

# The "Red Ruby"

Address to the Jury

by

*Benjamin Gitlow*



ALSO

*Darrow*  
*The Judge*  
*Giovanitti*

"He would make America a Red Ruby in the Red Treasure Chest of the Red Terror."  
*Prosecutor Rorke's Compliment to Gitlow.*

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# A Red Ruby in the Red Treasure Chest

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**FOREWORD:** Benjamin Gitlow, member of the Labor Committee of the Communist Labor Party and of the staff of the "Voice of Labor", is the first communist in the United States to be convicted for espousing the principles of the Third International as proclaimed in the Left Wing Manifesto. He was found guilty by the jury and sentenced by Judge Weeks to serve from five to ten years at hard labor in Sing-Sing.

The address to the jury by Gitlow is indeed a "red ruby in the red treasure chest" of red literature. Facing capitalism's judicial machinery with a courage which only comes to those who understand and idealize communism, he told in language understandable by all, just where world capitalism is at and what world communism is driving at. But the judge interrupted many times. Gitlow was telling too much.

This pamphlet also contains the court's "thank you" to the jury, which is rich in Americanism, as well as extracts from the address by Clarence Darrow and paragraphs from Giovanitti's article in "The Liberator".

# Gitlow's Address to the Jury

I am charged in this case with publishing and distributing a paper known as the Revolutionary Age, in which paper was printed a document known as the Left Wing Manifesto and Program. It is held that that document advocates the overthrow of government by force, violence and unlawful means. The document itself, the Left Wing Manifesto, is a broad analysis of conditions, economic conditions, and historical events in the world today. It is a document based upon the principles of socialism from their early inception. The only thing that the document does is to broaden those principles in the light of modern events. The document starts out with the statement that the world today is in a crisis, that capitalism is in a state of collapse. It goes into a statement about the war, shows what the war was responsible for, and also makes a fairly complete statement in reference to the socialist movement. The manifesto tells you that there were divisions in the socialist movement, that there were various factions, that these factions believed in certain definite principles, that these principles became clarified with the issue of the world war. The socialists have always maintained that the change from capitalism to socialism would be a fundamental change, that is, we would have a complete reorganization of society, that this change would not be a question of reform; that the capitalist system of society would be completely changed and that that system would give way to a new system of society based on a new code of laws, based on a new code of ethics, and based on a new form of government. For that reason, the socialist philosophy has always been a revolutionary philosophy and people who adhered to the socialist program and philosophy were always considered revolutionists, and I as one maintain that in the eyes of the present day

society I am a revolutionist. I desire complete, fundamental — — —

**Court:**—Mr. Gitlow, you are not permitted to state what your views are or what you are, or what you think. You must confine yourself to an argument based upon the testimony in the case.

**Gitlow:**—Well, I will try to make it an impersonal argument. The socialists have always maintained, and the manifesto that has been printed in the Revolutionary Age maintains that capitalism as it developed, would be unable to solve the contradictions that spring up in the body politic of capitalism. What is capitalism? Capitalism is that system of society in which the means of production and distribution are owned by a few individuals for their own profit. You take the United States for example. You take the large industrial plants. You take the land, you take the banks, you take the railroads, you take all of the factories that have to do with production, take all the means of distribution, and you will discover that they are owned by a few individuals or corporations, by financial institutions, for the profits that can be derived from these institutions. The manifesto maintains that all our institutions are based on labor power of the working man. The factories, the mines, the land, and all means of production. Labor power is essential to make them valuable and to provide profits for those that own and control them. All of our institutions are based on the labor power of the working man. Without that power society could not exist. Not a wheel could turn. Value could not be produced. That is very easily recognizable. Suppose John D. Rockefeller with all of his wealth and all of his gold, and all of his bank securities, all of his stock and all of his bonds, would go to the Sahara Desert and pile his securities and his gold sky high to the billions of dollars, and stay there him-

self, do you think that value would be produced? Do you think that that gold would be valuable? Do you think that he could get for himself the comforts of life? Not at all. John D. Rockefeller could stand there, look as his mountains of gold, see them towering into the heavens, and he could not get something to drink, and he could not get anything to eat. But you can take a group of working men. Take them from any section of the world, bring them to a place and tell them to get busy and make life worth living. And what will you have? What will you find? That the workers will get on the job, they will use their labor power, they will take hold of the natural resources that they find, and by their labor power, by their creating ability, they will build a society in which workers of every degree enjoy the comforts and pleasures of life. And our human society, all of our wonderful institutions, our boasted civilization has been the result of the creating ability of the working men using brains and muscle power. We make no distinction between working capacity.

Capitalism today controls the creative power of labor for its own particular advantage, and capitalism in various countries is national in scope. Production has developed to a marked degree and fabulous stores of wealth are produced. In America, in England, in Germany, in all capitalist countries of the world, due to increased machinery, due to modern inventions, due to the scientific management of industry, we have the workers piling up enormous stores of wealth, and we find on the other hand, side by side with this enormous storing up of wealth, poverty, the degradation of the masses. In England, in America, in Germany, in France, you can read all of the reports of your state departments, of your charity organizations, and you can see that side by side with the springing up of this enormous amount

of wealth, mounting to the billions of dollars, spring up also the enormous poverty and degradation of the masses. And then we find out that capitalism as it stores up its wealth, does not desire its wealth to remain idle. Its wealth must be converted into capital, and the capital applied to the undeveloped areas for the purpose of getting more wealth. And we discover that all capitalist countries that have the capitalist method of production and distribution, and the building up and accumulation of capital, are always looking for markets, for new areas to exploit in order to procure more and additional capital. And we discover that the world is after all a ball, and is limited in area, and we discover furthermore that each country finds out that in this narrow world of ours, it comes into conflict with other countries. And what is the result? The result of that is that when diplomatic relations cannot solve the situation, a war breaks out, and when war breaks out, all patriotic prejudices are brought into play, false slogans are manufactured, and the masses are asked to believe that they are fighting for a certain fixed and definite ideal. Germany and England were rivals for the world's markets. One had the world's markets. England had more territory in the world than most of the other countries combined, and Germany had just developed industrially, and was spreading out and reaching throughout the entire world with her cheaper goods. And then Germany decided that she wanted to get an inroad into the East, and she started building the Bagdad Railroad, and the English Imperialists began to feel that the completion of that railroad meant the expansion of German trade in the East — — —

**Court:**—I do not like to interrupt you, but there is no evidence presented upon that subject, and you are now referring to something that is not contained in the manifesto.

**Gitlow:**—If your Honor please, the manifesto deals with the Imperialistic war, and this is a phase of imperialism.

**Court:**—It does not deal with the facts. It deals with assertions. You are attempting to state facts.

**Gitlow:**—Well, in order to dispose of the surplus capital in various countries, the European war broke out, and the European war showed clearly the failure of capitalism to meet the situation in the world. What did we find? We found millions of workers facing one another, and being slaughtered on the fields of battle. They fought for four and a half years, and then a peace was concluded. We were informed that the war was one that was fought for democracy, and when peace was concluded and the Peace Treaty drawn up, we found out that all nations involved desired more territory, desired privileges in mines and ore concessions, desired to expand their territorial control, and we found that the question of democracy — — —

**Court:**—Again I must interrupt you, because you are stating as facts matters which are not facts of this court, and which the COURT has no reason to believe are facts at all.

**Gitlow:**—If your Honor please, the manifesto touches on that very clearly.

**Court:**—It touches on it, and you may use the language of the manifesto, but you may not make a speech beyond the language of the manifesto.

**Darrow:**—Your Honor, he has a right to explain the meaning of it.

**Court:**—No, sir, he has no right to explain the meaning of the manifesto, because he is not subject to cross examination.

**Darrow:**—I want to again take exception to the remarks of the Court on that question of cross examination. If he could not explain the meaning — —

**Court:**—(Interrupting) He cannot explain the meaning.

**Darrow:**—Then he can do nothing but read it.

**Court:**— He cannot explain the meaning of it, because he has not subjected himself to cross examination.

**Darrow:**—I desire to except to the language of the Court and the ruling.

**Gitlow:**—The manifesto states very clearly that the war was one that was fought for imperialism that the Peace Treaty that was signed was a treaty of imperialism, and that the workers had nothing to gain from the war. You will also read in the manifesto that the manifesto stands for a new form of government, that that form of government is known as the dictatorship of the proletariat, that the dictatorship of the proletariat in its concrete form was the result of a revolution that took place in Russia, that the Russian workers set up this form of government as one which was suitable for their purposes. The manifesto will tell you furthermore that all of the capitalist governments of the world proceeded to fight the Russian workers, and attempted to overthrow their particular form of government.

Now, the Russian workers set up a form of government known as the dictatorship of the proletariat, which is based on a system of council contril. You will be told perhaps that the dictatorship of the proletariat is not a democratic form of government. The dictatorship of the proletariat is a new form of organization. It is based on the industrial representation of the worker in industry. Today you have a government called a democracy, which is based on the territorial divisions of the people inhabiting the nations. Under the Soviet form of government, under the dictatorship of the proletariat this condition is changed. You have a form of government that is based on representation of industry, that is, the men in the steel industry vote as steel workers in the steel industry, and it is their representatives who are in the councils of the government. The men in the shoe industry vote as shoe workers,

and choose their representatives to the council in the government, and the national government as such, the supreme council, is the representative of the working class, and it must be so, because the workers derive their livelihood from the product of industry. They know about their own particular industry, and a socialist form of government is a government that is concerned with the production and distribution of the necessities of life for the advantage of the people. And this government necessarily must get its expression from industry to know how the necessities of life are produced, to know how much is needed by the workers of the necessities of life and furthermore, socialism recognizes that the working man cannot be free, and the working man cannot be emancipated unless democratic control of industry is established. The worker, outside of the factory, is permitted to vote. He has the privilege if he lives long enough in the country, if he lives long enough in the district, to go once a year or every two years, or every four years, and choose the various officials for the government. But in the shop where he works, the worker has no democratic control at all. In the shop the worker works day in and day out, all the year round. The shop is more important to the worker than any other political institution, because it shapes his life day in and day out. His wages, the amount of money he receives in the shop, determines the way in which he shall live. If he gets poor wages, why, of course, he will lead a miserable existence. If he gets big wages, why, his condition will be materially better. And in the shop the worker applies for a job to a master, and the owner lays down the condition of employment. And the worker has only one privilege, to accept or decline those conditions. But once working in the shop, he must obey rules, the making of which he has no voice in. He must

work a certain amount of hours, he himself having no say in determining the amount of hours that he has to work. The worker in industry today is not democratically controlling the affairs of his life, and the socialists maintain that it is the duty of the working class to organize efficiently for the democratic control of industry. And we see that in Russia, where we have the dictatorship of the proletariat, the democratic control of industry has been put into effect. You have the workers in the shops, through elected shop committees, determining — — —

**Court:**—One moment. There is no evidence of that in the case.

**Gitlow:**—If your Honor please, I am trying to explain — — —

**Court:**—(interrupting) You are attempting to state conditions in Russia, and there is no evidence in the case in regard to conditions in Russia.

**Gitlow:**—But the manifesto deals with conditions in Russia, and explains what the dictatorship of the proletariat is.

**Court:**—You state if you like, that the manifesto contains certain language. Whether that be true or false, there is no opportunity of determining here, because there is no evidence upon the subject.

**Darrow:**—Your Honor, he has a right to refer to historical facts.

**Court:**—It is not an historical fact as to what he is stating of the conditions in Russia.

**Darrow:**—We claim it is. He claims it is.

**Court:**—He may claim anything he likes. Would you consider the converse of the situation. Would it be proper for the District Attorney to undertake in his summing up to call attention to false statements of conditions in Russia as the District Attorney believes them to be? Certainly not.

**Darrow:**—Your Honor, everybody reads history from his own standpoint more or less.

**Court:**—Everybody reads the newspapers, but newspapers are not history.

**Darrow:**—They are current history.

**Court:**—I cannot agree with you.

**Darrow:**—People know something about Russia.

**Court:**—I will not discuss it. I will not allow the speaker to continue as to statements of conditions in Russia, or the forms of organizations as to which there is no proof in the case. He may refer to the fact that something is stated in the manifesto.

**Darrow:**—I take an exception.

**Gitlow:**—Well, I will close my remarks at this time, by making a short statement — — —

**Court:**—I understand, counsel objects to the Court interrupting the defendant, at the point that the Court did.

**Darrow:**—Yes, your Honor, and I excepted to the remarks.

**Gitlow:**—the manifesto of the Left Wing Section of the Socialist Party is a statement of the principles of Revolutionary Socialism. These principles maintain that in order to bring about socialism, capitalist governments must be overthrown, and in their place a new form of government must be set up, known as the dictatorship of the proletariat. I wanted to show how essential it was for the establishment of socialism to follow that fundamental principle laid down in the manifesto of the Left Wing, but if I cannot show historical facts, if I cannot make statements about conditions as they exist in a country which has followed the principles laid down by the Left Wing — — —

**Court:**—(Interrupting). The Court must interrupt you again. The Court has advised the defendant that he cannot make statements of what he claims to be facts, and having so advised the

defendant, the defendant shall not by direct language or by indirection criticise the ruling of the Court. You will refrain from saying what you would do if you could, or what you will do if you can. Proceed with your argument.

**Gitlow:**—Well, gentlemen of the jury, I think when you read the manifesto of the Left Wing Section of the Socialist Party, you will understand what the fundamental principles involved in that manifesto are. I want you to realize that I believe in those principles, that I will support those principles, that I will support those principles, and that I am not going to evade the issue. My whole life has been dedicated to the movement which I am in. No jails will change my opinion in that respect. I ask no clemency. I realize that as an individual I have a perfect right to my opinions, that I would be false to myself if I tried to evade that which I supported. Regardless of your verdict, I maintain that the principles of the Left Wing Manifesto and Program on the whole are correct, that capitalism is in a state of collapse, that capitalism has brought untold misery and hardships to the working men, that thousands of men in this democratic republic are in jails today on account of their views, suffering tortures and abuse, and nothing — — —

**Court:**—(Interrupting) Again the defendant must cease from making statements. There is no evidence before the court that anyone is in jail or suffering tortures and abuse. Proceed.

**Gitlow:**—All I ask of you, gentlemen of the jury, is to consider the language of the manifesto, to realize that the manifesto stands for a new order in society, and a new form of government, and the communists today believe in a new form of society, and necessarily in a new form of government, and that they bend all their efforts in that direction.

# Darrow's Address to the Jury

Darrow: ...I doubt whether any government, with possibly one or two exceptions, I doubt whether any great revolution, which meant the abolition of the old and building up of the new, was ever accomplished without force and violence accompanying it. There may have been some governments. I would not make it broader, but I doubt it. Does that say I should not advocate a change, because somebody is going to get hurt? Why, gentlemen, if that had been the law down through the ages and had been strictly enforced, you would all have been living in caves now. All of you. Because the civilization of today is made up of an infinite number of revolutions, one after the other, all through the history of the world. All through it. Progress cannot be stopped because for instance somebody may get hit on the head. You cannot put up a big building unless somebody is killed. And you cannot build a railroad unless somebody is killed. I am talking about what happened. Counsel will probably say, well, that is all done lawfully. I am talking about what happens. This idea of revolution is not so horribly new, is it? Are you used to it? I have the right under this law to say that this is a state of society that is wrong. I do not believe there is any man satisfied with it. He may not know how to change it. We might possibly get something worse, but there is not any man with a drop of idealism in his blood that does not wish it better. No man! And this state of society probably will not be seriously changed without the spilling of blood. If I say so, is that a crime, or it that a reason that I would not advocate a change? Not at all. I may not get together a crowd and say, "Go, and take possession of the State capitol." Of course if I get possession I would be all right, but until then, no. Of course if George Washington had not won, he would have been hung. There have been lots of good fellows hanged. And some very bad ones that did the hanging. Many, and many and many a time. I may not appeal to them to say "Now, at this time, come together and attack the capitol of Albany, and drive he socialists and the anarchists out". And I probably cannot. But I can say that all ought to be cleaned out, and that sometime or other it probably would be, and when they did it, those that were in would fight to stay in, those that were put out would fight to get in.

Again I may not only prophesy but I may tell what has happened in the history of the world. This manifesto does. It tells what has happened and what has gone

before. It tells of the force and violence through which the world has come. It tells of the injustices of the present. It speaks in prophesy, that there will sometime be force and violence again. Is there any doubt about the facts here? A man does not have to tell the truth. Some people cannot. They are color blind when it comes to the truth. And then everybody reads history in his own way. You can find plenty of histories to read out of. And nobody ever wants to get at the truth, it seems. We want to get at what is on our side, unfortunately. Unfortunately. But every man has a right to state it from his own standpoint. To give the history of the world from his own standpoint, and that is what this manifesto does. That is what it does. Statements of the past and present, prophesies for the future, urging the state of communism. Has not a man got the right to talk about revolution? Well, gentlemen, these things are simply silly. There is a very large and respectable body of Irishmen in America today talking about revolution in Ireland. They are even selling bonds based on the Irish Republic. Perhaps it is just as sound as if it was based on the co-operative commonwealth of the communistic state. I don't know. And in court and in congress, and out, people are urging the United States to take a hand in freeing Ireland. Well, I would like to see Ireland free, and every other people free, including America. I would be glad to see everybody in the world free, but you have no more right to advocate the freeing of Ireland by the overthrowing of the English Government in Ireland, than you have the overthrowing of the United States Government under the statue. Not a particle. Not a bit.

Is anybody afraid of revolution? For a man to be afraid of revolution in America, would be to be ashamed of your own mother. Nothing else. Revolution? There is not a drop of honest blood in a single man that does not look back to some revolution for which he would thank his God that those who revolted won. None of you. Take the revolutions out of Great Britain, and what is left. Take them out of France, and you would have the absolute despotism, with the people as slaves. What of our own country? We are 150 years old or thereabouts, and now speak about revolution as if we were speaking of cutting a man's throat, a nation born in it, born in it!

(Reading from the Left Wing Manifesto). "The dominant, moderate socialism was initiated by the formation of the Social Democratic Party in Germany. This



party united on the basis of the Gotha program, in which fundamental revolutionary socialism was abandoned. It evaded completely the task of the conquest of power, which Marx, in his Criticism of the Gotha Program, characterized as follows: 'Between the capitalistic society and the communistic, lies the period of the revolutionary transformation of the one into the other. This corresponds to a political transition period, in which the state cannot be anything else than the revolutionary dictatorship of the proletariat.'

That was written, well, we will say about 1860. I will undertake to say that that change is the foundation of their whole idea, and is in every good library in the United States. If it is not, it is not a good library. You will find it in the Encyclopaedia Britannica which you will find in every city library. I don't mean to say, to believe that it is true, but I mean to know the statement of Karl Marx, that after the breaking down of the old state and before the new one was complete, there would be an interval in which the organized societies of the working people would control, while they are building up anew. My client did not invent it. It is by a man who I think will stand in history, as the most unique, the most revolutionary, the ablest economist of his day and generation, whether you agree with anything he said or not, which I do not, although I do largely; but to say that a political economist was not familiar with Karl Marx, or that a man who pretended to culture in all of the broad fields of knowledge, was not familiar with it, it would be like saying that a mathematician had never heard of Euclid, and did not know his first principles. That is what it would be.

But you cannot make me believe that the human mind has thought its last thought. You cannot make me believe that the human heart has felt its last throb of sympathy. And you cannot make me believe that there is any society on earth that will not some day be replaced by something better and fairer and decenter than anything the world has ever known...

Now, if the people of America don't know Karl Marx and his writings, then they have got much to learn from every civilized. The dictatorship of the proletariat that has been talked about from the beginning to the end, means that in the changes that are coming to the world, capitalism will break down, and between country in the world that pretends to be that time and and the time the workers of hands and brain did own the world and the government, there is no interregnum of

the dictatorship of the proletariat, that is, the organization of the working people, in the shape of their unions or guilds, who will take hold of it and control it. And yet, anybody would think that this had been discovered last week. It has not. Every well-informed man has known its origin and its history, may agree with it and may not, as we may agree or disagree in politics and religions. Probably the last word in human government and social arrangement has not been spoken, and probably will not be spoken until the crack of doom comes. That is what I think, anyway. The world is not finished, and social organization is not perfect. When there is a breakdown, as there some time probably will be, it will come just about the way this document describes in its prophecy. It will come just about that way, because, as my client told you, the working people are the fellows who can feed themselves and clothe themselves, and you cannot do it with money.

I think no man hates bloodshed more than I do. It pains me to see another in pain, but I do not believe that all of the good that is held in the womb of the future, I do not believe it will all be born without the shedding of blood. I wish it would, but it will not, and I want to see the world grow, in spite of the growing pains that come with the growing. That is not a part of my business. That is no part of it. It is my belief that it should grow and change and must grow and change, and I know there is no new birth without birth pains, and I know that the birth pains come with the new birth of a new nation, of a new vision, just as they came with the birth of the first child and as they will come with the last. And I would place no fetters on thought and actions and dreams and ideals of men, even the most despised of them. They may be criminals in their day and generation, from the Christ and the John Browns, who risked their lives and took their chance for a dream that they could see far away. Whatever I may think of their prudence, whatever I may think of their judgment, I am for the dreamers. I would rather that every practical man shall die if the dreamer be saved.

Your honor, I think I will close here, if you will permit it...

(A recess was taken after which Darrow resumed his speech).

Now, let me make a little reference to some of these things. All of this is nothing except a statement of facts. (Referring to the Manifesto) Nothing in the world but an essay. Nothing excepting the statement of what Communists regard as political doct-

rine. Not a word of it is inciting anybody to action, not a word of it is inviting anybody to anything, now or at any time. It is laying down the means, it is the history, it is a prophecy. It is pointing out something that will some day happen. It explicitly says this. That the seizing of power can only come at a time when the capitalistic system breaks down, as it has done before today, as perhaps it may some time do in the future. When any system, whether industrial or political, breaks down, chaos follows, and the effect of this manifesto is to educate people to doctrines that these men believe in — common property, the organization by industries instead of by geographical lines, an organization by industry so that when the catastrophe comes, as it may come, and very likely will some time come, there will be a party with a fixed, definite, well-understood plan, which can save the world from chaos. This may be a dream. I cannot tell. You cannot tell. Some of the wildest dreams of the wildest visionaries who have ever lived, have come true, and some of the plainest, most substantial, matter-of-fact things that are built from matter-of-fact minds have decayed and passed away, and been utterly destroyed.

We have been found fault with here because it (the manifesto) speaks of mass action. What is it? Everybody and every cause appeals to mass action. We have had it here in the appeal for this war. I have seen, contrary to many of my friends, with the greatest joy, I have seen the parades in America, which enlisted all people to do what it seemed to me was the great duty toward civilization. I have seen it by the mustering of men, by parades, by mass action and every good cause and every bad cause alike has appealed to it from the beginning of history, for it is the greatest force in human life. There are things, there is one thing, at least, that is stronger than anything built by man. Is the mass action of men, animated by a single purpose. Wise or unwise, we change laws and institutions and society and states, and it gives us a new chart for an unexplored sea.

Gentlemen, let me call your attention to a few simple facts. Mass action, gentlemen — why not mass action to change political institutions? It has been done since the world began. I am speaking probably not very scientifically there. But it has been done since history recorded the acts of men. I am safe there. We have had examples of it in recent times. We had examples in the French Revolution. I am glad it happened. As Victor Hugo said, it was the greatest event in the history of the

world. And every man has been freer and every society has been better, and every institution has been really safer because of that. It was done by a great marching throng, going from Marseilles to Paris, singing that inspired national hymn of France, the Marseillaise, until the people got rid of the old and ushered in the new, and though the new was never perfect, still, it was time for the old to die. We had the strike in Switzerland and the strike in Belgium. For what? To give suffrage to women. All of them laid down their tools and struck, for a simple fundamental right that they believed in. We had the beginnings of it in America. We have had it everywhere. Politics and political life influenced by mass action. You cannot influence it any other way. Wherever any person was interested in any political party using all the outside pressure possible to influence political action. We have had it here. You have it in America. You remember the Adamson Bill, that, under the urgent messages of the President of the United States, was passed by Congress — for what? To avert a general strike. Perhaps the railroad men should not have struck. I have no opinion. I don't know. If I owned the stocks and bonds, I might look at it one way. If I handled a switch in the cold night, with my life constantly in danger from moving trains, if I handled a switch in the frost and the snow and the cold, I might look at it another way. And I would look at it another way because I know that all of the men who held the switch, looked at it that way. And I fancy I would be like all of the rest. And yet, because through mass action, every railroad man in the United States proposed to strike, it influenced Congress, it influenced the Senate and it influenced the President, until the law was passed. It is not a new thing. It is an old thing. It is what everybody does for every cause, and that is to get together as many people as they can in mass action that they may make their power felt. And this is felt in Congress, in the Senate, by the President, and in every branch of the government of the United States and of the world. It does not mean crime, it means the power of the mass and their influence upon government.

Now, this program is perfectly plain if you get at it. They believe that they should conquer and destroy the power of the state. What of it? Our earliest traditions are for that right. You may not believe they should do it, and I may not, but every man has a right to tear down and to build up something better if he can conceive something better; and if the

people want it, they should have it, and if it is acquired by mass action of a strike, or reached by mass action of a strike, well and good. It has come this way. And this document is only a history, a statement of the facts, as to how it has come and how it might come in the days to come, whenever those days should be. Not a word inciting anyone to violence, not a word inciting to unlawful action.

The Communists believe that they have seen the truth, that they have seen the truth, that they have a vision of this day where there shall be real equality. The world has never known any yet. Perhaps it never shall know any. Perhaps it is inherent in man that there can be no equality, but, anyway, they have that dream. They see the world in chaos, as the world is in chaos today. They see the institutions breaking down. They see capitalism breaking down, and here they stand and say, "We are the ones who can guide this ship into a safe harbor, where the world can be saved", and when the times comes, it will come by the breaking down of the capitalist system, and then we are ready to organize. When it breaks, we are there to do it, and they point it out as the Russians did this...

It is true that this manifesto says that some time in the future, when all of this happens, they will take this property without compensation. Now, personally, it does not worry me. In the first place, I never cared much about accumulating. And in the next place, I think I will be dead when it comes, and it won't bother me. But let me say in passing what it means, which is nothing. Let me see. When there is a breakdown in the capitalist system, if the Communists have their organizations, and have the power, they have got a perfect right, legal, equitable, and every other sort, to take possession. Why not? They have a right then to pass their law, if they want to. A perfect right. And they have a right to say, just as the prohibitionists said that there should be no payment for the people who own mines or railroads, or anything else. A perfect right. There is nothing sacred about property. It is purely a creation of law. And they have a right to change the law if they can change it. We cannot legislate here and send the men to jail for a statement that some time this side of kingdom come, they might take somebody's property without compensation.

You know that our own Constitution provides for a change of government, if we want it. Now, a word about that. How can we change it? You first have to get Congress and all of the members are elect-

ed for two years, and begin working the year after they are elected, when they have forgotten what they were elected for. You have got to get them. Then you have got to get the Senate, which is elected for six years, and of course they have had a longer time to forget what they were elected for. Then you have got to get the President, who was elected for four years, on an entirely different issue, naturally, and you have to get two thirds of all of the Senators and Congressmen, and then the President must sign it. And then the Supreme Court, appointed for life, may say whether it is constitutional or not, and then after that you have got to get three-quarters of all of the states to approve it. Now, that is a fact. It is utterly idle to talk about the abolition of a government by voters. It cannot be done.

And so, after our Revolution, which was a revolution of force and violence, and a baptism of blood, they wrote the Declaration of Independence to guide and inspire Americans forever. This was interpreted, not by Karl Marx, not by Communists, but by the great Commoner, Abraham Lincoln, in his first inaugural address. Just before the bloody struggle which almost severed our land, in his first inaugural he says: "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right to amend it, or their revolutionary right to dismember or overthrow it." This was Lincoln. If Lincoln would have been here today, Mr. Palmer, the Attorney-General of the United States, would send his night-riders to invade his office and the privacy of his home, and send him to jail.

I believe in a hundred and ten millions of people of the United States, and that the talk of a few men amounts to nothing. Where comes the fear? It must come from a few who prize their riches above everything on earth. When they excavated the old city of Pompei, they found the petrified remains of some rich men fleeing from their homes, but grasping in their hands their bags of gold. Before fleeing from the inevitable fate that overhung their city, they went back to grasp their gold, to them the most important thing in life. Gold is too important. Some time perhaps we will reach a plane above the commercial age. Some time in the realm of ideas, in the realm of good emotions, in the realm of kindness and brotherly feeling, we may find truth that is higher than men and gentlemen, no one has the right to stand in the way of finding it.

## JUDGE WEEKS THANKS THE JURY FOR ITS VERDICT OF "GUILTY"

(The praise which Judge Weeks gave the jury for its verdict of guilty in the Gitlow case is as delectable a bit of real Americanism as has ever been expressed. What will be especially amusing to the workers who read this is that part of this address which expresses surprise that Gitlow did not accumulate vast stores of wealth and property at his wage of \$41 a week!)

**Judge Weeks:** ...Now, gentlemen of the jury, the Court must express its thanks to you for your services here. I can only say that I believe that your verdict is a proper and a just verdict, one that reflects credit upon your own sincerity and intelligence, and one which will be of distinct benefit to the country and the State. There must be a right in organized society to protect itself. Its citizens who accept the benefits of organized government, who obtain their education through the taxes collected by means of organized government, who have their opportunity of employment because of the protection given by organized government to the conduct of business, if they do not recognize that the government that fosters them, and which is created by law and based upon law, should only be overthrown by lawful methods, then it is difficult to see where civilization can be maintained and the benefits that come from civilization can be preserved. If there is to be no right of property recognized, except the might of "power to take, and power to keep", it is difficult to see that anything is left but savagery. The savage tribes possessed such property as they were able by power to take from their enemies, and retained such property as they were able to retain by force of arms. And it is difficult for the Court to see how absolute destruction of private property can exist in an atmosphere of civilization.

This defendant by the writings that he disseminated, seems to think otherwise, and seems to be proud, as he was the other day, to express his continued and present belief in such theories. A YOUNG MAN, 29 YEARS OF AGE, OF INTELLIGENCE, A STRIKING EXAMPLE OF THE EDUCATIONAL SYSTEM OF THIS COUNTRY, ABLE-BODIED, OF FULL INTELLECT, CONFESSES HE OWNS NO PROPERTY. EMPLOYED AT \$41 A WEEK THE LAST TIME HE WAS EMPLOYED AND NEVER ACCUMULATED ANY PROPERTY!

Is that in harmony with the ideas of ambition and self-improvement, that those

who come from foreign lands to this land of opportunity, might be expected to have. How can he claim that he has taken advantage of the opportunities of citizenship? How can he claim that he has faithfully adhered to the principles of his citizenship, and has faithfully carried out the oath which he took as a member of the Assembly to support the Constitution of the United States, and to support the Constitution of the State of New York, when he entered that Assembly Chamber, fettered by the obligation of his membership in this organization which required him under penalty of being driven from the organization which he represented, not to vote for any appropriation for military or naval purposes, or war? Was that the opening wedge to the destruction of the government, to hamstring it by preventing it from organizing an army or navy, by its having no appropriation to protect itself in case of war? It certainly seems to have that appearance.

We all must know that the most peaceful nation, the most peaceful state, may be involved in a war without any fault of its own. What protection would it have against a war of aggression if they cannot vote any money for an army or a navy? It could hardly protect itself by the use of large words and elaborate metaphors. The day dreams of visionaries would not prove a very satisfactory barrier against a foreign enemy. Idealism may be grand, it may be elevating in a sense that a drug that fills the brain with wonderful pictures is elevating temporarily, but idealism without practicality leaves the idealist just where the drug fiend is left when the influence of the drug has passed. So long as we are on this mundane sphere, the only way that we can stand firm and erect in the sight of God is to keep our feet on the ground, only allowing our heads to be in the clouds. You must have something substantial under you, or you cannot stand, and the substance in this country is the government. If we cannot have a government under us and around us and protecting us, this country, of which we are so proud, is in danger of going where other countries have gone in the past.

Gentlemen, your duty has been faithfully performed. I trust that the lesson that has been taught from your verdict is one that will reach out and influence and correct and save these misguided idealists who have allowed themselves to be carried beyond their depth into the stormy waters of a would-be-revolution.

# Communism on Trial

By Arturo Giovannitti

Now this difficulty of exterminating ideas is particularly vexing and grievous in the case of Communism. There is no telling how many people have been infected with its contagion. Every newspaper in the country has done its best to advertise it, even in preference to the Spanish flu. During the last two years I have read more about it in the New York Times than in all the Communist weeklies put together. In every church it has been excommunicated with the same amount of theological fervor as Protestantism was fulminated against—which makes me surmise that it has spread considerably among the faithful, and it will do more so after the interdict. Some people claim that it has even entered stealthily into the colleges, and however unbelievable this may be (and I give it out with much reservation), there are even a few people who maintain that the A. F. of L. itself is not entirely immune from the virus. In Germany this idea wrecked an empire and stopped the world war. In Italy it has sent 156 men to parliament, including one under sentence of death who because of that was elected in two places. It is raising Cain in Czechoslovakia, and it has stopped piano playing as a political asset in Poland. And in Russia, in the largest abode of the white man in the world, this idea has passed triumphantly through several plebiscites, it has broken through fourteen armed fronts of reaction and it owns now one hundred per cent of all the stocks, bonds, securities and currency of the country as well as five million bayonets with five million men behind them.

How can all this be stopped, and who's going to stop it? I don't know. Nobody knows. That is nobody except Mr. Palmer and Mr. Rorke. Eureka! Mr. Rorke the District Attorney who prosecuted Gitlow found the true solution when he told the jury: "You twelve men stand between civilization and anarchy as the sentinels of society."

I looked at the twelve men again, and really I could hardly believe it.

There were two great moments, when Gitlow made his statement to the jury and when Darrow summed up. I have seldom been thrilled as I was when Ben Gitlow got up.

I know the atmosphere of the courtroom — I am indeed quite at home there, tho' not as an *amicus curiae*. I know how difficult it is to restrain one's emotions, especially when one is talking and is charged by his conscience to say all he believes and by his affections not to be foolhardy, nor to risk overmuch. But Ben Gitlow is the right kind of man, for which the Immortals be thanked. He made it easy for me to listen and to remain there. Impassive, clear-eyed, sure of himself, without the arrogance of weakness, without the suavity of unpleasant cunning, deliberate, forthright, he spoke with a clear, even, resonant voice. A finer specimen of manhood could not have been selected by the Communists as their first ambassador to begin negotiations for the capitulation of capitalism in its, inmost citadel. Big, dark, wholesomely fleshy, he seemed to have been carved out of a huge granite rock by the sledge hammer of a master, with simple and mighty blows, without any whittlings of the chisel nor any pandering to the anaemic tastes of the fashions. There is something elemental in this young man.

Gitlow spoke for some fifteen minutes, continually interrupted by the judge who would not let him say what he was, what he believed, what he wanted, because it was against the rules of the procedure. But Gitlow managed to say that he considered himself a revolutionist in the eyes of present society, that he would keep on fighting for Communism in or out of jail, that he asked for no clemency but only for a fair comprehension of his ideas. And that was all. It was enough. The trial should have been brought to a close right then and there, for that is all there is to any such trial. But that much had to be said — not because of the irrepressible desire to speak one's mind, but because of the cowardly silence of thousands of others — the dumb mass of the American workers. It wasn't a defence — it was the reaffirmation of a principle in the only place in America today where principles become dynamic by the sheer power of their enunciation. He had to speak and he did it wonderfully. Well done, my friend, my comrade. You can go to jail now. Nobody will feel bad about you, for you have saved your soul

from the meanest of all torments — you have kept it whole and unpolluted by the regrets of the well-thinking, the pity of the rabble and the mercy of the Beast.

For two hours Clarence Darrow battled and stormed and raged against the ram-parts of the prosecution, striking down brick after brick and raising strident red sparks. It is not possible to describe the eloquence of this man, save by a translation of his very name. It should be spelled with an apostrophe D, like French or Italian. *it!* The Sheen of the Dart! A javelin of light. his voice now rose in huge tidal waves of passion, now fell suddenly down to a whisper! now it stopped for long unbearable pauses, hemmed in by the tyranny of silent words. A voice that could at once, order a battle charge and croon a lullaby, hurl a heaven-wrecking challenge and murmur a quivering benediction.

Poor, pathetic twelve men good and true, "posted as sentinels between civilization and anarchy"! They had no chance. How could they acquit Communism when Communism was represented by such a man as Gitlow and defended by this unleashed old Lucifer, dark, uncouth, still sooty with the dust of the abyss, but still fulgurant with the untarnishable glow of the archangel! What could the twelve meek apostles of a resurrected messiah of fear and stupidity, a law exhumed in another dark hour of dread and brutish passion — what could they do before an idea that asked for no clemency and defended itself in such a way? Such an idea was surely too redoubtable to let it run at large.

Its defence was more blood-chilling than its indictment. Such logic, tolerance, learning, such glowing love for humanity were indeed too much for any sentinels of civilization. They looked scared. They looked at the judge, the court attendants, the lawyers — they looked around instinctively for protection. They must have felt relieved at once. Thank God, there were still policemen, still manacles, jails, turnkeys, straight-jackets, cats o'hine tails in the world. They must have felt glad that it was still daylight when Gitlow and Darrow finished and that they wouldn't have to go home in the dark. They must have felt thankful and reassured when Mr. Rorke got up to tell them about the law, and the law only, which, whether good or bad, must be obeyed. It must be a fine and easy thing to obey the law when this law watches over your sleep and your pocketbook and smoothes the wrinkles of your ruffled soul, and helps you to get out of the stress and wrack of hard thinking, and soothes your conscience with the assurance that if you convict you might possibly go wrong, while if you acquit you might possibly replunge the world into the dark and roaring chaos. They had to convict. There was no other way. It was the easiest way. And they did it.

And so, thanks to that, America also takes at last her long-vacant place among the sisterhood of modern forward-moving nations, for thanks to that, America now also has a Communistic movement and has entered definitely the jousts on the side of the militant proletariat.

# Lenin on Capitalism and Proletarian Dictatorship

"That which definitely distinguishes a dictatorship of the proletariat from a dictatorship of the other classes, from a dictatorship of the bourgeoisie in all the civilized capitalist countries, is that the dictatorship of the landlords and of the bourgeoisie was the forcible suppression of the resistance of the overwhelming majority of the population, namely, the toilers. On the other hand, the dictatorship of the proletariat is the forcible suppression of the resistance of the exploiters, that is, of an insignificant minority of the population — of landlords and capitalists.

"It therefore follows that a dictatorship of the proletariat must necessarily carry with it not only changes in the form and institutions of democracy, speaking in general terms, but specifically such a change as would secure an extension such as has never been seen in the history of the world of the actual use of democratism by the toiling classes.

"And in actual fact the form of dictatorship of the proletariat which has already been worked out in practice, that is, the Soviet authority in Russia, the Rate system in Germany, the Shop Stewards' Committees, and other similar Soviet institutions in other countries, all represent and realize for the toiling classes, that is, for the overwhelming majority of the population, this actual possibility to use democratic rights and freedom, which possibility never existed, even approximately, in the very best and most democratic bourgeois republics."

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## *The Gitlow Case Must Be Appealed Defense Funds Are Needed*

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