting me from this witness chair. I wish to admit everything that has been charged against me except what is embraced in the indictment from which I have read to you. I cannot take back a word. I cannot repudiate a sentence. I stand before you guilty of having made this speech. I stand before you prepared to accept the consequences of what there is embraced in that speech. I do not know, I cannot tell, what your verdict may be; nor does it matter much, so far as I am concerned.

“Gentlemen, I am the smallest part of this trial. I have lived long enough to appreciate my own personal insignificance in relation to a great issue, that involves the welfare of the whole people. What you may choose to do to me will be of small consequence after all. I am not on trial here. There is an infinitely greater issue that is being tried today in this court, though you may not be conscious of it. American institutions are on trial here before a court of American citizens. The future will tell.”

## 5. DEBS TALKS TO THE JUDGE

The jury found Eugene Debs guilty and on Saturday morning the judge pronounced sentence. Before the sentence was given, Debs had another oppor-

tunity to tell someone about Socialism—this time it was the judge.

Debs never loses a chance. When the clerk asked him whether he had anything to say he made another Socialist speech. Said he:

“Your Honor, years ago I recognized my kinship with all living beings, and I made up my mind that I was not one bit better than the meanest of earth. I said then, I say now, that while there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free. . . .

“If the law under which I have been convicted is a good law, then there is no reason why sentence should not be pronounced upon me. I listened to all that was said in this court in support and justification of this law, but my mind remains unchanged. I look upon it as a despotic enactment in flagrant conflict with democratic principles and with the spirit of free institutions.

“Your Honor, I have stated in this court that I am opposed to the form of our present Government; that I am opposed to the social system in which we live; that I believed in the change of both—but by perfectly peaceable and orderly means.

“Let me call your attention to the fact this morning that in this system five per cent. of our people own and control two-thirds of our wealth, sixty-five per cent. of the people, embracing the working class who produce all wealth, have but five per cent. to show for it.

“Standing here this morning, I recall my boyhood. At fourteen, I went to work in the railroad shops; at sixteen, I was firing a freight engine on a railroad. I remember all the hardships, all the privations, of that earlier day, and from that time until now, my heart has been with the working class. I could have

been in Congress long ago. I have preferred to go to prison. The choice has been deliberately made. I could not have done otherwise. I have no regret.

“In the struggle—the unceasing struggle—between the toilers and producers and their exploiters, I have tried, as best I might, to serve those among whom I was born, with whom I expect to share my lot until the end of my days.

“I am thinking this morning of the men in the mills and factories; I am thinking of the women who, for a paltry wage, are compelled to work out their lives; of the little children who, in this system, are robbed of their childhood, and in their early, tender years, are seized in the remorseless grasp of mammon, and forced into the industrial dungeons, there to feed the machines while they themselves are being starved body and soul. I can see them dwarfed, diseased, stunted, their little lives broken, and their hopes blasted, because in this high noon of our twentieth century civilization, money is still so much more important than human life. Gold is god and rules in the affairs of men. The little girls, and there are a million of them in this country—this, the most favored land beneath the bending skies, a land in which we have vast areas of rich and fertile soil, material resources in inexhaustible abundance, the most marvelous productive machinery on earth, millions of eager workers ready to apply their labor to that machinery to produce an abundance for every man, woman and child—and if there are still many millions of our people who are the victims of poverty, whose life is a ceaseless struggle all the way from youth to age, until at last death comes to their rescue and stills the aching heart, and lulls the victim to dreamless sleep, it is not the fault of the Almighty, it can't be charged to nature; it is due entirely to an outgrown social system that ought to be abolished, not

only in the interest of the working class, but in a higher interest of all humanity.

“I think of these little children—the girls that are in the textile mills of all description in the East, in the cotton factories of the South—I think of them at work in a vitiated atmosphere. I think of them at work when they ought to be at play or at school; I think that when they do grow up, if they live long enough to approach the marriage state, they are unfit for it. Their nerves are worn out, their tissue is exhausted, their vitality is spent. They have been fed to industry. Their lives have been coined into gold. Their offspring are born tired. That is why there are so many failures in our modern life.

“Your Honor, the five per cent. of the people that I have made reference to, constitute that element that absolutely rules our country. They privately own all our public necessities. They wear no crowns; they wield no sceptres, they sit upon no thrones; and yet they are our economic masters and our political rulers. They control this Government and all of its institutions. They control the courts.

“The five per cent. of our people who own and control all of the sources of wealth, all of the nation’s industries, all of the means of our common life—it is they who declare war; it is they who make peace; it is they who control our destiny. And so long as this is true, we can make no just claim to being a democratic government—a self-governing people.

“I believe, your Honor, in common with all Socialists, that this nation ought to own and control its industries. I believe, as all Socialists do, that all things that are jointly needed and used ought to be jointly owned—that industry, the basis of life, instead of being the private property of the few and operated for their enrichment, ought to be the com-

mon property of all, democratically administered in the interest of all.

“John D. Rockefeller has today an income of sixty million dollars a year, five million dollars a month, two hundred thousand dollars a day. He does not produce a penny of it. I make no attack upon Mr. Rockefeller personally. I do not in the least dislike him. If he were in need, and it were in my power to serve him, I should serve him as gladly as I would any other human being. I have no quarrel with Mr. Rockefeller personally, nor with any other capitalist. I am simply opposing a social order in which it is possible for one man who does absolutely nothing that is useful, to amass a fortune of hundreds of millions of dollars, while millions of men and women who work all of the days of their lives secure barely enough for existence.

“This order of things cannot always endure. I have registered my protest against it. I recognize the feebleness of my effort, but fortunately I am not alone. There are multiplied thousands of others who, like myself, have come to realize that before we may truly enjoy the blessings of civilized life, we must re-organize society upon a mutual and co-operative basis; and to this end we have organized a great economic and political movement that is spread over the face of all the earth.

“There are today upwards of sixty million Socialists, loyal, devoted, adherents to this cause, regardless of nationality, race, creed, color or sex. They are all making common cause. They are all spreading the propaganda of the new social order. They are waiting, watching and working through all the weary hours of the day and night. They are still in the minority. They have learned how to be patient and abide their time. They feel—they know, indeed—that the time is coming in spite of all oppo-

sition, all persecution, when this emancipating gospel will spread among all the peoples, and when this minority will become the triumphant majority and, sweeping into power, inaugurate the greatest change in history.

“In that day we will have the universal commonwealth—not the destruction of the nation, but, on the contrary, the harmonious co-operation of every nation with every other nation on earth. In that day war will curse this earth no more.

“Your Honor, I ask no mercy. I plead for no immunity. I realize that finally the right must prevail. I never more clearly comprehended than now the great struggle between the powers of greed on the one hand and upon the other the rising hosts of freedom.

“I can see the dawn of a better day of humanity. The people are awakening. In due course of time they will come to their own.

“When the mariner, sailing over tropic seas, looks for relief from his weary watch, he turns his eyes toward the southern cross, burning luridly above the tempest-vexed ocean. As the midnight approaches, the southern cross begins to bend, and the whirling worlds change their places, and with starry finger-points the Almighty marks the passage of time upon the dial of the universe, and though no bell may beat the glad tidings, the look-out knows that the midnight is passing—that relief and rest are close at hand.

“Let the people take heart and hope everywhere, for the cross is bending, the midnight is passing, and joy cometh with the morning. . . .

“Your Honor, I thank you, and I thank all of this court for their courtesy, for their kindness, which I shall remember always.

“I am prepared to receive your sentence.”

Whereupon the judge sentenced Eugene Debs to ten years in the West Virginia Penitentiary—the penitentiary at Atlanta being too crowded to receive him.

## 6. THE APPEAL

An appeal was taken to the Supreme Court of the United States and was argued on the ground that the Espionage Act was unconstitutional. No act was charged against Debs, except the Canton speech. In that speech he had simply stated what he had said a thousand times before, but the Court held that under the Espionage Act a man who made a speech, the probable result of which was to create mutiny or to hinder recruiting and enlistment—was guilty, providing that he did it knowingly and wilfully. The jury had to decide first, that he had done something, the probable result of which was to create mutiny or to hinder recruiting and enlistment, and then if he had done it, that it was done with intent, knowingly and wilfully. The jury had found Debs guilty under these circumstances.

Debs was an American, and as an American he relied upon a certain guarantee contained in the First Amendment to the Constitution; “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.” Debs, as an American citizen, relied upon that guarantee, and his lawyers, in making the appeal, relied upon that guarantee.

Over and against that guarantee was the Espionage Act passed originally in 1917—June 15th—and amended June 16, 1918.

The language of the original act was as follows:

(Title I, Sec. 3.) "Whoever, when the United States is at war, shall (1) wilfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, (2) shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall (3) wilfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both."

The Amended Act was far more drastic:

"Whoever, when the United States is at war, shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall wilfully make or convey false reports or false statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall wilfully cause, or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall wilfully utter, print, write or publish any disloyal, profane, scurrilous or abusive language about the form of govern-

ment of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall wilfully utter, print, write or publish any language intended to incite, provoke or encourage resistance to the United States, or to promote the cause of its enemies, or shall wilfully display the flag of any foreign enemy, or shall wilfully, by utterance, writing, printing, publication or language spoken, urge, incite or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall wilfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall, by word or act, support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both." . . .

There you have two pieces of legislation. On the one hand, the Constitution provides immunity, and on the other hand, the Espionage Act provides a penalty for the expression of opinion.

The Supreme Court on the 10th of March handed down its decision. The decision was read by Justice Holmes and concurred in by the entire court.

## 7. THE SUPREME COURT DECISION

The substance of the decision is contained in the following sentences:

“The main theme of the speech was Socialism, its growth and a prophecy of its ultimate success. With that we have nothing to do, but if a part or the manifest intent of the more general utterances was to encourage those present to obstruct recruiting service, and if in passages such encouragement was directly given, the immunity of the general theme may not be enough to protect the speech.”

Justice Holmes concludes, after a review of the case, that the immunity, under the First Amendment, did not protect the speech. In that argument, he referred to a decision which had been handed down on the 3rd of March known as the Schenk Case—another Espionage Act case—in which this point concerning the immunity under the First Amendment was stated at length by Justice Holmes in this language:

“We admit that in many places and in ordinary times, the defendants would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. . . . The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”

That is the Debs decision. That is the method in which the Supreme Court handled the popular liberties guaranteed under the First Amendment. The Court might have thrown the Espionage Act out under the First Amendment as it threw out the Child Labor Law. The Court might have ruled this act unconstitutional. The Court did not decide that Congress had no right to pass the Espionage Act. The Court

did not think that since Congress had passed the Espionage Act, Schenck had no right to make his speech. What are the implications of this position of the Supreme Court? "Congress shall make no law abridging the freedom of speech," says the Constitution. Congress passes a law abridging the freedom of speech, and the Supreme Court holds that the Courts, in interpreting the Constitution, must bear in mind the law that Congress has passed. We had thought that the Constitutional guarantee was superior to any law that Congress might pass, but the Court specifically holds in the Schenk Case that if "the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." Then the First Amendment affords no protection.

Congress is made the arbiter. Congress now decides what may be said and what may not be said.

This means that the Constitution does not guarantee personal liberty. Speech is free, if you keep within the laws passed by Congress, not otherwise. "Congress shall make no law abridging the freedom of speech," declares the Constitution. Speech is free, says the Court, if you obey the laws passed by Congress. What is the result? If the United States enters the League of Nations as a constituent part of it, and if the League of Nations carries on a series of minor wars, this country will be at war perhaps for fifty years, and during that time free speech will be banned under this decision of the Supreme Court; during that time the Espionage Act will operate; there will be no free speech in the United States.

Congress—under this decision—might pass a law making it a crime to advocate the establishment of industrial democracy in the United States, and from

the time that law was passed, any man who advocated industrial democracy in the United States would have no immunity under the First Amendment.

Congress might pass a law making it a crime to demand that the Courts of the United States be abolished, and from that time no person could advocate the abolition of the United States Courts without violating the law.

Congress might make it a criminal offense to criticize the President and from that day forward no person could criticize the President without violating the law.

This decision makes Congress, not the Constitution, the arbiter of the limits of freedom of expression; therefore, we must conclude that neither the Courts of the United States, nor the Constitution of the United States can be relied upon to guarantee the American people the right of free speech. Thus, freedom of discussion is ended. Democracy in the United States is dead. The Supreme Court on the 10th of March, in the Debs' case, wrote its epitaph.

A little thought will reveal the seriousness of the situation. A little reflection will show the position in which the American people find themselves, with regard to personal liberties, since the tenth of March, 1919.

## 8. THE CLASS STRUGGLE AGAIN!

Classes have come and classes have gone down through the pages of history. Whenever the position of a ruling class has been threatened, the ruling class has crucified the truth-tellers.

Compared with the necessity of protecting ruling class privileges and prerogatives, the right of a man to express his mind goes for nothing. That is the

lesson of history and that is what we are witnessing today. Men who have stirred up the people; men who have raised their voices in protest; men who thought straight; men who have loved their fellow men too much; men who have had conviction and courage and purpose; men who were willing to stick by their ideals—such men have suffered in every age.

Eugene V. Debs has stirred up the people all his life. Since he was a boy firing a locomotive engine, he has been an agitator. He has always stood for justice, for liberty and brotherhood. He has loved his fellow men; he has been gentle and sincere; he has been devoted to what he regards as the greatest cause in the world. On this war he has stood like granite, unwavering and unflinching, voicing the protest of the masses who had no voice with which to speak. He has uttered what they believed.

The preachers who deserted their flocks; the teachers who betrayed their trust; the editors who took their 30 pieces of silver in these last few years—they are free; they are honored; they are respected. But this man who thought straight; who loved his fellows, who spoke his convictions; who was true to his ideals—this man is permitted to go to jail by the Supreme Court of the United States.

I have seen the Supreme Court and I have seen Eugene V. Debs. From the Supreme Court I got neither love nor inspiration; from Debs I got both.

In his generation in the United States, there is not a greater man than Eugene V. Debs—not because of what he has done, but because of what he is, and when the history of this generation is written, that fact will be recorded.

The masters in all ages have put men like Debs in jail because it is the truth-teller that the masters fear most. They fear the Truth; they fear the Light; they fear Justice; and the man who turns on the

Light and speaks the Truth and cries out for Justice —is their greatest enemy. So they have always tried this process of putting ideas into jail.

## 9. PUTTING IDEAS IN JAIL

Years ago, when the Mexican War was being fought, an American named Henry D. Thoreau refused to pay his war tax. He did not believe in the war and he refused to support the Government that prosecuted the war. So they put Thoreau in jail. Later he wrote about his experience:

“As I stood considering the walls of solid stone, two or three feet thick, and the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. . . .

“I felt as if I alone of all my townsmen had paid my tax. . . .

“I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hindrance, and they were really all that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have a spite, will abuse his dog.

“I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons, and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it. . . .

“Under a government which imprisons any unjustly, the true place for a just man is also a prison. The proper place today, the only place which Massachusetts has provided for her freer and less despond-

ing spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race, should find them; on that separate but more free and honorable ground, where the State places those who are not with her but against her—the only house in a slave State on which a free man can abide with honor.

“If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person.

“There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.”

## 10. THE SUPREME COURT COULD NOT SAVE SLAVERY

Once before the Supreme Court of the United States tried to save a decaying social institution—the institution of Slavery. There was a slave named Dred Scott. He was owned by a resident of Missouri. He was taken into Minnesota and into Illinois. Illinois was a free State by its own laws. Minnesota was free by the Missouri Compromise of 1820. Then his master took Dred Scott back to Missouri, and there Dred Scott tried to gain his freedom. The case was finally decided by the Supreme Court of the United States in 1857.

The Supreme Court held (two justices dissenting) that Scott could not sue in the lower courts because he was not a citizen and, therefore, was not entitled to any standing in the courts; that at the time of the formation of the Constitution, negroes descended from negro slaves were not and could not be citizens in any of the States; and that there was no power in the existing form of Government to make citizens of such persons. In the course of his decision, Judge Taney used the following language:

“It is difficult, at this day, to realize the state of public opinion which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution was framed and adopted in relation to that unfortunate race. But the public history of every European nation displays it in a manner too plain to be mistaken. They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. He has been bought and sold and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. The opinion was at that time fixed and universal in the civilized portion of the white race.”

The Chief Justice went farther than the point at issue warranted, and stated that the power of Congress to govern territory was subordinate to its obligation to protect private rights in property and that slaves were property and as such were protected by the constitutional guarantees; that Congress had no power to prohibit the citizens of any State to carry into any territory slaves or any other property; and

that Congress had no power to impair the constitutional protection of such property while thus held in a territory.

The Dred Scott decision fastened Slavery forever upon the United States. Slavery lasted just six years.

## 11. MORE PATCH WORK!

At the present time, Capitalism is tottering to its downfall. The world is in chaos and revolution. The Supreme Court has handed down a decision which ostensibly will assist in preserving established order, but the United States is a Capitalist nation and, as Mr. Wilson himself has so admirably put it:

“The masters of the Government of the United States are the combined capitalists and manufacturers of the United States.” (“New Freedom,” page 57.)

Capitalism is disappearing from Europe—Russia, Germany, Austria, Bohemia, Hungary—the list is growing from week to week. When the President came back on his little visit to America there was one new thing that he said, and only one new thing:

“The men who are in conference in Paris realize as keenly as any Americans can realize that they are not the masters of their people.” (Boston, February 24th, 1919.)

“When I speak of the nations of the world, I do not speak of the governments of the world. I speak of the peoples who constitute the nations of the world. They are in the saddle, and they are going to see to it that if present governments do not do their will, some other government shall, and the secret is out and the present governments know it.” (Boston, February 24th.)

“I want to utter this solemn warning, not in the way of a threat; the forces of the world do not threaten, they operate. The great tides of the world do not give notice that they are going to rise and run; they rise in their majesty and overwhelming might and they who stand in the way are overwhelmed. Now the heart of the world is awake and the heart of the world must be satisfied. Do not let yourselves suppose for a moment that the uneasiness in the populations of Europe is due entirely to economic causes and economic motives; something very much deeper underlies it all than that. They see that their governments have never been able to defend them against intrigue or aggression, and that there is no force of foresight or of prudence in any modern cabinet to stop war.” (New York, March 4th, 1919.)

Then comes Mr. Wm. Allen White on the 11th of March with a similar statement. On the next day comes Mr. Lansing with the statement that unless something is done and done quickly, the capitalist system in Europe will be overthrown. The world is in chaos. The fabric of civilization is threatened. The health and happiness—the very life of the world—is threatened.

And those who speak particularly of those things; those who are seeking to warn, to prepare the people; those who attempt to preach law and order; who oppose war; who believe in peace—those who are attempting to serve the interests of humanity—go to jail for ten years.

The highest authority in the United States has served notice on the American people that from it they can hope for nothing in the way of preservation of their liberties. Their liberties are dead. Well may those Americans who still have in their souls a spark of the old fire, turn back 143 years and

read these words from the Declaration of Independence :

“We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.”

# THE RAND SCHOOL OF SOCIAL SCIENCE

Local Department  
Full-Time Department  
Library and Reading Room

Correspondence Dept.  
Research Department

ALGERNON LEE,  
Educational Director.

BERTHA H. MAILLY,  
Executive Secretary

---

Courses in Industrial and Political History, Civics,  
Economics, Labor Problems, Social Legislation,  
Socialist Theory, and Practical Organization  
Methods, Public Speaking, English, etc., etc.

---

Established in 1906

---

Write for Bulletin and full information. Enclosure of stamps  
for reply will be greatly appreciated.

**Address: 7 East 15th Street, New York.**

# **Study Socialism By Mail!**

**THE RAND SCHOOL OF SOCIAL SCIENCE**

*Offers Two New Correspondence Courses!*

---

## **The Human Element In Economics**

*By*

**SCOTT NEARING**

Three months' course. Examinations. Text-books. Fee \$5.00.

*Special rates for groups.*

---

## **The Fundamentals Of Socialism**

*By*

**DAVID P. BERENBERG**

Three months' course. Examinations. Text-books. Fee \$4.00.

*Special rates for groups.*

---

### **FOUR OTHER COURSES**

*On*

## **History, Socialism, Economics**

*For further information write to*

**DAVID P. BERENBERG**

**Rand School Correspondence Department**

**7 East 15th Street, New York City**

# PUBLICATIONS

OF

## The Rand School of Social Science

---

Communist Manifesto.....Marx and Engels	10c
American Labor Year Book (Edited by Trachtenberg.)	
Paper, 60c	Cloth, \$1.25
Socialism Summed Up.....Hillquit	10c
Work and Pay.....Nearing	10c
The Coal Question.....Nearing	10c
Woman of the Future.....Lilienthal	10c
From Fireside to Factory.....Lilienthal	10c
American Socialists and the War (Edited by Trachtenberg.)	10c
Must We Arm.....	10c
(Debate—Hillquit-Gardner.)	
Public Ownership Throughout the World	
Laidler	10c
Food and the People.....Waldman	10c
Socialists in the New York Assembly Claessens and Feigenbaum	10c
The Socialists in the Board of Aldermen (N. Y.) .....Clark and Solomon	10c
Socialism .....Berenberg	10c
Bolsheviks and Soviets.....Williams	10c
Trial of Scott Nearing and The American So- cialist Society	Paper, 50c Cloth, \$1.00

Address All Communications Concerning Books To

**RAND BOOK STORE**

**7 East 15th Street, New York City**



The Leonard Press, N. Y.